United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164 WASHINGTON, WEDNESDAY, FEBRUARY 14, 2018 *No. 29*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FITZPATRICK).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 14, 2018.

I hereby appoint the Honorable BRIAN K. FITZPATRICK to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 8, 2018, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 11:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

SALUTING LEWIS WOOD

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, new Boy Scouts make a promise to do their best to do their duty to God and country and to help other people at all times.

Mr. Lewis Wood from Stokes County, North Carolina, has not only fulfilled that promise, he has lived it to the fullest. Mr. Wood joined the Boy Scouts of America in January 1943. Later, he served as a volunteer and Scoutmaster for Troop 440 for 50 years.

When Mr. Wood and his family were recently informed of his pancreatic cancer diagnosis, he was focused on living until this January, the 75th anniversary of his becoming a Scout. What an admirable spirit and a wonderful man. After a lifetime of service, Mr. Wood is now preparing for his next journey.

Mr. Speaker, I commend Mr. Wood for his 75 years of dedication to the Boy Scouts and Stokes County.

DREAMERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ESPAILLAT) for 5 minutes.

Mr. ESPAILLAT. Mr. Speaker, I rise today to express my concerns and my deep shame for many in this Chamber who continue to gamble with the lives of over 800,000 Dreamers, young people who are workers and students. They are teachers and members of our Armed Forces. They are dads and moms.

After five continuing resolutions, we still have left them out in the cold, over 800,000 of them. This week, the Senate is, once again, sandbagging the Dreamers. While Senator MCCONNELL has publicly made this an open debate, it is far from being a fair process.

Just yesterday, a Federal judge in the Eastern District of New York ruled conclusively that eliminating DACA and the benefits extended to DACA recipients is an illegal act. Just as this is happening, the Senate continues and begins to sandbag the Dreamers by first putting on the table the issue of sanctuary cities.

Many have a flawed view of what sanctuary cities are. Many erroneously think that sanctuary cities harbor hardened criminals. That is far from the truth.

A sanctuary city is a city that allows a mom to take her child to school, who is undocumented, without fear that the principal will call ICE or the authorities.

A sanctuary city is a city that allows a senior citizen to go into an emergency room to be treated in a hospital without the fear that the nurse will turn him or her in.

A sanctuary city is a city that allows people who are living under the shadows to go into a police precinct and report a crime without the fear that they will be deported.

That is what a sanctuary city is. It is an intricate part of our soul as a country of immigrants and States and cities of immigrants.

The Senate process is far from being fair. A fair process would be to start a bipartisan debate on Dreamers. The Speaker of this Chamber has yet to make a commitment to bring a clean Dream Act to the floor.

Dreamers are our children. They are my children. They belong to all of us. When we look into their faces, I see my own face. When I look into their faces, I see a genius MacArthur Fellow winner like Cristina Jimenez and Ivan Rosales, who is working toward becoming a doctor in the military.

There is so much aspiration in these Dreamers. This is why over 80 percent of Americans in red States and blue States and in Republican districts and in Democratic districts support Dreamers staying here in the United States.

They represent the best of us. They represent the foundation of our Nation and the tenets of what the Founding Fathers believe in: that people should come to America, prosper, and make her a better place for all of us to live in.

Mr. Speaker, the fate of these young people rests right here in the palm of our hands. We need to ask ourselves: Are we a nation of aspirations? Or are we a nation of deportations?

It is in our hands. We cannot keep deferring a vote on a clean Dream Act. A deferred vote is a dream denied. Justice delayed is justice denied.

But I tell the Dreamers this: Don't be afraid. Don't be discouraged. Don't be deterred. Don't be dismayed. You have to continue to fight for the most important issues facing America. You have done a tremendous job. Keep this fight moving forward for justice in America.

COMMEMORATING THE 22ND ANNIVERSARY OF THE BROTHERS TO THE RESCUE SHOOT-DOWN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to commemorate the 22nd anniversary of the Brothers to the Rescue shoot-down, where three U.S. citizens and one U.S. resident were murdered by the tyrannical Castro regime.

On February 24, 1996, Carlos Costa, Mario de la Pena, Armando Alejandre, and Pablo Morales were on a humanitarian mission over international airspace, over international waters when they were illegally and brutally shot down. This mission over the Florida straits sought to save the lives of Cubans fleeing Castro's grip of power in search of freedom.

Sylvia Iriondo was rescued in a Cessna and brought to the safety of our shores. You see, Mr. Speaker, Sylvia was aboard the only plane that survived on that fatal day. She recounts how, after seeing the burst of smoke over the skyline, the pilot, Jose Basulto—who, along with Sylvia, has testified before the U.S. Congress—pleaded on the radio for his colleagues to respond. Twenty-two years have passed and justice for the deaths of our American heroes has yet to be achieved.

Ruben Martinez Puente, Lorenzo Alberto Perez y Perez, and Francisco Perez y Perez have all been indicted in our U.S. courts for their roles in the murderous Brothers to the Rescue shoot-down, but they have yet to be held accountable.

I have urged administration after administration to bring these perpetrators to the United States so that they can be prosecuted and justice can be served.

Furthermore, the Obama administration made the grave error of releasing Cuban spy Gerardo Hernandez, who was convicted of conspiracy to commit espionage and conspiracy to commit murder for his role in the deaths of these brave pilots—released.

I will continue to urge our Department of Justice to pursue legal action against all current and former Cuban regime operatives who perpetrated that murderous attack against the Brothers to the Rescue aircrafts, its unarmed victims, and all Cuban operatives who planned or otherwise participated in the shoot-down.

To this day, the same regime that violated international law to kill Carlos, Mario, Armando, and Pablo remains as oppressive as ever, routinely beating and harassing peaceful protesters and incarcerating journalists.

We cannot let anyone forget the blood at the hands of the Castro regime. The Brothers to the Rescue and their families will forever serve as an inspiration to those who are willing to endure great sacrifices for the sake of a free Cuba.

COMMEMORATING THE 2018 FLORIDA INTERNATIONAL UNIVERSITY TORCH AWARDS

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the recipients of the 2018 Torch Awards from my alma mater, Florida International University.

The Torch Award is the highest honor given to both faculty and alumni by the FIU Alumni Association, highlighting the excellence that they bring to their professions and the pride they bring to FIU as an educational institution. Their exceptional achievements and contributions not only to our university but to our Miami community at large have earned them this prestigious award.

This year's honorees include:

Alumnus of the Year Chad Moss, class of 1994. Chad currently serves as the executive vice president of Moss and Associates, one of Florida's largest private construction companies.

Outstanding Faculty Award Recipient Dr. Mark Allen Weiss. Dr. Weiss is an eminent scholar chaired professor and the associate director of academic affairs for the FIU School of Computing and Information Sciences.

Community Leadership Award recipient Seth Crapp of the class of 1998. Seth is a pediatric radiologist and has demonstrated exemplary service and civic engagement in his community through his activism at Knots4Kids, T. Leroy Jefferson Medical Society, and two-time chair of the group's annual health fair which has benefited thousands of underserved children in Palm Beach.

Lastly, the Charles E. Perry Young Alumni Visionary Award recipient, Manny Varas, class of 2010 and an MBA in 2014. Manny, the president and CEO of MV Group, a full service construction company, has made great strides in the early stages of his career.

These individuals, Mr. Speaker, and the many other distinguished alumni honored this year exemplify what it means to be an FIU Panther. Their service to the betterment of our community makes them valuable and deserving of this great honor. I congratulate them all.

Go Panthers.

VALENTINE'S DAY DOMESTIC ABUSE REMINDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. RUIZ) for 5 minutes.

Mr. RUIZ. Mr. Speaker, today is Valentine's Day. Children will pass around cards and candy at school. Young men and women will gather the courage to speak with their crush, and many couples will get engaged to marry.

I sent my first Valentine, my mother, flowers. I will spend this evening telling my wife, Monica, and my girls, Sky and Sage, the many ways that I love and appreciate them over FaceTime.

But for many, today is not a joyous day. There are too many victims of domestic abuse who live in homes of broken hearts and who search for love but find violence instead. No form of mental, emotional, sexual, or physical abuse is acceptable no matter who it is from or under any circumstance, period.

I thank the many organizations, like Shelter From the Storm, Coachella Valley Rescue Mission, and others in my district, for the refuge and support that they provide.

To the victims: I want you to know that you are not broken and you are not at fault. You are a survivor and you have the courage. Help is only one phone call away. Happy Valentine's Day.

□ 1015

ILLEGAL ALIEN AMNESTY FINANCIAL COSTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS of Alabama. Mr. Speaker, America cannot afford to be the world's orphanage because we simply do not have the money. America's 2015 deficit was $438 billion. America's 2016 deficit deteriorated to $585 billion. America's 2017 deficit deteriorated yet again to $666 billion.

Now, thanks to last week's debt junkie spending bill, America faces a trillion-dollar deficit this year. By every account, America's deficit threatens a dangerous insolvency and bankruptcy that will destroy the America it took our ancestors centuries to build. Let there be no mistake about it, illegal aliens are a large part of America's debt problem. Per a recent Federation for American Immigration Reform study, illegal aliens are a $116 billion per year net tax loss to American taxpayers.

Mr. Speaker, those who do not learn from history are doomed to repeat it. America tried amnesty in 1986, and it failed miserably, turning a 1 to 2 million illegal alien problem into today's 15 million illegal alien disaster. Why? Because amnesty does not stop illegal conduct; rather, it encourages illegal conduct.

It baffles me that Washington's ''Surrender Caucus'' refuses to learn from history and anxiously seeks to repeat 1986's bad mistake, at great cost to America. And the cost is great.

A 2015 Center for Immigration Studies report disclosed that more than 60 percent of households that have an illegal alien in them are on welfare, compared to only 30 percent of households

with no immigrants in them. Consistent with that data, the Congressional Budget Office determined that the Democrats' Dream Act that gives amnesty to illegal aliens and that Democrats recently shut down the government over costs Federal taxpayers $26 billion. And that $26 billion net tax loss to Federal taxpayers does not include even larger State and local tax losses.

By any measure, any amnesty, including amnesty for DACA illegal aliens, makes the illegal alien problem worse and, over the long haul, costs American taxpayers hundreds of billions of dollars America does not have, has to borrow to get, and cannot afford to pay back. Of course, the leftist mainstream media rarely shares these facts with Americans because it undermines their fake news narrative that Dreamer amnesty pays for itself.

Mr. Speaker, the executive branch must do its job. The executive branch must catch and evict illegal aliens. It is that simple. Further, the executive branch must enforce section 212 of the Immigration and Nationality Act, which states that no person may seek admission to the United States or become a permanent resident if the individual, ''at the time of application for admission or adjustment of status, is likely at any time to become a public charge.''

If the executive branch will simply enforce America's immigration laws, there will be no illegal alien problem and taxpayers will, over the long haul, save hundreds of billions of dollars that could be better spent on debt reduction or American citizens. Unfortunately, instead of insisting that the executive branch enforce the law, Washington's ''Surrender Caucus'' wants to give up and grant amnesty to illegal aliens, thereby, again, naively rewarding illegal conduct at great cost to American taxpayers.

In so doing, Washington's ''Surrender Caucus'' betrays American families and taxpayers who must foot the bill for yet another bad mistake by Washington that is motivated by election-year politics, not America's best interests.

DEFENDING FREEDOM OF SPEECH

The SPEAKER pro tempore (Mr. EMMER). The Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, I am always honored to stand in the well of the House.

Mr. Speaker, today I rise as a liberated Democrat, a liberated Democrat who will not only speak truth to power but who will also speak truth about power.

Mr. Speaker, I rise today to defend freedom of speech. I rise to defend the freedom of speech of The Hill newspaper. I defend the freedom of speech of The Hill newspaper when it printed these words: '' 'Morning Joe' host''—I won't mention his name—''said on Sunday that the Democratic Party should take away funding from Democratic candidates who talk about impeaching President Trump on the campaign trail.''

I am such a candidate. I have talked about impeaching the President, and I will continue to talk about impeaching the President.

I am defending The Hill for printing this, by the way. The Hill goes on to say: ''Any Democrat mentioning the word 'impeachment' on the campaign trail should have their campaign funds pulled by the Democratic Party.''

This is what was tweeted by the host of ''Morning Joe'':

''I defend The Hill's right to print it, and I defend the right of 'Morning Joe' host to say what he said, and I hope people will defend and respect my right to say what I'm about to say.

''I will not be intimidated. I want the host to know that, if those who have threatened my life couldn't intimidate me, he will not. I want the host to know that I spoke about impeachment just this weekend that passed.''

And I am looking to future engagements to speak about impeachment. And I will bring Articles of Impeachment to the floor of the House of Representatives again if conditions require it. I am not afraid. I have no fear of these people who would have me abrogate my constitutional rights. I will stand and defend them, and I will exercise my rights.

The truth is this: We all have a duty to speak up and speak out and stand up. That is what I will do.

God bless you. Happy Valentine's Day.

RECOGNIZING BIG BROTHERS BIG SISTERS OF BUCKS COUNTY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the Big Brothers Big Sisters of Bucks County, which has served tens of thousands of kids in our community since its founding in 1963.

The Bucks County chapter is unique. Since 2015, they have piloted an expansion of their mentorship program, which pairs elementary schools with high school mentors to include children with autism spectrum disorder. This tailored program caters to the students' unique needs, providing these children with two specially trained high school mentors rather than one to ensure a greater level of stability.

The program has been so successful that Big Brothers Big Sisters of Bucks County is now looking to expand it. Their community mentorship program matches at-risk youth ages 6 to 16 with volunteer mentors. This program provides caring adult role models who consistently spend time with their ''littles'' to help them make good choices so that they may become productive, responsible, and engaged young adults.

I want to highlight the story of John Wilson, the board president and an individual who himself benefited from Big Brothers Big Sisters. John's father passed away when he was 5. He was matched with a big brother when he was 12 at a point when, in his own words, he was at a significant risk of heading in the wrong direction. He credits his mentor with having a profound impact on his life, without whom his life could have turned out very differently, in John's words.

John graduated from college, enjoyed a successful career, and now gives back as president of the board. John is still in contact with his big brother and working hard to pay back the investment made in him years ago. To all those involved in Big Brothers Big Sisters, including John, we thank you for your work in helping our youth in Bucks County.

SAVE STONE MEADOWS FARM

Mr. FITZPATRICK. Mr. Speaker, growing up in Middletown Township in Bucks County, Pennsylvania, and as a current Middletown Township resident now representing my hometown in Congress, I have seen my community change throughout the years. The one constant, however, has always been the presence of Stone Meadows Farm, one of the last remaining active agricultural lands in our township. The 168-acre farm has a rich history that connects the present to the past; and, as development continues throughout our region, Stone Meadows Farm reminds residents why we chose to live in beautiful Middletown Township, Pennsylvania. I firmly believe that this is something worth preserving.

In Bucks County, we are fortunate that our local and county leaders continue to make concerted efforts to preserve our open spaces, and here in Congress I am working to support preservation and land conservation efforts nationwide. I stand ready to work with any government official and our citizens, like members of the Save Stone Meadow Farm movement, who share this goal to preserve our quality of life and the character of our community.

Whether in our hometown or across our great Nation, we must stand ready to preserve and protect our open spaces from overdevelopment.

HIGHLIGHTING THE IMPORTANCE OF THE DAIRY INDUSTRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, yesterday morning, I had the opportunity to attend part of Fulton Bank's 39th annual Agriculture Seminar, which is a day-long informational event that draws individuals from all over the Commonwealth of Pennsylvania. The event is free and

featured numerous speakers, including agriculture economist Andrew Frankenfield and other industry experts.

Mr. Speaker, as the House Committee on Agriculture prepares the next farm bill, there has been universal agreement that the dairy industry's Margin Protection Program needs to be reformed in advance. To address this, we were able to make much-needed changes in last week's bipartisan budget deal.

The final agreement took a number of actions that will revamp the program to better serve participating dairy farmers. To help the program to be more accurate and responsive during difficult months, monthly margined calculations have been changed to bimonthly. To help the program better reflect the growth in dairy herd sizes, the new law expands the first tier from 4 million to 5 million pounds. The new law raises the catastrophic coverage level from $4 per hundred weight to $5 per hundred weight for the first tier of covered production.

It also reduces premiums for the first 5 million pounds of production, making higher levels of coverage more affordable to provide more protection against low margins. Finally, the new law allows for the development of insurance policies for livestock producers, including for dairy farmers. This change encourages further adequate risk management tools are available the next time they are faced with disaster.

Mr. Speaker, the state of the dairy industry is much different today than it was when the last farm bill was written. Today we see low milk prices that have impacted the dairy industry across the country. The House Committee on Agriculture is not only aware of the challenges facing the industry, but we are working to help bring relief.

Another factor negatively impacting the dairy industry is declining milk consumption. This not only negatively affects dairy farms and farm families across the country but also students and their overall nutrition. Despite the fact that public school enrollment was growing, schools served 213 million fewer half-pints of milk between 2014 and 2016. Children over 4 years old are not meeting the recommended daily servings of dairy in the Dietary Guidelines for Americans.

We know that milk is a nutritional powerhouse. Given the nutritional value of milk and because students need to be nourished to be at their best, this is a cause for concern. Steadily decreasing participation in the School Lunch Program, coupled with the fact that flavored milk, the most popular variety in schools, must be fat free under the current law, has led to an alarming decline in overall milk consumption.

We have lost an entire generation of milk drinkers, and they have lost out, that generation, on the nourishment and nutrition that comes from milk. Providing students the option to consume milk with flavor has the potential to positively affect milk consumption trends among children and adults, while supporting the local dairy farmers.

This is why I introduced H.R. 4101, the School Milk Nutrition Act. This bill provides the schools the option of offering low-fat, 1 percent, flavored milk instead of only fat free.

On November 29, 2017, USDA Secretary Sonny Perdue announced a new USDA rule that expands options for milk in school lunches.

□ 1030

Similar to my legislation, this rule gives schools the option to serve low-fat, 1 percent, flavored milk. Thankfully, this rule will be in effect for fiscal year 2018 and fiscal year 2019.

I look forward to continuing to craft a farm bill that puts forth the very best policy for our farmers, our families, and all Americans. I know Secretary Perdue supports the legislation, H.R. 4101, moving ahead to codify what he has been able to do with what flexibility he has and to get that done for our kids and for the dairy industry.

REMEMBERING THE LIFE OF SARAH JANECEK

The SPEAKER pro tempore (Mr. FITZPATRICK). The Chair recognizes the gentleman from Minnesota (Mr. EMMER) for 5 minutes.

Mr. EMMER. Mr. Speaker, I rise today to remember the life of Sarah Janecek, a friend who passed away unexpectedly and far too soon.

Sarah was one of Minnesota's best political commentators. As a strategist, she understood all sides of the issues and brought humor everywhere she went.

Over the course of her career, Sarah built relationships across the political spectrum. She was known for lending her honesty and wit to every encounter. She commanded respect by becoming a source of political knowledge through her writing, newsletters, and commentary, and she was sought after by local and national media to provide her insights on Minnesota's unusual politics.

Our community has suffered a great loss. Sarah's bright spirit will, indeed, be missed. My deepest condolences go out to her family and loved ones. Sarah had a great heart, and we will all miss her.

HONORING THE LEGACY OF WRIGHT COUNTY SHERIFF JOE HAGERTY

Mr. EMMER. Mr. Speaker, I rise today to honor the legacy of Wright County Sheriff Joe Hagerty. Joe retires after 33 honorable years of service to the third largest sheriff's office in the State of Minnesota. He has a reputation for honesty and has become someone that we all trust.

Our community has been honored to have a public servant with Joe's level of integrity and accountability. His respect for the rule of law and compassion for his fellow citizens made him an exceptional sheriff.

During his time in office, Joe fostered a relationship with neighboring counties to share a crime lab, which helped solve cases and bring justice. Every single day, Joe put the safety of Minnesotans above all else.

Sheriff Hagerty, I speak on behalf of all Minnesotans when I say: Thank you. We wish you a happy and healthy and well-deserved retirement.

RECOGNIZING CARVER COUNTY SHERIFF JIM OLSON

Mr. EMMER. Mr. Speaker, I rise today to recognize and thank Carver County Sheriff Jim Olson for his incredible 31 years of service to the people of Minnesota. In Jim's three-plus decades on the force, Sheriff Olson oversaw some of Carver County's most exciting and turbulent times.

When the Ryder Cup was held in Chaska, Minnesota, in 2016, Jim managed safety operations and maintained a family-friendly environment for everyone. After the passing of Minnesota legend Prince, Jim ensured that Paisley Park in Carver County remained a safe place for Prince's fans to mourn.

Jim has dedicated his life to Carver County, serving as an instructor of the Carver County Citizens Academy to inform the public about the services and role of the sheriff's office. Impressively, he also serves as a member of the Carver County Mental Health Consortium to spread awareness of mental health resources. He has been a faithful, selfless servant leader to the citizens of Carver County.

Sheriff Olson, thank you for your service. We wish you the best in your retirement.

RECOGNIZING OUTSTANDING BUSINESSMAN BUTCH AMES

Mr. EMMER. Mr. Speaker, I rise today in recognition of one of Minnesota's outstanding businessmen, Butch Ames. As chief executive officer and cofounder of Ames Construction, a family-owned and privately held construction company headquartered in Minnesota, Butch has built and grown the industry nationwide.

Ames Construction is known for heavy civil, transportation, and mining construction. With Butch at the helm, the company continues to grow and expand its reach all across the Nation. They have completed notable projects, such as Denver's International Airport, the I–15 corridor reconstruction project in Salt Lake City, the Loop 202 in Phoenix, and the St. Croix River Crossing in Minnesota.

Butch holds his company to a standard of professionalism and safety that is unparalleled, serving this Nation and his industry proudly.

Congratulations, Butch.

RECOGNIZING TORAH ACADEMY

Mr. EMMER. Mr. Speaker, I rise today to recognize Torah Academy for entering their 73rd year educating Jewish children in Minnesota. From the

beginning and to this day, Torah Academy maintains a focus on strengthening the mind and spirit of our future leaders.

Because of educators like Dean and Rabbi Pinchus Idstein and Principal Matthew Cleary, Torah Academy offers a quality education on firm spiritual grounding. Pillars of our strong local community like Dr. Joey Greenberg and his wife, Mrs. Marina Greenberg, spread kindness and generosity to make certain Torah can execute its mission and goals.

A special thank-you to Citizens Independent Bank, that also dedicates their support.

Torah students succeed because their community supports them, and they are guaranteed to make their corner of the world a better place.

Congratulations to Torah Academy for a successful 73 years. We wish you many more.

HONORING DR. ROSEMARY JACKSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. RUSH) for 5 minutes.

Mr. RUSH. Mr. Speaker, I rise today to pay tribute and honor the memory of Dr. Rosemary Jackson.

Dr. Jackson was an educator in Chicago. Dr. Jackson was an entrepreneur. Dr. Jackson was an exceptional community leader who passed away last week and leaves behind a stellar legacy that will endure throughout the years.

Dr. Jackson was a lifelong Chicago resident who had a passion for education, a passion that began when she was a young girl. She received her Ph.D. from Loyola University and her master's degree from both National College of Education and DePaul University.

Beginning her career as an English teacher at her alma mater, John Marshall High School—my alma mater—she went on to teach at local institutions such as Hyde Park High School on the South Side in my district, Kennedy-King College in my district, and her beloved DePaul University.

In all of these places, Mr. Speaker, Dr. Jackson deeply touched countless lives and inspired so many young people. Dr. Jackson, Mr. Speaker, was a pillar of the community and a person deeply committed to public service. She was also a member of the Delta Sigma Theta Sorority, for which she chaired several committees during her 50-year tenure as an active member.

Beyond her love for education and her love for community service, Dr. Jackson was a beloved wife and mother.

She was the vice chairman and the chief administrative officer at Chicago-based Central City Productions, the business that she helped develop with her lifelong partner, her devoted husband, my longtime friend, Mr. Donald Jackson. Central City Productions, Mr. Speaker, is best known for producing the Stellar Awards, the first and the oldest televised awards show in our Nation that honored gospel music artists for over 33 years.

Dr. Jackson achieved so much in her life through hard work and determination. She never gave up, always fought for what was right, and made it her life's mission to help students in Chicago explore their potential and their educational possibility.

Dr. Jackson was a truly remarkable, smart, and phenomenal woman who enjoyed the arts, sports, and loved line dancing. She had a smile that would light up a room.

Dr. Jackson will be missed by her family, her friends, our city, our State and, indeed, our Nation and all those who fondly remember her beautiful and loving spirit.

I was blessed to know her, and Chicago was better because of her. My heart goes out to her entire family.

The last time I saw Dr. Jackson was last year. My late wife, Carolyn, and I were going into one of our favorite restaurants in the Hyde Park community and Rose and Don Jackson, her husband, were leaving, and we stopped for a moment and had a conversation.

Mr. Speaker, on behalf of the people of the First Congressional District of Illinois, thank you, Rose. Thank you. God bless you. Enjoy your rest. You have earned it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day.

February weather would deceive us and have us think spring is yet a long way off. Yet, even as cold winds blow and penetrate the depths of the Earth, Your laws nurture new life. Winter's weight breaks off what seems unfruitful branches and rushing streams wash away all that is rootless.

Invigorate the House of Representatives, that restorative justice may inspire new confidence in this Nation and the work of Congress may produce a fruitful land.

Grant that the daily work of Your people might silence a cynical world with blossoms of truth, and early growth release the scent of eternal life in the seasons of our lifeline and forever.

May all that is done this day in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Alabama (Mrs. ROBY) come forward and lead the House in the Pledge of Allegiance.

Mrs. ROBY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

CAREER AND TECHNOLOGY PROGRAMS ARE A PATHWAY TO SUCCESS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on Monday, I had the privilege of visiting Central Mountain High School's Career and Technology Education Center. It is a state-of-the-art 235,000-square-foot academic career technical education complex.

The Keystone Central School District has introduced and implemented a CTE curriculum that offers a totally integrated academic, career, and technical education for all 9th through 12th graders.

The integration model allows all students to explore and attain high academic and technical skills in their chosen profession. This system is designed to provide all students with an educational exploration opportunity that is both rigorous and relevant for career and post-secondary success.

Mr. Speaker, as co-chair of the Career and Technical Education Caucus and author of the Strengthening Career and Technical Education for the 21st Century Act, I am thrilled to see this kind of educational complex in my community.

Offering CTE programs to students in high school truly gives them an opportunity to explore career options. There is an enormous skills gap that exists today in America. There are good-paying, family-sustaining jobs out there,

but people need the right skills to obtain those jobs. CTE programs are the pathway to success.

DEMOCRATS HAVE A BETTER DEAL

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, the President and our Republican colleagues are at it again, promoting economic policies that enrich the wealthy and the biggest corporations in our country. That will hurt middle class families. We saw it in the tax scam. We see it in the President's budget. And now we even see it in the infrastructure proposal.

President Trump proposes a $200 billion infrastructure plan that will raise fees and tolls on commuters, burden cities and States and ask others to fill the funding gap, sells off infrastructure to Wall Street and private companies, and ends vital worker and environmental protections.

The Democrats have proposed a better deal: a $1 trillion investment, five times the President's plan, to really rebuild America. It will create 6 million good-paying jobs. It will deliver lower prices and better choices for consumers. It safeguards clean air and clean water and worker protection. It builds more resilient infrastructure to withstand climate change and ensures products are built with American materials.

There is a real contrast here between what the President has proposed, which is basically to shift the burden to cities and States and for the Federal Government to abandon its responsibility to help rebuild our country.

The Democrats have a better deal than this raw deal. It is a deal to rebuild our country to create 16 million good-paying jobs to make sure the Federal Government remains a real partner in rebuilding America.

SHERIFF GRADY JUDD NAMED PRESIDENT OF THE MAJOR COUNTY SHERIFFS OF AMERICA

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, today I rise in recognition of a man whose service to his community has resulted in greater safety, security, and justice in Polk County, Florida.

Sheriff Grady Judd, a stalwart of law enforcement in the 15th District and a dear friend, has been sworn into the role of president of the Major County Sheriffs of America, a position to which he will bring his knowledge, his skill, and his integrity to advocate for safer communities across our great Nation.

For centuries, the Anglo-American sheriff system has produced officers who secure the peace and prosperity of the land, and even two American Presidents, Grover Cleveland and Teddy Roosevelt, served in such a capacity.

Sheriff Judd has long been an advocate for the rule of law, and we will all benefit as he rises to this position to fight to uphold the noble tradition of keeping the peace.

My deepest congratulations to Sheriff Judd and his family, and to the Major County Sheriffs of America, who do such important work to keep us all safe.

PRESIDENT TRUMP'S INFRASTRUCTURE PLAN

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, this week, the long-awaited Trump infrastructure plan was finally released. What a disappointment, after coming here a year ago and promising a $1 trillion plan. Then, in his State of the Union, saying it is going to be even bigger—huge—$1.5 trillion. In the fine print, however, $1.3 trillion of the $1.5 trillion comes from communities like my hometown of Flint, Michigan.

Now, let's be clear. If States and local communities had an extra $1.3 trillion laying around, they would be servicing those roads and bridges. They would be rebuilding their water systems. They would be doing this work already.

If we are going to have a Federal infrastructure plan, we need to have a Federal infrastructure plan that is really investment and not just checking the box so that the President can say he submitted a big, bold infrastructure plan.

Well, it is not big and bold, from the Federal Government's point of view. The $200 billion investment from the Federal Government, offset by a $170 billion reduction, boils down to $3 billion a year over 10 years.

That is not big. That is not bold. That won't fix the roads and bridges in this country.

NO MORE ''STRATEGIC PATIENCE'' WITH IRAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this weekend, Iran has wrongfully seized another American hostage.

Morad Tahbaz, a dual American and Iranian citizen, was volunteering with the Persian Wildlife Heritage Foundation when he was maliciously arrested. This is in addition to the tragic news that Canadian Kavous Seyed Emami, who was arrested working with the Foundation, died last week under suspicious circumstances in an Iranian prison.

Morad Tahbaz is the CEO of the Persian Wildlife Heritage Foundation and former president of Empire Resorts. He attended Colgate University and Columbia Business School. He is an upstanding American citizen who does not deserve to be treated like a criminal, nor a political pawn, by a rogue regime as he promotes the extraordinary heritage of Persia.

The Obama administration caved to the dangerous ransom deals with Iran, but ''strategic patience'' only emboldened them to subjugate the brave citizens of Iran.

As the Iranian Government continues to undermine peace, free nations must work together to address this serious threat. I support Secretary of State Rex Tillerson and U.N. Ambassador Nikki Haley in calling for the release of all American citizens unjustly detained in Iran.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

NATIONAL CHILDREN'S DENTAL HEALTH MONTH

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, February is National Children's Dental Health Month.

During this month, we raise awareness about the importance of oral health, especially for America's kids. Tooth decay is the most common chronic childhood disease—five times more common than asthma and seven times more common than hay fever. Oral health status is directly tied to academic achievement and school attendance.

One way we can fix this is by passing my Action for Dental Health Act, H.R. 2422, which was unanimously reported out of the Energy and Commerce Committee on September 25. This bipartisan bill is cosponsored by 83 Members and supported by the American Dental Association, the National Dental Association, the American Dental Education Association, and 39 other advocacy groups.

Once enacted, this bill will empower the CDC to deliver more and better healthcare to underserved populations, especially urban and rural communities, and increase education about the importance of oral health.

I am proud to be working with Congressman MIKE SIMPSON from Idaho on this bipartisan bill. I ask the Speaker to schedule a vote on the bill before the end of National Children's Dental Health Month.

Lastly, I would like to wish my colleagues and constituents a Happy Valentine's Day.

ADDRESSING ILLEGAL IMMIGRATION

(Mrs. ROBY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROBY. Mr. Speaker, this week, the Senate is taking action to address

our illegal immigration problem, so I rise today to share some feedback from the people I represent in Alabama's Second Congressional District.

I recently held two telephone townhall events to hear directly from some of my constituents. Let me start by thanking every person who took the time to participate and ask questions.

During both townhalls, I asked everyone what their top priority was regarding our country's illegal immigration issue, and the vast majority of participants said they are most concerned about securing our border.

I couldn't agree more. I have always said that, in order to truly fix our immigration system, we absolutely have to start by securing our border. If I had a leak in my house, I wouldn't start by replacing the damaged drywall. I would fix the leak first.

Mr. Speaker, the same idea applies for our illegal immigration problem. We will only be able to make real progress towards fixing the issue once we secure our border once and for all.

I am proud to support these efforts in the House, and I stand ready to continue to work to tackle this problem where it starts: at the border.

TRUMPISM

(Mr. HUFFMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUFFMAN. Mr. Speaker, outside this building, more and more Republicans bemoan the effect of Trumpism on their party. We should take a moment to define this new phenomenon.

Trumpism is when the whims of our authoritarian President ''trump'' the values Republicans once stood for. It is when evangelicals say character doesn't matter. It is when ''rule of law'' constitutionalists shield Trump by attacking the institutions that guarantee the rule of law.

It is when First Amendment champions join Trump in attacking our free press. It is when Russia hawks bow and scrape before a President who chooses to believe his pal Vladimir over our own intelligence agencies.

Trumpism is when this House, which is supposed to conduct serious oversight, acts like Trump's lapdog, ignoring or abetting corruption and obstruction of justice.

Because Trumpism threatens democracy, many Republicans are leaving their party or, like George Bush's speechwriter, Michael Gerson, are calling on voters to deliver a message this fall. Without that political jolt, Gerson writes, ''elected Republicans will just keep clinging to the USS Trump as it sinks further into the swamp.''

Now that we have defined Trumpism, let's work together to save this country from it.

The SPEAKER pro tempore (Mr. CURTIS). Members are reminded to refrain from engaging in personalities toward the President.

AMERICANS SUPPORT WELFARE REFORM

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the welfare system in America has a problem and the great majority of Americans want to fix it.

Since 2000, the amount of Federal dollars spent on Medicaid that goes to able-bodied adults has increased 713 percent. The amount spent on food stamps for able-bodied adults has increased nearly 500 percent. These figures do not include seniors or individuals with disabilities.

Every welfare dollar that is spent on able-bodied, working-age adults diverts resources from the very individuals the program was designed to help—the truly needy—and from other important priorities such as education and public safety.

The solution is a work requirement. Able-bodied adults on welfare should be required to work, get training, or perform community service to receive benefits. An overwhelming 90 percent of voters support this reform, which could move 10 million able-bodied adults off of welfare.

Those who can work, should. Work is essential to helping individuals regain their independence and self-worth.

□ 1215

COMMEMORATING 50TH ANNIVERSARY OF THE 911 SYSTEM

(Mr. BANKS of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BANKS of Indiana. Mr. Speaker, I rise today to commemorate the 50th anniversary of the 911 system and to honor its founder, Congressman Ed Roush from Huntington, Indiana.

As the representative for my northeast Indiana district, the late Congressman Roush was a driving force behind the efforts to create one central telephone number that citizens could use in a time of crisis to receive help. Launching a one-man crusade in the House, Congressman Roush wrote to all 50 Governors and countless public servants to gain support for an emergency phone number that was easy to remember under stress and short enough to dial quickly.

On March 1, 1968, the congressman's efforts were successful, and the 911 system went live in Huntington, Indiana, with Congressman Roush placing the first test call. Due to his efforts, Huntington led the way for other municipalities to adopt the important emergency system that has saved so many lives. Hoosiers are proud of the late Congressman Roush for his leadership 50 years ago on this initiative.

We as a nation are safer due to his efforts and the everyday lifesaving actions of 911 operators and first responders.

RECOGNIZING COLORADO OLYMPIANS

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today in support of the Olympic athletes from the great State of Colorado. The Olympics are a demonstration of fellowship, sportsmanship, commitment, determination, and grit—a wonderful example for the world.

There are 36 Olympians participating from Colorado, the most from any State in the USA, and they are competing in 17 different disciplines. I am proud to say that 12 of these Olympic athletes are from Colorado's Second Congressional District. Lindsey Vonn, Mikaela Shiffrin, Sarah Schleper, Joanne Reid, Casey Andringa, Chris Del Bosco, Jaelin Kauf, Mike Testwuide, Katie Uhlaender, Chris Corning, Kyle Mack, and Red Gerard all hail from the Second Congressional District of Colorado.

And I am exceptionally proud that this past Saturday Red Gerard, at 17 years old, from Silverthorne, Colorado, won the Pyeongchang Olympic Gold Medal for the United States, the first Olympic Gold Medal for Team USA, before going from last place to first place on the final run. Red learned to snowboard right in his backyard in beautiful Summit County.

Another young Coloradoan, Arielle Gold—and Gold is a great name if you are going to be an Olympian—despite dislocating her shoulder in training earlier in the week, is bringing home a bronze medal in the women's halfpipe.

Those are just two of the 36 Olympic stories from Colorado. I wish I had time to talk about the other 34 because their dedication, perseverance, and spirit is an inspiration to all Americans, and I am rooting for them every step of the way.

USA. USA. USA.

CHALLENGING MORNING JOE HOST FOR AN INVITATION TO SPEAK ON THE PROGRAM

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, I rise today because I am a proponent of impeachment. I have not only as much as said so but brought Articles of Impeachment before the House of Representatives. There are a good many people who are antithetical to my position, Mr. Speaker.

As a Member of the House, I would challenge any Member who desires to debate this issue on the floor of the House. I would also challenge any member of a morning program, ''Morning Joe,'' who believes that he should back up his words, to talk to me on his program. Never talked to me. Never said a word.

Would you invite me on your program and show the courage to speak of these issues with me there so that I may defend and you may attack?

PROVIDING FOR CONSIDERATION OF H.R. 620, ADA EDUCATION AND REFORM ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 3299, PROTECTING CONSUMERS' ACCESS TO CREDIT ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 3978, TRID IMPROVEMENT ACT OF 2017; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM FEBRUARY 16, 2018, THROUGH FEBRUARY 23, 2018

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 736 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 736

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 620) to amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, to provide for a notice and cure period before the commencement of a private civil action, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3299) to amend the Revised Statutes, the Home Owners' Loan Act, the Federal Credit Union Act, and the Federal Deposit Insurance Act to require the rate of interest on certain loans remain unchanged after transfer of the loan, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3978) to amend the Real Estate Settlement Procedures Act of 1974 to modify requirements related to mortgage disclosures, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-59, modified by the amendment printed in part B of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part C of the report of the Committee on Rules, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (2) one motion to recommit with or without instructions.

SEC. 4. On any legislative day during the period from February 16, 2018, through February 23, 2018—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 736, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward this rule today on behalf of the Rules Committee. The rule provides for consideration of H.R. 620, the ADA Education and Reform Act; H.R. 3978, the TRID Improvement Act; and H.R. 3299, the Protecting Consumers' Access to Credit Act of 2017.

The rule provides for one hour of debate on H.R. 620, equally divided between the chairman and ranking member of the Judiciary Committee. The rule also provides for a motion to recommit and makes in order multiple amendments from colleagues on both sides of the aisle.

It also provides for one hour of debate on the two Financial Services bills, with time equally divided between the chairman and ranking member of that committee.

Yesterday, the Rules Committee had the opportunity to hear from my fellow Judiciary Committee members: Mr. NADLER, Mr. POE, as well as Mr. LANGEVIN. We also heard from Mr. HILL and Ms. WATERS on the Financial Services bill.

H.R. 620 received consideration by the Judiciary Committee and enjoyed a rigorous markup process. H.R. 3299 and H.R. 3978 were considered and reported by the Financial Services Committee.

The bills before us today address different topics on different segments of our economy and our Nation, but they have something in common. They are all pro-growth bills aimed at righting wrongs, increasing common sense, and improving the way that the current system works.

I am a cosponsor of H.R. 620, the ADA Education and Reform Act and, as a member of the Judiciary Committee, have had multiple occasions to talk and listen about this bill. It is sponsored by my good friend from Texas (Mr. POE), and several of my friends from both sides of the aisle have cosponsored this bill.

Mr. Speaker, I have cosponsored this bill because I believe the Americans with Disabilities Act is critical legislation. No individual should ever suffer discrimination for any reason, and disabled individuals should have access to businesses and other sites that provide public accommodation. I am a former small-business owner, so I speak from experience running businesses.

Even more importantly, however, one of the main reasons I stand before you on this issue and behind this bill is I am the father of a strong, intelligent, capable, and a little sassy daughter named Jordan. Jordan is 26 years old and has spina bifida. Jordan has been in a wheelchair her entire life. Her first walk and first steps came in a little, pink wheelchair.

Jordan makes this issue personal for me. Discrimination is unacceptable, and it is also unacceptable for opportunists to build a cottage industry of serial litigation on the backs of the disabled, especially when these drive-by lawsuits offer little to no discernible benefit to disabled individuals.

Mr. Speaker, my daughter Jordan helps me understand the importance of

access to public space and the danger posed by lawsuits that exploit the disabled community instead of serving its members. I believe that there are good actors genuinely seeking to increase access and call to task those who block access to disabled individuals. Unfortunately, what we are seeing too often is bad actors intentionally exploiting the law for their own financial gain.

When these bad actors, these serial litigants, clog up the courts by drive-by lawsuits geared not at solutions but at profits, they take up time the courts could be using to address issues that truly need remediation. They also undermine the Americans with Disabilities Act. The intent and purpose of the ADA is not to drum up lawsuits; it is to prevent discrimination, increase access, and to protect those with disabilities.

Mr. Speaker, the disability community, my daughter included, represents some of the strongest people I know. They have a voice, and they are powerful. Today, we are here making sure the law works better for them and that it isn't being exploited by those who seek to undermine that law.

Today, small businesses face legal fees and complex technical jargon when presented with an impediment to access. Most businesses want to fix such issues and would, but instead of being able to make this issue right, they are forced into court before they have the chance to do so. In some examples of these serial lawsuits, the issues have not even been perceptible to the human eye; in others, building codes have changed—and yes, even the ADA—yet business owners have been hauled into court before they have a chance to respond or to fix the problem.

H.R. 620 ensures businesses have the opportunity to fix any access issues once they have been made aware of them. It provides notice and a cure period and clarifies the requirements for demand letters. It also provides training for business owners and State and local governments so that they can better understand proper ADA compliance.

The number of ADA title III lawsuits has skyrocketed in recent years. Since 2013, there has been a 132 percent increase in the number of lawsuits in Federal courts. H.R. 620 addresses this problem in a smart way that maintains the integrity, purpose, and key provisions of the Americans with Disabilities Act while ensuring there is a chance to fix access issues.

This bill does not take away an individual's right to sue for access. This bill does not overturn the ADA. It does give business owners a chance to fix ADA problems quickly. Some owners may not even actually realize they are not in compliance. Codes have changed, and there are literally hundreds of pages of compliance.

□ 1230

That, however, is not an excuse for willful noncompliance. Far from it. But it is a reason that good actors who may need to update their accommodations should have a chance to do so.

Mr. Speaker, it is important to note that this bill has bipartisan support and that the Rules Committee made in order several amendments from Members on both sides of the aisle so that we can consider ideas to even further strengthen this legislation. I would ask that all Members listen to that amendment debate because these amendments do have an impact on this bill, and I would encourage them to be a part of that.

H.R. 620 makes sense and focuses on fixing issues rather than spending money on trials or, better yet, extorting money from businesses with no thought of helping those with disabilities.

We also have a chance to consider some other commonsense measures today with the two important Financial Services bills also provided for by this rule.

H.R. 3299, the Protecting Consumers' Access to Credit Act, was introduced by Mr. MCHENRY and Mr. MEEKS, and reported by the Financial Services Committee with bipartisan support. Similar language was included in the House-passed CHOICE Act last year.

This legislation codifies the ''valid-when-made'' doctrine, a longstanding legal principle that, if a loan is valid when it is made with respect to its interest rate, then it does not become invalid or unenforceable when assigned to another party. This bill is a response to the 2015 decision by the Second Circuit Court of Appeals in Madden v. Midland, which appears to have ignored the longstanding legal principle.

The decision in the Madden case created instability and uncertainty in the secondary credit market, and restricts the availability of loans to borrowers, particularly those with less access to traditional lending sources. It has also led to regulatory uncertainty and fallout for fintech lenders. My home State of Georgia has an increasing presence in fintech, and H.R. 3299 provides a legislative fix that increases certainty and supports economic opportunity.

Additionally, Mr. Speaker, we are here to discuss 3978, the TRID Improvement Act, which incorporates numerous important provisions from several smart Financial Services bills. It was introduced by Congressman HILL from Arkansas, and takes steps to provide important regulatory relief and make capital markets more competitive and efficient.

Dodd-Frank led to an explosion of regulations and requirements that ultimately have squeezed access to capital, created hurdles to smaller market entrants, and imposed burdens on small businesses, startups, and investors.

One especially critical provision is H.R. 3978, the language authored by Mr. DUFFY from Wisconsin. This provision prohibits the SEC from compelling the production of source code or similar intellectual property without a subpoena. The SEC has had a data breach, and the GAO has been critical of its cybersecurity.

I think Mr. DUFFY and Mr. HILL, along with my colleague DAVID SCOTT from Georgia, are right to recognize that we shouldn't be forcing SEC registered entities to hand over their highly sensitive source code without due process protections. This legislation ensures normal processes can be followed to access this information is needed, but prevents unnecessary disclosures of this intellectual property.

Mr. Speaker, source code for security and other financial entities is similar to what the Coke recipe is to Coca-Cola, or the doughnut recipe is to Krispy Kreme. It is critical intellectual property that represents the backbone of a company. This bill makes clear that this sensitive and highly valuable information doesn't have to be simply handed over to the SEC with the hope that the information remains secure.

H.R. 3978 includes numerous other key provisions, including recognizing unique needs of emerging growth companies and tailoring regulatory burdens accordingly, and requiring the CFPB—the Consumer Financial Protection Bureau—to allow for more accurate and clear calculations to be provided to consumers when they purchase lenders and owners title insurance policies.

Mr. Speaker, today, you are seeing a theme. You are seeing a rule that provides for numerous bills that make commonsense changes to the current system to spur growth and simply increases fairness. And you are seeing bipartisan bills, including bipartisan amendments, that will be coming forward on this in support of these bills.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, today, sadly, we find ourselves considering legislation that would actually make it easier for unscrupulous payday lenders to actually skirt State interest rate caps and another bill that guts enforcement of the Americans with Disabilities Act that puts an unfair burden on people with disabilities.

These bills hurt the American people. Instead of spending our time here debating a very important immigration bill, like the Senate is doing across the way, we are considering bills that will only harm our most vulnerable populations.

Over on the other side of the Capitol, the Senate is having an open debate about immigration in our country. This House owes the American people no less. The Senate is trying to find solutions to help the hundreds of thousands of DACA recipients, to improve border security, or to address family reunification. The Senate is debating different proposals from both sides of

the aisle. We will see what they come up with.

Again, this House is simply not doing its job. This House is doing nothing to improve border security, nothing to address the DACA recipients or family reunification. Over here, there is not even a plan to bring any immigration bill or amendment to the floor. In fact, there is no commitment at all to actually address the issues that the American people care about. We have bipartisan bills today that Speaker RYAN could bring to the floor. They would pass with probably 70 or 60 percent of the vote.

Mr. Speaker, the March 5 deadline for DACA protections is rapidly approaching. There is no plan in place to protect Dreamers like Anareli, Marcos, and Javier in my district. Instead, over 800,000 young adults are trying to see what happens next, hoping that the court system intervenes, hoping that somebody somewhere does something so they can continue to live and work legally in the only country that they know, the country that they call home, the United States of America.

I have offered the Dream Act as an amendment to every spending bill that has come through the Rules Committee. I will continue to do so until we finally get it done.

But, again, instead of bringing up a bill to help protect Dreamers before the self-Trump-imposed March 5 deadline, the House will consider legislation that undermines the civil rights of disabled Americans, and it also makes it easier for predatory lenders to evade consumer protection laws. And people wonder why the House of Representatives is as unpopular as it is.

H.R. 3299, the Protecting Consumers' Access to Credit Act is a bill that hurts consumers. It is one that makes it easier for payday lenders to evade well-thought-out State-level protection laws.

That is why over 200 national and State organizations have written in opposition to this bill, which they fear would open the floodgates for predatory lending with interest rates as high as 300 percent. Additionally, 20 State attorneys general have also written in opposition.

Mr. Speaker, I include in the RECORD these two letters.

NOVEMBER 29, 2017.

Re Oppose H.R. 3299 (McHenry) and S. 1642 (Warner), Protecting Consumers' Access to Credit Act of 2017.

DEAR MEMBERS OF CONGRESS: The undersigned 202 national and state organizations write in strong opposition to H.R. 3299 (McHenry) and S. 1642 (Warner), the Protecting Consumers' Access to Credit Act of 2017. The primary impact of this bill will be enabling nonbank lenders to make high-cost loans that exceed state interest rate limits by using a bank to originate the loan. The bill poses a serious risk of enabling predatory lending and unsafe lending practices. Unaffordable loans have devastating consequences for borrowers—trapping them in a cycle of unaffordable payments and leading to harms such as greater delinquency on other bills.

Specifically, the bill makes it easier for payday lenders and other nonbanks to use rent-a-bank arrangements to ignore state interest rate caps and make high-rate loans. The bill overrides the Second Circuit's Madden v. Midland decision, which held that a debt buyer purchasing debts originated by a national bank could not benefit from the National Bank Act's preemption of state interest rate caps. The Madden decision did not limit the interest rates that banks may charge on credit cards and other forms of credit, but it does limit nonbanks from evading state interest rate caps. Reversing the Second Circuit's decision, as this bill seeks to do, would make it easier for payday lenders, debt buyers, online lenders, fintech companies, and other companies to use ''rent-a-bank'' arrangements to charge high rates on loans.

The bill provides that ''a loan that is valid when made as to its maximum rate of interest . . . shall remain valid with respect to such rate regardless of whether the loan is subsequently sold, assigned, or otherwise transferred to a third party, and may be enforced by such third party notwithstanding any State law to the contrary.'' In other words, if a bank originates a loan that exceeds state interest rate caps, and then sells or assigns the loan to a nonbank, that nonbank can continue to charge a usurious rate.

This bill could open the floodgates to a wide range of predatory actors to make loans at 300% annual interest or higher. The bill could bless arrangements such as the partnership between the payday lender Elevate and Republic Bank, through which Elevate is making high-cost loans that exceed state interest rate caps. Through its Elastic brand, Elevate offers purportedly open-end loans in 39 states and the District of Columbia.

Elevate does not disclose an APR, but a $380 advance repaid with monthly minimum payments would cost $480 to repay over five months. Including all fees, the annual rate for this extension of credit is about 100%, which is nearly three times the 36% legal interest rate approved by voters in Montana, one of the states where the lines of credit are offered. Through its Rise brand, Elevate also makes closed-end loans at rates up to 365% in states where those rates are permitted, and it could attempt to expand to other states.

Enova, dba NetCredit, also offers high-cost installment loans in a number of states through a rent-a-bank partnership. Enova, like Elevate, relies on Republic Bank and Trust to facilitate this scheme.

Other payday lenders have regularly attempted to avoid state usury caps through rent-a-bank arrangements. For example, CashCall has attempted to partner with banks to make usurious loans in several states. Courts have struck down those arrangements, finding that CashCall had to comply with state interest rate caps. The bill could undermine these decisions, by stating that a loan's interest rate remains valid even if a loan is transferred or assigned to a third party and ''may be enforced by such third party notwithstanding any State law to the contrary.'' This could allow high-rate lenders to use banks to originate and then immediately transfer usurious loans.

This bill is a massive attack on state consumer protection laws. In a letter by 20 State Attorneys General opposing provisions in another bill that would have overturned the Madden decision, the state law enforcement officers warned that the bill ''would restrict states' abilities to enforce interest rate caps. It is essential to preserve the ability of individual states to enforce their existing usury caps and oppose any measures to enact a federal law that would preempt state usury caps.''' In fact, the Colorado Attorney General is in the midst of challenging online lenders' use of a rent-a-bank scheme to make loans in violation of the state's usury limits. This bill aims to thwart actions like these that seek to enforce state laws.

The potential costs and damage to consumers are significant. In about 34 states, a $2,000 loan, 2-year installment loan at an APR exceeding 36% would be illegal. This bill risks making high-cost loans permissible across the country. The bill also could potentially expand short-term payday lending to the 15 states plus the District of Colombia whose state interest rate limits currently save borrowers over $2.2 billion annually in payday loan fees.

Fintech lenders also should not be allowed to make loans that exceed state interest rate caps. State interest rate caps have not impacted responsible marketplace loans. The leading marketplace lenders do not make loans above 36% and the vast majority of their loans are well below that rate, comfortably within state interest rate caps. But the mere fact that a lender uses the label ''fintech'' or ''martketplace lender'' does not ensure that it is a safe or affordable loan. For example, OnDeck, a lender focused on small business lending, offers term loans up to 99%.

Moreover, many marketplace lenders make very large loans of $30,000 to $50,000 or higher, and even 36% is a very high rate for such loans. Many states have tiered rate structures in recognition that interest becomes more unaffordable the larger the loan. Iowa, for example, caps interest at 21% for loans over $10,000.

There are also signs that some online lenders may not be appropriately underwriting their loans to ensure that the loans are affordable, and that many borrowers may not have the ability to repay, especially, if the economy sours. Recent news reports and SEC filings show that delinquency and charge-off rates at these marketplace lenders are rising. One online lender apparently failed to verify a borrower's income for a full two-thirds of its loans in 2016. Another lender has had so many of its loans fail, that it has had to repay investors for their losses in the last three securitizations of the loans it bundled up and sold to Wall Street.

This bill would weaken lenders' incentive to underwrite properly by making it easier to make high-rate loans. High interest rates result in misaligned incentives that can lead to lender profits but borrower catastrophe. Skewed incentives are already a problem in the marketplace loan industry. Moody's credit-rating firms liken this industry to mortgage lending in the years leading up to the 2008 financial crisis—''because the companies that market the loans and approve them quickly sell them off to investors,'' relieving themselves of the risk of the loan later going bad. This bill could make that problem worse.

The bill is not necessary to ensure access to affordable credit. Proponents of this bill claim that the Madden decision has had an adverse impact on access to credit. They point to a study that showed a drop in marketplace lending by three lenders in the Second Circuit after the Madden decision for subprime borrowers, especially for those with FICO scores below 644. However, the study showed that these lenders offered only miniscule amounts of credit in the low FICO range even before the Madden decision. Thus, the impact on access to credit was trivial. Moreover, it is likely that the credit extended before the decision at the lower end of the FICO spectrum was made to borrowers who had trouble repaying, and that lenders were relying on high interest rates on large loans to compensate for high default rates.

The bill wipes away the strongest available tool against predatory lending practices. Strong state rate caps, coupled with effective enforcement by states, remain the simplest and most effective method to protect consumers from the predatory lending debt trap. Contrary to what lenders often claim, robust state loan laws do not drive people to find loans online. In fact, illegal online lending is more prevalent in states that do not effectively regulate predatory lending than it is in states that enforce state interest rate caps.

Accordingly, we urge you to reject this bill. For more information, contact Lauren Saunders at lsaunders@nclc.org or Scott Astrada at Scott.Astrada@responsiblelending.org.

Action NC; Albany Center for Economic Success, Inc.; Allied Progress; Americans for Financial Reform; Arbor Farm Press; Arizona Community Action Association; Arizona PIRG; Arkansans Against Abusive Payday Lending; Ashe County Habitat for Humanity; Asheville Area Habitat for Humanity; Baker Organizing School South.; Baltimore Neighborhoods, Inc; Billings First Congregational Church; Brazos Valley Affordable Housing Corp.; Bucks County Women's Advocacy Coalition; Business Outreach Center Network, Inc.; California Reinvestment Coalition; CALPIRG; Capital Good Fund; CARECEN–Central American Resource Center.

Carolina Behavioral Health Alliance; Carolina Jews for Justice; CASH Campaign of Maryland; Catalyst Miami; Catholic Charities of Southern New Mexico; CCCS of WNC, Inc. DBA OnTrack Financial Education & Counseling; Cedar Grove Institute for Sustainable Communities; Center for Economic Integrity; Center for Economic Integrity—New Mexico Office; Center for Financial Social Work; Center for Global Policy Solutions; Center for Responsible Lending; CEO Pipe Organs/Golden Ponds Farm; Children First/Communities In Schools of Buncombe County; Church Women United in North Carolina; Clarifi; CO PIRG; Coalition on Homelessness and Housing in Ohio; College Park: An American Baptist Church; Colorado Center on Law & Policy; Communications Workers of America (CWA).

Community Capital New York; Community Council of Metropolitan Atlanta; Community Economic Development Association of MI (CEDAM); Community Loan Fund of the Capital Region Inc.; Connecticut Association for Human Services; Connecticut Legal Services, Inc.; ConnPIRG; Consumer Action; Consumer Federation of America; Consumers Union; Covenant House of WV; Credit and Homeownership Empowerment Services Inc (CHES, Inc.); Credit Counseling Agencies of NC; Creighton College Democrats; Davidson Housing Coalition; Demos; Disability Rights North Carolina; Durham Regional Financial Center; East LA Community Corporation; Ecumenical Poverty Initiative; Empire Justice Center.

Faith in Action Alabama; Faith in Texas; Fayetteville Area Habitat for Humanity; Federation of Democratic Women DAC; Financial Pathways of the Piedmont; Florida Alliance for Consumer Protection; Florida Alliance for Retired Americans; Florida Consumer Action Network; Florida PIRG; Fons Law Office, representing consumers; Georgia PIRG; Georgia Watch; Gowen Consulting; Greater Ward's Corner Area Business Association (Virginia); Habitat for Humanity of Catawba Valley, Inc.; Habitat for Humanity of Davie County; Habitat for Humanity of Greater Greensboro; Habitat for Humanity of North Carolina; Heartland Alliance for Human Needs & Human Rights; Hispanic Baptist Convention of Texas; Hispanic Federation; HomesteadCS; Housing Consultants Group.

IDA and Asset Building Collaborative of NC; Illinois People's Action; Illinois PIRG; Indiana Assets & Opportunity Network; Indiana Institute for Working Families; Indiana PIRG; Innovative Systems Group; Iowa PIRG; Jesuit Social Research Institute at Loyola University New Orleans; Just Harvest; Kentucky Equal Justice Center; La Casa de Don Pedro; Legal Aid Justice Center (Virginia); Legal Aid Society of Milwaukee; Legal Services of Southern Piedmont; Long Island Housing Services, Inc.; Louisiana Budget Project; Lutheran Episcopal Advocacy Ministry NJ; Lutheran Advocacy Ministry—New Mexico; Maine Center for Economic Policy; Maryland Consumer Rights Coalition; Maryland PIRG; MASSPIRG; Metropolitan Milwaukee Fair Housing Council.

MICAH; Mobilization for Justice, Inc.; Montana Organizing Project; Montebello Housing Development Corporation; MoPIRG; Mountain State Justice; NAACP; NAOMI; National Association of Consumer Advocates; National Association of Social Workers West Virginia Chapter; National Consumer Law Center (on behalf of its low-income clients); National Rural Social Work Caucus; Native Community Finance; NCPIRG; New Economics for Women; New Economy Project; New Jersey Appleseed Public Interest Law Center; New Jersey Citizen Action; New Jersey Tenants Organization; New Mexico Fair Lending Coalition; NHPIRG; NJPIRG; North Carolina A. Philip Randolph Institute, Inc.

North Carolina Assets Alliance; North Carolina Council of Churches; North Carolina Housing Coalition; North Carolina Institute of Minority Economic Development; North Carolina Justice Center; North Carolina PIRG; North Carolina Rural Center; North Carolina State AFL–CIO; North Carolina United Methodist Conference; North Dakota Economic Security and Prosperity Alliance; OhioPIRG; Oklahoma Policy Institute; Oregon PIRG; PennPIRG; Pennsylvania Council of Churches; Pennsylvania Military Officers Association of America; Pennsylvania War Veterans Council; People's Action Institute; Philadelphia Unemployment Project; Piedmont Housing Alliance (Virginia); PIRG in Michigan; Power New Mexico.

Prince George's CASH Campaign; Prosperity Indiana; Prosperity Works; Public Justice; Public Justice Center; Public Law Center; Reinvestment Partners; Rural Dynamics, Inc.; Safety MD LLC; Samaritan Ministries; Sisters of Charity of Nazareth Congregational Leadership; Sisters of Charity of Nazareth Western Province Leadership; Sisters of Mercy South Central Community; Southern Poverty Law Center; Statewide Poverty Action Network; Step Up Savannah; Tabor Community Services; Tennessee Citizen Action; Texas Appleseed; TexPIRG; The AMOS Project; The Bell Policy Center; The Episcopal Diocese of North Carolina; The Midas Collaborative; The One Less Foundation.

Tuscaloosa Citizens Against Predatory Practices; Tzedek DC; U.S. PIRG; Unitarian Universalist Pennsylvania Legislative Advocacy Network; UNITE HERE; United for a Fair Economy; University of Wisconsin Law School, Consumer Law Clinic; Virginia Citizens Consumer Council; Virginia Interfaith Center for Public Policy; Virginia Organizing; Virginia Poverty Law Center; Virginians Against Payday Lending; VOICE Oklahoma City; WASHPIRG; Watauga County Habitat for Humanity; WESST; West Virginia Center on Budget and Policy; West Virginia Citizen Action Group; WISDOM; WISPIRG; Women AdvaNCe; Woodstock Institute; WV Citizen Action Group.

STATE OF NEW YORK,
OFFICE OF THE ATTORNEY GENERAL,
June 7, 2017.

Re The Financial CHOICE Act of 2017 (H.R. 10).

Hon. PAUL RYAN,
Speaker, House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.
Hon. KEVIN MCCARTHY,
Majority Leader, House of Representatives, Washington, DC.
Hon. STENY HOYER,
Minority Whip, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN, MAJORITY LEADER MCCARTHY, MINORITY LEADER PELOSI, AND MINORITY WHIP HOYER: On behalf of the undersigned State Attorneys General and the Executive Director of the Office of Consumer Protection for the State of Hawaii (the ''States''), we write to express our strong opposition to H.R. 10 (the ''Act''), which we understand the full House of Representatives intends to vote on this week. The proposed Act will eliminate many of the critical consumer protections implemented as a result of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank'') in the wake of, and in response to, the financial crisis. As the chief consumer protection officers in each of our respective States, we write to call your particular attention to those portions of the Act that would effectively eviscerate the role of the Consumer Financial Protection Bureau (''CFPB''), the only independent federal agency exclusively focused on consumer financial protection. While the Act purports to protect consumers from over-regulation by federal agencies, its far-reaching consequences would make consumers more vulnerable to fraud and abuse in the marketplace. The undersigned States support the work of the CFPB and oppose any effort to curtail its authority. While we find numerous provisions of the Act to be objectionable, we write to highlight certain provisions that would significantly impact consumer protection — a core function of our States.

I. BACKGROUND

Our States' work to protect consumers from unscrupulous marketplace actors and practices is greatly enhanced when the federal government serves as an effective partner. In the years leading up to the global financial crisis, residents of our States suffered the consequences of a federal government that failed to fulfill its basic obligations to U.S. consumers to prevent fraud and misconduct by mortgage providers, servicers, and other financial firms. Families nationwide suffered dire financial consequences as a result of lax federal oversight and inaction.

Since its inception, the CFPB has emerged as the independent federal consumer watchdog the nation has long needed, and as a key partner in critically important consumer protection work undertaken by our States and by State Attorneys General across the country. The exceptional record of the CFPB speaks for itself. As of January 1, 2017, the CFPB has handled over one million consumer complaints, and obtained $11.8 billion in relief for 29 million consumers. The CFPB has taken enforcement actions to stem abuses by student loan originators and servicers, for-profit schools, debt collectors, credit reporting agencies, payday lenders, and foreclosure ''rescue'' companies, among others. Among its more recent, significant enforcement actions have been cases against

mortgage servicer Ocwen Financial Corporation for widespread mortgage servicing failures, including improperly calculating balances, misapplying payments, and failing to investigate consumer complaints, student loan servicer Navient for student loan servicing abuses, including failing to notify struggling borrowers of their eligibility for income-based repayment plans and steering such borrowers into more costly forbearance plans—and Wells Fargo bank for its widespread practice of opening unauthorized bank and credit card accounts for consumers. In addition, as part of its statutory mandate, the CFPB has conducted thorough and nuanced studies of complex financial issues that impact consumers and has issued rules intended to protect consumers in a thoughtful, consensus-driven manner.

II. THE DEVASTATING EFFECTS OF THE ACT ON CONSUMER PROTECTION

The Act would effectively cripple the CFPB from doing the job it has been doing so effectively since its inception.

A. THE ACT WOULD ELIMINATE THE CFPB'S RULEMAKING AND ENFORCEMENT AUTHORITY OVER UNFAIR, DECEPTIVE, AND ABUSIVE ACTS AND PRACTICES

Section 736 of the Act would eliminate the CFPB's authority to prohibit unfair, deceptive, and abusive acts and practices (''UDAAP''). The CFPB's authority to prohibit entities it supervises from engaging in UDAAP violations has been the basis for many of the CFPB's most significant enforcement actions, including the Ocwen, Navient, and Wells Fargo matters discussed above. In addition, several of the undersigned States have jointly filed cases with the CFPB against businesses and individuals engaged in unfair, deceptive, or abusive practices. UDAAP authority gives the CFPB the flexibility to respond swiftly to new technologies and practices that harm consumers, without the need to wait for legislation expressly addressing a given practice.

B. THE ACT WOULD ELIMINATE THE CFPB'S SUPERVISION AND ENFORCEMENT AUTHORITY OVER LARGE BANKS

Section 727 of the Act would similarly eliminate the CFPB's supervision and enforcement authority over large banks and permit financial institutions that meet certain criteria to elect to be exempted from the CFPB's supervisory authority. This provision is concerning in a number of ways, not the least of which is that it is through the supervision process that the CFPB often learns of systemic issues in the companies and industries it regulates. The CFPB is the only federal agency that has been conducting consumer protection reviews as the focus of their supervisory authority (rather than safety and soundness), which is important for the reasons previously discussed. In addition, many of the CFPB's enforcement actions have been against the large banks.

C. THE ACT WOULD ELIMINATE THE CFPB'S AUTHORITY TO REGULATE PAYDAY AND VEHICLE TITLE LOANS

Section 733 of the Act expressly prohibits the CFPB from engaging in any rulemaking or enforcement with respect to payday and vehicle title loans. Payday lending, as the CFPB's own extensive research has documented, has adversely affected the lives of millions of financially vulnerable consumers across the country. The CFPB has been at the forefront of curbing abuses in the payday lending industry and has supplemented state enforcement by taking enforcement actions against payday and other lenders that are attempting to collect on loans that are void under state law. The CFPB has been similarly aggressive in uncovering and confronting abuses in the vehicle title loan industry, where consumers, risk the loss of their vehicle (with the corresponding loss in mobility) if they find themselves unable to repay their loans. The Act will strip the CFPB of all authority in these areas, including its enforcement authority and the ability to adopt sensible and common sense rules to prevent consumers from falling into debt traps that are often the result of payday and vehicle title loans.

D. THE ACT WOULD PERMIT THIRD PARTY DEBT COLLECTORS TO CHARGE USURIOUS INTEREST RATES

Section 581 of the Act would restrict states' abilities to enforce interest rate caps. Currently, there are no federal interest rate caps that cover financial products and services offered by national banks. Rather, national banks are permitted to export the interest rate of their home state and disregard the more stringent interest rates of other states in which they do business. Section 581 of the Act would add language to four federal statutes to provide that, when a national bank sells or assigns debt covered by the National Bank Act, the buyer or assignee has the right to collect that same interest rate, regardless of the law of the state where the buyer or assignee is located. This would make it more difficult to ensure that debt buyers, online lenders, fintech companies, and rent-a-bank schemes comply with state interest rate caps. It is essential to preserve the ability of individual states to enforce their existing usury caps and oppose any measures to enact a federal law that would preempt state usury caps.

E. THE ACT WOULD ELIMINATE THE CFPB RULEMAKING AUTHORITY REGARDING MANDATORY ARBITRATION

Section 738 of the Act would repeal the provision of Dodd-Frank that granted the CFPB authority to study and issue rules regarding arbitration in financial services contracts. Dodd-Frank expressly authorized the CFPB to study arbitration provisions in financial services contracts, and to issue regulations prohibiting or restricting such provisions if the CFPB concluded that doing so would be ''in the public interest and for the protection of consumers.'' After a thorough review, the CFPB concluded that tens of millions of Americans use financial products or services subject to mandatory arbitration clauses that prohibit proceeding on a class basis and that the effect of such provisions is to prevent consumers from seeking redress, particularly for small dollar claims. Elimination of the CFPB's authority in this area can only operate to the detriment of consumers.

F. THE ACT WOULD REDUCE TRANSPARENCY AND DEPRIVE CONSUMERS OF A VALUABLE SOURCE OF INFORMATION

Finally, the Act would end the CFPB's current practice of publicly posting information concerning individual consumer complaints in a searchable database. This information helps consumers make informed decisions about the companies with which they choose to do business, and increases transparency in the marketplace. Eliminating the release of this information provides no benefit to consumers, but only to companies whose practices generate repeated complaints.

III. CONCLUSION

For these and other reasons, the undersigned States urge you to support robust and engaged consumer protection in the financial services industry by voting against the Act. A rollback of these significant post-financial crisis rules and regulations would substantially harm consumers and the public in general. If we can provide any further information or assistance, please do not hesitate to contact us.

Respectfully submitted,

Eric T. Schneiderman, New York Attorney General;
Xavier Becerra, California Attorney General;
George Jepsen, Connecticut Attorney General;
Matthew Denn, Delaware Attorney General;
Karl A. Racine, Attorney General for the District of Columbia;
Douglas S. Chin, Hawaii Attorney General;
Stephen H. Levins, Executive Director, Hawaii Office of Consumer Protection;
Lisa Madigan, Illinois Attorney General;
Tom Miller, Iowa Attorney General;
Janet T. Mills, Maine Attorney General;
Brian E. Frosh, Maryland Attorney General;
Maura Healey Massachusetts Attorney General;
Lori Swanson, Minnesota Attorney General;
Jim Hood, Mississippi Attorney General;
Josh Stein, North Carolina Attorney General;
Ellen F. Rosenblum, Oregon Attorney General;
Josh Shapiro, Pennsylvania Attorney General;
Peter F. Kilmartin, Rhode Island Attorney General;
T.J. Donovan, Vermont Attorney General;
Mark R. Herring, Virginia Attorney General;
Bob Ferguson, Washington State Attorney General.

Mr. POLIS. Mr. Speaker, States can, and do, like my own State of Colorado, put limitations on the interest rates of installment loans issued by nonbanks. Banks, on the other hand, have the preemption of State interest rate caps through the National Bank Act.

So in order to get around State interest rate caps, payday lenders often use a bank to originate a loan at a higher interest rate, but the nonbank designs the loan, provides the funding for the loan, services the loan, and guarantees any losses the bank incurs. In all but in name, it is the nonbank entity that is the loaning entity. Essentially, the payday lender is the de facto lender and the bank is simply a nominal participant to evade regulations. These are referred to as ''rent-a-charter'' schemes, and they are not new.

In the early 2000s, Federal banking regulators shut down several of these arrangements between national banks and nonbank lenders. In 2014, the OCC made it clear that banks may not rent out their charters to third parties. Right now, our Federal banking regulations are able to contain these schemes, but this legislation would undermine our ability to stop abusive and predatory practices.

States are leading the effort to stop abusive lending practices. In my home State of Colorado, there is actually a lawsuit challenging this very scheme.

And now that the new Director of the Consumer Financial Protection Bureau has delayed a final rule that would have helped protect borrowers, it is actually up to the States to help protect

consumers, and this bill would make it harder. This bill would cripple States', like Colorado's, efforts to stop predatory lending from preying on their citizens.

The Republican assault on States' rights has gone from bad to worse. This is yet another part of the big government Republican war on consumers across the country preempting States' rights for Washington, D.C., control.

It seems the Republicans want to control everything from Washington. That is why we need to make sure that our States are empowered to have the ability they need to protect consumers and protect our law.

Lately, there has been an increased focus on fintech companies and how they can help serve the unbanked or underbanked. And I agree. I am a big supporter of financial innovation and promote financial inclusion, but we can't do that at the expense of consumers or at the very high cost of putting consumers into cycles of debt, which ends badly.

Why are we considering legislation that would put all of the power in Washington, D.C., and take away State-level protections for consumers?

Instead, we should be finding ways to increase access to affordable credit, make it easier for consumers to access the financial services that meet their needs, rather than trying to force a Republican Washington solution on all of the States across our country.

We are considering this bill under a closed rule. There is only one amendment filed to this bill, and it is not even allowed to be debated about, no less voted on.

Now, I want to talk about the other bill under this rule. H.R. 3978, the TRID Improvement Act, is actually a package of several bills that came out of the House Financial Services Committee, some which are more controversial than others. Title I of the package, the TRID Improvement Act, was reported out by a 53–5 vote, and all the Republicans and Democrats supported Title V of the package, Eliminating Barriers to Jobs for Loan Originators.

I support Title II, the Protection of Source Code Act, that is being included in this package. I also support Representative FOSTER's amendment to that title, which would provide additional clarification to the subpoena requirement and would only apply to the source for algorithmic trading.

The problem is that it takes several bills that have broad bipartisan support and combines them with other bills that should be considered separately, which is forcing Democrats and Republicans to weigh the package as a whole. We simply can't know the ramifications of considering all these bills at the same time, especially when they haven't had hearings on the individual components.

Finally, H.R. 620, the ADA Education and Reform Act, is, in many ways, the most damaging bill that is discussed under this rule.

We are celebrating the Americans with Disabilities Act that was signed into law 28 years ago to really allow Americans with disabilities to have every kind of opportunity that everybody else does, free from discrimination in the workplace, schools, and transportation. It was a landmark bipartisan effort.

Title III of the Americans with Disabilities Act prohibits places of public accommodation from discriminating against individuals with disabilities and sets a minimum reasonable standard for accessibility, which has been the law of our land for three decades.

H.R. 620 would make it more difficult for people with disabilities to have their rights guaranteed under the Americans with Disabilities Act. Under this bill, instead of requiring the public establishment to comply with the ADA, the burden should shift to the victim of the discrimination to prove a violation has occurred. You are forcing disabled Americans to go around with clipboards and inspector goggles, rather than forcing businesses to comply. It is simply not fair.

It has been nearly three decades since the Americans with Disabilities Act was signed into law. All title III of the ADA requires is that businesses make their facilities accessible to the extent that it is readily achievable—a very reasonable burden under the law. Businesses have flourished over the last three decades and we have had continued economic growth.

I have heard from so many of my constituents about this bill, including Cari Brown, a systems advocacy specialist with the Arc of Larimer County, serving disabled residents. She said: ''The standards set forth in the ADA are designed to ensure that people with disabilities can access basic public accommodations. Requiring people with disabilities to file a complaint to enforce compliance of a 28-year-old law is a step backwards.''

I think this is a Republican plan to turn everybody with disabilities into an attorney, because that is what they are going to need to be to be able to assert the rights that they already have under the law.

There is significant, if not universal, opposition to H.R. 620 from health and disabilities advocacy groups, including, but not limited to: Disability Rights Education and Defense Fund, Epilepsy Foundation, The Bazelon Center, the National Council on Disabilities, the American Association of People with Disabilities, and the Consortium for Citizens with Disabilities.

We knew, Mr. Speaker, that this President has mocked and taken on Americans with disabilities, but I frankly thought it was above the Republicans in Congress to join President Trump in assaulting the rights of those with disabilities.

H.R. 620 will not allow people with disabilities to immediately file ADA violations, essentially denying access to buildings due to a lengthy legal process.

Who has time to wait several years to access a building that you need to be in because of your job?

It simply doesn't make sense. That means that people with disabilities will wait weeks, months, or years just to gain the access that is required under law.

For businesses, there is simply no incentive to adhere to ADA guidelines. All of this combined harms disabled Americans and weakens the legal protections that, for decades, Republicans and Democrats have been proud of in the Americans with Disabilities Act.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). Members are reminded to refrain from engaging in personalities toward the President.

Mr. COLLINS of Georgia. Mr. Speaker, there are a lot of things that we can agree or disagree on here, but one of the things, from my position, especially with a daughter who has a handicap—this is not an insult to disabilities. It is actually keeping them from being abused and used by folks who don't even have a disability suing and asking for money and not really caring if the issue gets fixed or not.

At the end of the day, which would somebody rather have: a person in a wheelchair have something fixed, or have someone pay an attorney off so that they can make some money?

Let's at least put this in context of what it truly is.

Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from California (Mr. ROYCE).

□ 1245

Mr. ROYCE of California. Mr. Speaker, I am rising in strong support of the rule on the underlying bill.

Included in this package of bills before us today is the National Securities Exchange Regulatory Parity Act. This is a bipartisan bill, and it is to ensure that future regulation can keep pace with—and not stifle—innovation in our equity markets.

The SEC's interpretation of the current law has created a two-tiered playing field by giving unintended preferential treatment to three named exchanges. Now, one of those three no longer exists.

Enactment of the National Securities Exchange Parity Act would strike references to particular stock exchanges in the 1933 Securities Act, and the bill would make it clear that the blue sky exemption from State-by-State registration is extended to all national securities exchanges registered with the SEC.

So why is that particular exemption important? If you were to ask anyone from Massachusetts, for example, who tried to invest in Apple during its IPO, State regulators banned the stock for being ''too risky'' under rules ''aimed at weeding out highfliers that didn't have solid earnings foundations.''

Today, Apple is up 43,000 percent and is flirting with a $1 trillion market cap.

The bill before us today increases the number of securities that will not be forced to register on a State-by-State basis, while maintaining important investor protections.

The SEC is and will remain the primary enforcement agency of securities fraud. This bill in no way impacts the SEC's oversight or enforcement authority. The SEC must also still approve individual exchange listing standards; they simply won't be allowed to preset the standards.

State-by-State securities registration not only potentially locks out investors from promising opportunities like Apple, but it can have significant negative economic consequences by chilling public offerings and, obviously, innovation.

The National Securities Exchange Parity Act encourages new exchanges to become listing venues and a source of capital for companies looking to go public, to expand, and to hire more workers.

The bill is identical to language included in the larger regulatory reform package already passed by the Senate Banking Committee, and I urge my colleagues on both sides of the aisle to support this commonsense, technical fix. It is good for market competition. It is good for capital formation. I urge passage of the rule and the underlying bill.

Mr. POLIS. Mr. Speaker, I yield 5 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, as the first quadriplegic elected to Congress, I am here today not just as a Member of Congress, but as someone here with a disability—and, I hope, providing a voice for so many in our country who also have disabilities—to give my perspective on H.R. 620, the misnamed ADA Education and Reform Act.

Mr. Speaker, the Americans with Disabilities Act was passed nearly 30 years ago as an enduring promise to an entire population of Americans that discrimination on the basis of disability, including access to public accommodations, will not be tolerated.

Now there have been decades for people and organizations to understand and implement provisions of the ADA. And for those who are just learning about the ADA or who need a refresher on the law, there are many free resources that provide information and technical assistance.

The ADA provides a lifeline to so many who need access to classrooms, restrooms, businesses, restaurants, transit, and so much more. I recognize that there are some individuals who are unfairly targeted in States that have failed to protect against things like these ''drive-by lawsuits.''

But the root of the problem is not the ADA; it is the unscrupulous lawyers who take advantage of State laws that go beyond the Federal law to permit monetary damages. Now, the ADA does not allow people to sue for compensatory or punitive damages, only injunctive relief, meaning that they solve the problem.

H.R. 620 does nothing to address the problem happening at the State level, nor does it target immoral lawyers. Instead, it sacrifices the rights of millions by reducing the impact and protections of the ADA which so many have come to depend on. It does so by creating a ''notice and cure'' regime, as it is called, that will create an obvious disincentive for ADA compliance.

The idea that addressing architectural barriers with a written notice that gives 60 days to acknowledge receipt of a complaint and then 120 days to demonstrate ''substantial progress'' in the removal of an obstruction ignores the tenets of the ADA that support an indisputable right to inclusion and respect; and it tells people with disabilities that we are not worthy of inclusion until someone is caught, and even then, a remedy is not guaranteed.

Mr. Speaker, I am grateful that the Rules Committee chose to make in order the bipartisan amendment that I will offer with my colleague and co-chair of the Bipartisan Disabilities Caucus, Representative GREGG HARPER; but, to be frank, this bill should never have been reported out of the Judiciary Committee in the first place, much less to the floor.

Mr. Speaker, H.R. 620 is a blunt tool that wrongfully impedes the right of people with disabilities. If H.R. 620 passes with any kind of notice and cure period, we will return to the days when discrimination was commonplace, and it will be because elected officials voted to remove civil rights instead of protecting them.

Mr. COLLINS of Georgia. Mr. Speaker, I yield such time as he may consume to my colleague from Arkansas (Mr. HILL).

Mr. HILL. Mr. Speaker, I appreciate the opportunity to come before the House during this rules debate on this package of bipartisan bills that have been worked on for two Congresses now and that address a number of issues that I think Members on both sides of the aisle and our committee recognize would improve the capital market system, improve access to capital for business and consumers, and, also, reduce the red tape, the bureaucracy associated with trying to run a community bank and provide services to our consumers, both businesses and families, that has been made so challenging since the passage of the Dodd-Frank Act almost 8 years ago.

You know, I was coming to Washington yesterday, and I was reading the weekend business section. There was a story there about Richard Griffin from Crossett, Arkansas, who has owned a community bank there for decades. It is about a $30 million, $35 million bank.

He just said that, with his 13 employees, he just couldn't comply with the level of regulatory burden following Dodd-Frank that was so geared to our biggest financial institutions, our most complex financial institutions, companies like those headquartered up in New York. He just felt compelled to exit the business and leave that town, leave the local board of directors, the local management team, and turn it over to an out-of-State company.

Crossett, Arkansas, is a fine town, and it deserves a good banking presence by a number of competitors, home to Georgia-Pacific and all of their activities there.

Mr. Speaker, these bills are, as I say, bipartisan, and they are needed across this country. Let me just touch on a few of them.

The ones that I think provide the most benefit to community bankers and businesses and customers of those local banks are, first of all, Mr. STIVERS' bill, which eliminates a barrier, a well-intended licensing provision if you wanted to make mortgage loans after the '08 crisis.

Congress thought it was a good idea to make sure that mortgage lenders were qualified, so they made them get a license. We can debate whether that was too much work or not or whether it was worthwhile or not. They made bankers get it and nonbanks.

But in this bill, Mr. STIVERS simply says, if you are going to try to change jobs and you hold a mortgage license, that you just have a transition period where you don't have to go requalify for that if you are going to work for a nonbank or you are going to work for somebody in another State. It only passed our committee 60–0, so it doesn't get much more bipartisan than that. That will help banks reduce red tape, recruit loan officers, and get them to work faster serving customers.

Likewise, the TRID Improvement Act of 2017 is something that I worked on in a variety of ways, and it is included in this package. It allows States where you can buy both a personal policy for your title insurance as well as the title coverage for a closing to show you the real discount.

Mr. Speaker, the real irony here is that, when ELIZABETH WARREN was a staffer and a college professor, one of her goals for the CFPB was simplification, that we take all these complicated forms and we would make them easier to use.

Well, here is an example of the exact opposite. The new Truth in Lending forms for real estate settlements were made more complicated. After 8 years of dealing with it, this was a classic example of trying to make it simpler.

Let's actually show the consumer what the real closing costs are for their title insurance. This will speed mortgage closings. This will reduce errors in mortgage closings. This will reduce consumer confusion about the so-called Know Before You Owe rule. I would argue this rule has made it much more difficult to know what you owe before you borrow it, and this is a small step in improving that.

Mr. Speaker, these things help our community banks.

There is one other in this package we are considering today, Mr. MCHENRY's bill, which allows community banks that originate loans, consumer loans, commercial loans, that are selling those loans to a nonbank, a nonbank servicer or a nonbank packager, to be able to pass through the rate that they originated the loan for. There was a Supreme Court case that has made that more complicated, that said you can't pass through the rate and that State banking laws don't preempt our State usury laws for this kind of work.

So I commend Mr. MCHENRY for this, because this improves liquidity to our community banking system and, again, lowers rates for consumers, makes products more accessible, and makes our small community banks more competitive.

I will close by just touching on a couple of other measures that I think help businesses, help capital markets, help capital flow.

One, you just heard my friend from California (Mr. ROYCE) talk about his bill. That will help capital markets flow. That will create parity among our exchanges, lowering costs for companies that want to go public and have their action there, raise capital on the public markets.

Mr. DUFFY has a bill that requires the SEC to actually get a subpoena if they want to get source code from a capital markets provider, someone who is managing money, someone who is offering to manage portfolios or offer a mutual fund company, and this is very, very helpful. I think, when you want to get your secret sauce for your business and the government wants it, they ought to have a subpoena.

That is all that this bill does. It doesn't change the rules about that. It doesn't change anything other than saying, if you want this information, you ought to go and get a subpoena, and I believe that will improve capital formation.

So, Mr. Speaker, these are good bills. These are bipartisan bills. These are bills that we have worked on for two Congresses that will help consumers, increase access to credit, lower the cost of that credit, and increase capital flows to the business sector to support the growth that the American people want.

I appreciate the Rules Committee allowing me to speak on these bills. I appreciate Chairman HENSARLING putting them together.

And to my friends on the other side, these are bills that went through regular order.

□ 1300

These are bills that are bipartisan. These are bills that have the support of the opposition. We have put them together in a bipartisan package today under this rule because our friends down the hall in the United States Senate are rapidly moving a bipartisan package of improvements for our capital markets and our banks, something that we want, something that we have waited some 8 years for. So this allows us to work better with our colleagues over in the Senate, where 14 Democrats have partnered with Senator CRAPO on the Banking Committee to move bipartisan legislation that will help us grow our economy.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

President Trump continues to, frankly, offend our sensibilities and values by insisting that somehow Democrats don't care about fixing DACA. Well, I would beg to differ. This is the 22nd time we have tried to bring the bipartisan bill, H.R. 3440, the Dream Act, to the House floor for a vote.

We have made our position clear. We want immigration policies that reflect our values, that make America safer, while realizing, of course, that we are a nation both of laws and of immigrants.

Yesterday, the U.S. Chamber of Commerce again urged Congress to pass legislation that provides permanent relief for Dreamers. Even the conservative Cato Institute estimates that deporting Dreamers would result in a $280 billion reduction in economic growth over the next decade.

Mr. Speaker, if we don't care about the families, about the young people affected, surely you care about $280 billion that will be lost if Republicans fail to act. Protecting these aspiring Americans is not only the right thing to do morally, it is the right thing to do for our country and for our economy.

If we defeat the previous question today, for the 23rd time, I will offer an amendment to the rule to bring up H.R. 3440, the Dream Act. This bipartisan, bicameral legislation would finally help hundreds of thousands of young people who are American in every way except for on paper.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CORREA) to discuss our proposal.

Mr. CORREA. Mr. Speaker, again, I stand on this floor to speak about the Dreamers, and this time I ask a simple question: What happened?

For months here in Washington, we couldn't pass a budget; we refused to pass a budget. Numerous continuing resolutions were brought up. We even shut down government, and the press talked about the Dreamers. It was all about the Dreamers.

Yet, last week, after the budget spending caps were raised for both military and nonmilitary expenditures, we got a budget, and that was a budget that was voted on by both Democrats and Republicans. So, I guess, ladies and gentlemen, this was not about the Dreamers because we still don't have a fix for the Dreamers.

Yet 80 percent of our public supports a fix for the Dreamers; 80 percent of our public supports a pathway to citizenship for our Dreamers; and even our President wants a fix for the Dreamers.

Why? Because all of us recognize that Dreamers are soldiers, teachers, police officers. They are, effectively, our friends and our neighbors. Yet here we are again today, not sure of the future for Dreamers in this country.

Folks, it is time to stop using Dreamers as political pawns in a bigger political chess game.

Last week, at the State of the Union, my guest was a Dreamer from my district. She is a college student majoring in chemistry, and I say to all of you, she is going to make a tremendous scientist. We need scientists in this country.

As you know, America is a land of immigrants, and all of us here are immigrants, and, as you know, 75 of our Fortune 500 companies are led by immigrants. We need more hardworking immigrants.

That is what Dreamers are. They are hardworking. They study hard, pay their taxes, follow the law, and, yes, ladies and gentlemen, Dreamers have been vetted. Let me repeat: Dreamers are immigrants who have been vetted. And yet today we still ask: What is going to happen to Dreamers?

Mr. Speaker, let's not live with any regrets. Let's not look back tomorrow, next year, 10, 20 years from now and say what we could have, should have, would have. Let's do the right thing, Mr. Speaker. Now is the time to act. Let's vote for our Dreamers. Let's vote on H.R. 3440, and let's do the right thing.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not sure what is worse, the fact that we are taking up legislation that would make it more difficult for Americans to gain access to buildings in their community, including buildings that they work in, or that we are considering legislation that makes it easier for payday lenders to prey on vulnerable consumers by forcing in Washington, D.C., Big Government Republican values on our States' rights; or is it worse that we are not taking up legislation to protect the hundreds of thousands of Dreamers at risk of deportation in the beginning of March unless we act?

My Republican colleagues are working hard to put Washington, D.C., Big Government ahead of people, to force people with disabilities to get law degrees and wander around with notepads to document when they are unable to get into a building, and putting payday lenders ahead of hardworking Americans.

Instead, we should be focused on finding bipartisan solutions to protect aspiring Americans from being forcibly deported from the only country that they know as home.

Mr. Speaker, I urge my colleagues to vote ''no'' on the rule and ''no'' on H.R. 3299 and H.R. 620, and I yield back the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the interesting thing is, as has been expressed by a couple of our speakers, especially on the Financial Services bills, these are bipartisan pieces of legislation that have come back. They have been vetted. They came before not only this body, many of them through the CHOICE Act, previously, but also have been coming back. And something that is really interesting is the bicameral, bipartisan process of making sure that capital and these Financial Services bills are actually something that we can move and can improve.

But I do, again, take a little bit of exception. And look, rhetoric is rhetoric, but deceit is also deceit in the sense that we don't talk about, especially in this ADA—I am not sure how opposing a bill that is designed to make improvements for folks and in protecting trial lawyers who can get people who do not even have disabilities to sue or to send a demand letter to get money without ever requiring that the business actually solve the problem. That is what has been missing in this debate today.

They can actually send a letter, say: Here is where our problem is. We are going to sue you, but if you send us X amount of dollars, that will do away with it—never concerned at all if the decision is actually making a difference in the business or the location. They don't care.

And, in fact, if you want to oppose this, then you are just actually, frankly, saying: That is a good idea. I like that. Let's just pick on businesses, and at the end of the day, you know those folks with disabilities, they are just our key to making more money.

That is wrong. My daughter is not a money-making proposition. That has got to cease.

We can disagree on ways about this. My friend from Rhode Island and I have talked about this a great deal. We are of the same mind and same agreement. We may disagree on somehow this is it and how to get there, but at the end of the day, the ADA is still there. The ADA is not going away. The ADA is not being gutted, and nobody is asking folks with disabilities to get law degrees. A lot of them have, and they are making a difference.

But one of the greatest emphases to a business that may have an impediment, they may have put something in the way, is for somebody with a disability to say: By the way, I can't get in here.

And most every business on Earth does not want to stand at the door and say: I don't want disability folks in my business.

No. They want to fix it because they want to do business. To say anything else is simply, unfortunately at times, tending to scare people for the wrong reasons.

If you want to defend trial lawyers and others who are willing to sue with nondisabled people, to sue businesses taking Google photographs of Google Maps and saying, ''This is a business that we are going to extort something from,'' then vote against this bill, but then explain to somebody in a wheelchair why you are using them and allowing these folks to use them for their profit motive. That is wrong.

We can find a lot of ways to find agreement here, but let's at least look at the situation on how it is.

So, with these Financial Services bills, they provide regulatory relief. They reduce unnecessary burdens. They are bipartisan. I am urging my friends and colleagues to take a look at the amendments because there are a lot of amendments that are going to come forward on these, especially the ADA bill and others.

Look at that. Listen to it. Talk about it. But at the end of the day, never forget what is actually happening here, and what we are actually seeing is something that we can make a difference in and we are looking to make a difference in.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and the underlying bill.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 736 OFFERED BY MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. COLLINS of Georgia. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adopting the resolution, if ordered, and

Motions to suspend the rules with regard to H.R. 3542 and H. Res. 129.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 15, as follows:

[Roll No. 72]

YEAS—228

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pittenger
Poe (TX)
Poliquin
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—187

Adams
Aguilar
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Welch
Wilson (FL)
Yarmuth

NOT VOTING—15

Barr
Bass
Boyle, Brendan F.
Byrne
Costa
Cummings
Denham
Duncan (SC)
Gutiérrez
Pearce
Perry
Posey
Rogers (KY)
Stivers
Watson Coleman

□ 1338

Messrs. PALLONE and DESAULNIER changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PERRY. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "Yea" on rollcall No. 72.

The SPEAKER pro tempore (Mr. FORTENBERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 187, not voting 16, as follows:

[Roll No. 73]

AYES—227

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Calvert
Carter (GA)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Poe (TX)
Poliquin
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack

Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—187

Adams
Aguilar
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Welch
Wilson (FL)
Yarmuth

NOT VOTING—16

Bass
Boyle, Brendan F.
Byrne
Carter (TX)
Costa
Cummings
Denham
Duncan (SC)
Gutiérrez
LoBiondo
Pearce
Posey
Rogers (KY)
Rokita
Stivers
Watson Coleman

□ 1350

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HAMAS HUMAN SHIELDS PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3542) to impose sanctions against Hamas for gross violations of internationally recognized human rights by reason of the use of civilians as human shields, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. WILSON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 15, as follows:

[Roll No. 74]

YEAS—415

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barragán
Barton
Beatty
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Bost
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (MD)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Butterfield
Calvert
Capuano
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Cook
Cooper
Correa
Costello (PA)
Courtney
Cramer
Crawford
Crist
Crowley
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Doyle, Michael F.
Duffy
Duncan (TN)
Dunn
Ellison
Emmer
Engel
Eshoo
Espaillat
Estes (KS)
Esty (CT)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gaetz
Gallagher
Gallego
Garamendi
Garrett
Gianforte
Gibbs
Gohmert
Gomez
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guthrie
Hanabusa
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Higgins (NY)
Hill
Himes
Holding
Hollingsworth
Hoyer
Hudson
Huffman
Huizenga
Hultgren
Hunter
Hurd
Issa
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (LA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lewis (MN)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCaul
McClintock
McCollum
McEachin
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Pallone
Palmer
Panetta
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pocan
Poe (TX)
Poliquin
Polis
Price (NC)
Quigley
Raskin
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Richmond
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Ruppersberger
Rush
Russell
Rutherford
Ryan (OH)
Sánchez
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Soto
Speier
Stefanik
Stewart
Suozzi
Swalwell (CA)
Takano
Taylor
Tenney
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—15

Bass
Boyle, Brendan F.
Byrne
Costa
Cummings
Denham
Duncan (SC)
Gutiérrez
Joyce (OH)
LoBiondo
Pearce
Posey
Rogers (KY)
Stivers
Watson Coleman

□ 1358

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to impose sanctions against Hamas for violating universally applicable international laws of armed conflict by intentionally using civilians and civilian property to shield military objectives from lawful attack, and for other purposes.''.

A motion to reconsider was laid on the table.

CALLING ON GOVERNMENTS TO INTENSIFY EFFORTS TO INVESTIGATE, RECOVER, AND IDENTIFY ALL MISSING AND UNACCOUNTED-FOR PERSONNEL OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 129) calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. WILSON) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 19, as follows:

[Roll No. 75]

YEAS—411

Abraham	Chu, Judy	Espaillat
Adams	Cicilline	Estes (KS)
Aderholt	Clark (MA)	Esty (CT)
Aguilar	Clarke (NY)	Evans
Allen	Clay	Farenthold
Amash	Cleaver	Faso
Amodei	Clyburn	Ferguson
Arrington	Coffman	Fitzpatrick
Bacon	Cohen	Fleischmann
Banks (IN)	Cole	Flores
Barletta	Collins (GA)	Fortenberry
Barr	Collins (NY)	Foster
Barragán	Comer	Foxx
Barton	Comstock	Frankel (FL)
Beatty	Conaway	Frelinghuysen
Bera	Connolly	Fudge
Bergman	Cook	Gabbard
Beyer	Cooper	Gaetz
Biggs	Correa	Gallagher
Bilirakis	Costello (PA)	Gallego
Bishop (GA)	Courtney	Garamendi
Bishop (MI)	Cramer	Garrett
Bishop (UT)	Crawford	Gianforte
Black	Crist	Gibbs
Blackburn	Crowley	Gohmert
Blum	Cuellar	Gomez
Blumenauer	Culberson	Gonzalez (TX)
Blunt Rochester	Curbelo (FL)	Goodlatte
Bonamici	Curtis	Gosar
Bost	Davidson	Gottheimer
Brady (PA)	Davis (CA)	Gowdy
Brady (TX)	Davis, Danny	Granger
Brat	Davis, Rodney	Graves (GA)
Bridenstine	DeFazio	Graves (MO)
Brooks (AL)	DeGette	Green, Al
Brooks (IN)	Delaney	Green, Gene
Brown (MD)	DeLauro	Griffith
Brownley (CA)	DelBene	Grijalva
Buchanan	Demings	Grothman
Buck	Dent	Guthrie
Bucshon	DeSantis	Hanabusa
Budd	DeSaulnier	Handel
Burgess	DesJarlais	Harper
Bustos	Deutch	Harris
Butterfield	Diaz-Balart	Hartzler
Calvert	Dingell	Hastings
Capuano	Doggett	Heck
Carbajal	Donovan	Hensarling
Cárdenas	Doyle, Michael F.	Herrera Beutler
Carson (IN)	Duffy	Hice, Jody B.
Carter (GA)	Duncan (TN)	Higgins (LA)
Carter (TX)	Dunn	Higgins (NY)
Cartwright	Ellison	Hill
Castor (FL)	Emmer	Himes
Castro (TX)	Engel	Holding
Chabot	Eshoo	Hollingsworth
Cheney	Hoyer	Hudson
Huffman	McEachin	Sánchez
Huizenga	McGovern	Sanford
Hultgren	McHenry	Sarbanes
Hunter	McKinley	Scalise
Hurd	McMorris Rodgers	Schakowsky
Issa	McNerney	Schiff
Jackson Lee	McSally	Schneider
Jeffries	Meadows	Schrader
Jenkins (KS)	Meehan	Schweikert
Jenkins (WV)	Meeks	Scott (VA)
Johnson (GA)	Meng	Scott, Austin
Johnson (LA)	Messer	Scott, David
Johnson (OH)	Mitchell	Sensenbrenner
Johnson, E. B.	Moolenaar	Serrano
Johnson, Sam	Mooney (WV)	Sessions
Jones	Moore	Sewell (AL)
Jordan	Moulton	Shea-Porter
Joyce (OH)	Mullin	Sherman
Kaptur	Murphy (FL)	Shimkus
Katko	Nadler	Shuster
Keating	Napolitano	Simpson
Kelly (IL)	Neal	Sinema
Kelly (MS)	Newhouse	Sires
Kelly (PA)	Noem	Slaughter
Kennedy	Nolan	Smith (MO)
Khanna	Norcross	Smith (NE)
Kihuen	Norman	Smith (NJ)
Kildee	Nunes	Smith (TX)
Kilmer	O'Halleran	Smith (WA)
Kind	O'Rourke	Smucker
King (IA)	Olson	Soto
King (NY)	Palazzo	Speier
Kinzinger	Pallone	Stefanik
Knight	Palmer	Stewart
Krishnamoorthi	Panetta	Suozzi
Kuster (NH)	Pascrell	Swalwell (CA)
Kustoff (TN)	Paulsen	Takano
Labrador	Payne	Taylor
LaHood	Pelosi	Tenney
LaMalfa	Perlmutter	Thompson (CA)
Lamborn	Perry	Thompson (MS)
Lance	Peters	Thompson (PA)
Langevin	Peterson	Thornberry
Larsen (WA)	Pingree	Tipton
Larson (CT)	Pittenger	Titus
Latta	Pocan	Tonko
Lawrence	Poe (TX)	Torres
Lawson (FL)	Poliquin	Trott
Lee	Polis	Tsongas
Levin	Price (NC)	Turner
Lewis (GA)	Quigley	Upton
Lewis (MN)	Raskin	Valadao
Lieu, Ted	Ratcliffe	Vargas
Lipinski	Reed	Veasey
Loebsack	Reichert	Vela
Lofgren	Renacci	Visclosky
Long	Rice (NY)	Wagner
Loudermilk	Rice (SC)	Walberg
Love	Richmond	Walden
Lowenthal	Roby	Walker
Lowey	Roe (TN)	Walorski
Lucas	Rogers (AL)	Walters, Mimi
Luetkemeyer	Rohrabacher	Walz
Lujan Grisham, M.	Rokita	Wasserman Schultz
Luján, Ben Ray	Rooney, Francis	Waters, Maxine
Lynch	Rooney, Thomas J.	Weber (TX)
MacArthur	Ros-Lehtinen	Webster (FL)
Maloney, Carolyn B.	Rosen	Welch
Maloney, Sean	Roskam	Wenstrup
Marchant	Ross	Westerman
Marino	Rothfus	Williams
Marshall	Rouzer	Wilson (FL)
Massie	Roybal-Allard	Wilson (SC)
Mast	Royce (CA)	Wittman
Matsui	Ruiz	Womack
McCarthy	Ruppersberger	Woodall
McCaul	Rush	Yoder
McClintock	Russell	Yoho
McCollum	Rutherford	Young (AK)
	Ryan (OH)	Young (IA)
		Zeldin

NOT VOTING—19

Babin	Denham	Posey
Bass	Duncan (SC)	Rogers (KY)
Boyle, Brendan F.	Graves (LA)	Stivers
Byrne	Gutiérrez	Velázquez
Costa	Jayapal	Watson Coleman
Cummings	LoBiondo	Yarmuth
	Pearce	

□ 1405

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Calling on the Department of Defense, other appropriate elements of the Federal Government, and foreign governments to resolutely continue efforts to investigate, recover, and identify all United States personnel designated as unaccounted-for from past wars and conflicts around the world.''.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF EMANCIPATION HALL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 103, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on April 9, 2018, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO REMOVE NAME OF MEMBER AS COSPONSOR OF H.R. 620

Ms. SEWELL of Alabama. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 620.

The SPEAKER pro tempore. The request of the gentlewoman from Alabama cannot be entertained.

PROTECTING CONSUMERS' ACCESS TO CREDIT ACT OF 2017

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 736, I call up the bill (H.R. 3299) to amend the Revised Statutes, the Home Owners' Loan Act, the Federal Credit Union Act, and the Federal Deposit Insurance Act to require the rate of interest on certain loans remain unchanged after transfer of the loan, and for other purposes, and

ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BRAT). Pursuant to House Resolution 736, the bill is considered read.

The text of the bill is as follows:

H.R. 3299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Consumers' Access to Credit Act of 2017''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the contractual doctrine of valid when made which, as applied to lending agreements, provides that a loan that is valid at inception cannot become usurious upon subsequent sale or transfer to another person;

(2) this important and longstanding principle derives from the common law and its application has been a cornerstone of United States banking law for nearly 200 years, as provided in the case Nichols v. Fearson, 32 U.S. (7 Pet.) 103, 106 (1833), where the Supreme Court famously declared: ''Yet the rule of law is everywhere acknowledged, that a contract free from usury in its inception, shall not be invalidated by any subsequent usurious transactions upon it.'';

(3) in 2016, the Solicitor General, in consultation with all Federal banking regulators, filed an amicus brief in the case of Midland Funding, LLC v. Madden, 136 S. Ct. 2505 (2016) (mem.), denying cert. to 786 F.3d 246 (2d Cir. 2015), that described the United States Court of Appeals for the Second Circuit in that case ''incorrect'' with an ''analysis reflect[ing] a misunderstanding'' of section 85 of the National Bank Act and Supreme Court precedent, because it contradicted the contractual doctrine of valid when made;

(4) the valid-when-made doctrine, by bringing certainty to the legal treatment of all valid loans that are transferred, greatly enhances liquidity in the credit markets by widening the potential pool of loan buyers and reducing the cost of credit to borrowers at the time of origination;

(5) a joint academic study from professors at Stanford, Fordham, and Columbia universities concluded that the Madden v. Midland decision has already disproportionately affected low- and moderate-income individuals in the United States with lower FICO scores; and

(6) if the valid-when-made doctrine is not reaffirmed soon by Congress, the lack of access to safe and affordable financial services will force households in the United States with the fewest resources to seek financial products that are nontransparent, fail to inform consumers about the terms of credit available, and do not comply with State and Federal laws (including regulations).

SEC. 3. RATE OF INTEREST AFTER TRANSFER OF LOAN.

(a) AMENDMENT TO THE REVISED STATUTES.—Section 5197 of the Revised Statutes (12 U.S.C. 85) is amended by adding at the end the following: ''A loan that is valid when made as to its maximum rate of interest in accordance with this section shall remain valid with respect to such rate regardless of whether the loan is subsequently sold, assigned, or otherwise transferred to a third party, and may be enforced by such third party notwithstanding any State law to the contrary.''.

(b) AMENDMENT TO THE HOME OWNERS' LOAN ACT.—Section 4(g) of the Home Owners' Loan Act (12 U.S.C. 1463(g)) is amended by adding at the end the following:

''(3) A loan that is valid when made as to its maximum rate of interest in accordance with this subsection shall remain valid with respect to such rate regardless of whether the loan is subsequently sold, assigned, or otherwise transferred to a third party, and may be enforced by such third party notwithstanding any State law to the contrary.''.

(c) AMENDMENT TO THE FEDERAL CREDIT UNION ACT.—Section 205(g) of the Federal Credit Union Act (12 U.S.C. 1785(g)) is amended by adding at the end the following:

''(3) A loan that is valid when made as to its maximum rate of interest in accordance with this subsection shall remain valid with respect to such rate regardless of whether the loan is subsequently sold, assigned, or otherwise transferred to a third party, and may be enforced by such third party notwithstanding any State law to the contrary.''.

(d) AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 27 of the Federal Deposit Insurance Act (12 U.S.C. 1831d) is amended by adding at the end the following:

''(c) A loan that is valid when made as to its maximum rate of interest in accordance with this section shall remain valid with respect to such rate regardless of whether the loan is subsequently sold, assigned, or otherwise transferred to a third party, and may be enforced by such third party notwithstanding any State law to the contrary.''.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act may be construed as limiting the authority or jurisdiction of the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Bureau of Consumer Financial Protection, or the National Credit Union Administration.

The SPEAKER pro tempore. The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to submit extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3299, the Protecting Consumers' Access to Credit Act of 2017, a most important goal of this Chamber. H.R. 3299 is an important bill that is cosponsored by a bipartisan group of Members of the House and was approved by the House Financial Services Committee with a very strong bipartisan vote of 42–17.

I would like to start out by thanking my colleague, the gentleman from North Carolina (Mr. MCHENRY), the vice chairman of the committee, for introducing this legislation and leading our congressional efforts to help create a regulatory framework which will encourage the growth of financial technology and expand much-needed access to credit for American small businesses and consumers.

H.R. 3299 is a legislative response to the 2015 Second Circuit Court of Appeals decision in Madden v. Midland Funding, which clearly appears to have not not considered the valid-when-made legal doctrine, which is a nearly 200-year-old principle of usury law in our Republic. Again, Mr. Speaker, 200 years of settled common law upended in one court case.

In the decision, the court held that, while the National Bank Act allowed a federally chartered bank to charge interest under the laws of its home State on loans it makes nationwide, nonbanks that bought those loans could not continue to collect that interest because nonbanks are generally subject to the limits of the borrower's State.

The Second Circuit decision has caused considerable uncertainty and risk for many types of bank lending programs, including bank model marketplace lending where national banks originate loans and then transfer them to nonbank third parties.

Being able to offer consistent terms nationwide is vital to scaling the marketplace lending business, which, in turn, allows lenders to access cheaper investment capital and then pass the savings on to the borrowers who may be looking to buy their first home, start a business, send a kid to college.

H.R. 3299, again, is a commonsense bill that simply codifies the 200-year-old valid-when-made legal doctrine, which would preserve the lawful interest rate on a loan originated by a bank even if the loan is sold, assigned, or transferred to a nonbank third party.

This fundamental concept is the backbone of how fintech companies partner with banks. Without it, consumers are faced with higher costs and less availability of credit, particularly those consumers with less access to traditional lending sources.

Mr. Speaker, don't take my word for it. According to a recent Columbia/Stanford University study, borrowers with credit scores under 625 have seen their credit cut in half, cut in half thanks to this decision. Again, Mr. Speaker, borrowers with less than stellar credit scores have seen their credit cut in half in the territory comprising the Second Circuit. We simply cannot allow this to happen.

Now, Mr. Speaker, thanks to President Trump and Congress passing the Tax Cuts and Jobs Act, we are beginning to see this economy start to take off. We are finally seeing wages begin to grow after 8 years of failed economic policy, but so much work remains to be done for working American families.

We have heard, on our Financial Services Committee, Mr. Speaker, from so many of these families who are trying to make ends meet, and it is just vital that they be able to access credit.

Americans like Alan from New Hampshire, who recently had trouble finding credit through traditional

banks and credit unions due to the regulatory load. As he explained: ''But for my local dealer's efforts on my behalf, there is no doubt I would not be driving my current car. And this was a desperate situation, as I am the sole income earner for my family. My wife is ill, and we have two young children in school. After my old vehicle broke down, I needed to find reliable replacement transportation so I could get to work and continue to provide for my family.''

Mr. Speaker, we should not let the Second Circuit prevent Alan from getting that car loan he desperately needs in order to get to work as the sole provider for his family.

A small-business owner from Utah named Maxine applied for a loan for her 37-year-old established business so she could update and purchase equipment to support a contract that would have led to the creation of 50 additional jobs. She explained: ''Three banks informed us that our rating, according to new bank regulations imposed by Dodd-Frank, disqualified us from loan consideration.''

Fifty jobs, poof, gone, Mr. Speaker.

So is not Dodd-Frank bad enough? Now we are going to add this Second Circuit opinion to deny credit, which, for lower credit score individuals, has cut credit opportunity in half?

I don't think so. I don't think so. It is not up for the unelected to make such decisions.

We cannot continue to allow, Mr. Speaker, Washington red tape and the Second Circuit to cut off credit opportunities for hardworking Americans. As the bill says: ''We must preserve and protect consumers' access to credit.''

I urge every Member to support this very important bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to H.R. 3299, or the so-called Protecting Consumers' Access to Credit Act of 2017. There is a good reason over 200 civil rights, consumer, faith-based, housing, labor, and veterans advocacy organizations oppose this bill. The type of credit that this bill helps consumers access is the kind that makes it easier for vulnerable consumers to sink into insurmountable debt like payday and other high-cost loans.

H.R. 3299 expands the ability of nonbanks to preempt State-level consumer protections by stating that the interest rate on any loan originated by a national bank that is subsequently transferred to a third party, no matter how quickly after it is originated, is enforceable, which incentivizes riskier and predatory lending. H.R. 3299 advances a dangerous precedent by allowing third parties that purchase loans from national banks to collect on interest rates that would otherwise be illegal because they exceed State caps.

Now, this bill is an attempt to overturn a court decision related to the legal concept of ''valid when made'' from the Second Circuit Court of Appeals in Madden v. Midland Funding, LLC. In that case, the court held that, when loans are transferred from banks to nonbank third parties, they must maintain the same terms, rates, and conditions as required by the State where the originating bank is chartered.

Despite claims by proponents of the bill, legal experts have explained in testimony that ''the valid-when-made doctrine is a modern invention, not a cornerstone of U.S. banking law.''

The Madden decision is only the rule of law in the States under the Second Circuit, which are Connecticut, New York, and Vermont. Some industry advocates, particularly marketplace lender fintechs, have argued the ruling and confusion about valid when made caused such great market ambiguity that it has resulted in reduced lending to needy borrowers in those States, but those claims have not been substantiated.

The only purported evidence we have on the effect of the Madden rule is a single, unpublished study that cannot even be peer-reviewed because it relies on private data from a single, unidentified marketplace lender, and the authors of that study have not endorsed this bill. In addition, 20 State attorneys general, including the attorneys general for all three States under the Second Circuit, oppose this legislative change.

But do you know what? Predatory lenders are worried about the Madden case for a different reason.

Elevate, an online payday lender, is afraid that they won't be able to continue making predatory loans if the Madden decision stays in place. In their public filings with the SEC, Elevate said:

> To the extent that the holdings in Madden were broadened to cover circumstances applicable to Elevate's business or if other litigation on related theories were brought against us and were successful, we could become subject to State usury limits and State licensing laws in addition to the State consumer protection laws to which we are already subject. In a greater number of States, loans in such States could be deemed void and unenforceable, and we would be subject to substantial penalties in connection with such loans.

Mr. Speaker, I do not doubt the sincerity of the good actors that may be trying to navigate a difficulty the Madden ruling potentially caused, but this is not just about those businesses, because H.R. 3299 would go much further to allow other third parties, including payday lenders, to evade or outright disregard State-level laws and collect debt from borrowers at unreasonably high rates of interest if they purchase loans from a national bank. These arrangements are called rent-a-bank or rent-a-charter agreements, and they allow payday lenders to use banks as a front for predatory behavior and the evasion of State interest rate caps.

Payday loans drain wealth from low-income consumers, particularly those in communities of color, and payday loans trap their borrowers into a cycle of debt that it takes years to climb out of with high interest rates that are often in excess of 300 percent.

So let's be clear. Instead of simply overturning the Madden decision, H.R. 3299 would go far beyond that and codify an expanded preemption power without any proof that it will benefit consumers. In fact, all we do know is that the bill will make it easier for bad actors to evade safeguards that States have put in place to protect borrowers.

We cannot advance a bill that will allow nonbanks like payday lenders to ignore State interest rate caps and make high-rate loans. While Congress has preempted some State laws for national banks, it did not authorize national banks to extend the privilege to whatever entities they so choose.

I urge my colleagues to oppose this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MCHENRY), vice chairman of the committee and sponsor of the legislation.

Mr. MCHENRY. Mr. Speaker, I want to thank the chairman for his kindness in working with me and my team on bringing this bill to the floor today, and I want to thank his staff as well.

What we have today is the Protecting Consumers' Access to Credit Act, a bipartisan piece of legislation that we have both Republicans and the Democrats in the Senate in support of as well as Democrats and Republicans here in the House of Representatives supportive of.

The issue we are dealing with is one of the biggest challenges facing our country, which is the decline of lending to consumers and small businesses in small towns and rural communities like the ones I represent in western North Carolina. It is the same issue facing so many in urban settings as well. This touches all of America.

But the story in rural America is bleak. Community banks are closing at a rapid pace, and small businesses are struggling to find loans. Many Americans don't have the savings to cover a common $1,000 emergency like a car repair. That is not just a rural issue; that touches all American communities.

The good news is, after the financial crisis, innovative companies and banks partnered together to find new ways to help hardworking Americans and small-business owners. They call it fintech.

These innovative companies partner with banks to help small businesses get a loan. They help young people get out of student debt. They help everyday Americans find the financing they need to lead better lives.

Now, this should be something heralded by both parties. It shouldn't be a partisan issue. It shouldn't be left or right, conservative or liberal. It is a good thing that is happening with innovation and different modes of lending and borrowing in this country.

And while this era of financial innovation is brand-new, the actual structure supporting fintech is based on one of the oldest bedrock principles in American law. The fundamental concept is called valid when made.

Valid when made, or what the Supreme Court referred to in 1833 as ''the cardinal rule'' of American interest rate laws, provides the legal foundation for how fintech companies partner with banks.

I don't have to share with the ranking member or other Members of our Chamber that banks are heavily regulated; and if they even partner with another firm, that, too, is a regulated thing. Yet all that changed when the Supreme Court declined to hear the case of Madden v. Midland Funding.

In Madden, activist judges on a Federal appeals court broke with a longstanding legal precedent of valid when made and, instead, held that the 1864 National Bank Act did not have a preemptive effect on loans created under this fintech bank partnership.

Now the legal framework has been around almost for 200 years, and the particular law that we are dealing with has been around for 150 years, roughly speaking. This decision, though, has created uncertainty for fintech companies, financial institutions, and credit markets generally.

According to a study from Columbia University and Stanford University, Madden significantly reduced credit availability in that affected region, and this matters for all Americans because of the effect it is having.

What we saw is loan volumes declined and the average FICO score for borrowers to get a loan increased. That means that, if you are on the margins of society, it got harder and more expensive for you to get lending. So it is a bad case. Simply put, this should not be happening, and if we are serious about financial inclusion for all Americans, we need this bill today. A bipartisan bill, we need it.

And if we are serious about modernizing our financial system, we need this bill passed into law. And if we are serious about helping everyday Americans, not just the fortunate few with unblemished credit, we need to pass this bill.

I am pleased this legislation enjoys support from my colleagues on both sides of the aisle. I want to thank Representative MEEKS, Democrat, of New York; Senator MARK WARNER, Democrat, of Virginia; and Senator PAT TOOMEY, Republican, of Pennsylvania, who worked hard on this bipartisan, bicameral legislation. It is important. It is needed. It will have a positive impact on people's lives.

All arguments that have been made against this bill on the floor don't actually focus on what is important and necessary about this legislation. They are straw men that don't have anything to do with the contents of this very simple, bipartisan piece of legislation.

Mr. Speaker, I ask my colleagues to vote for this.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KHANNA), vice chair of the Congressional Progressive Caucus.

Mr. KHANNA. Mr. Speaker, I rise in opposition to this bill, Protecting Consumers' Access to Credit Act.

I represent Silicon Valley, and I am not opposed to fintech. Let's be very clear: If there is technology that is going to make it easier for people to get access to capital, who is opposed to that?

But this has nothing to do with fintech. This has to do with basic State laws. The question is not: Are we going to go to the future? The question is: Are we going to go back to ''The Merchant of Venice'' when usury laws were allowed? That really is what the issue is.

What this bill does, just to be very clear, is it says: If you want to use fintech, if you want to use technology, now there is no law against being charged 380 percent interest.

Mr. MCHENRY. Will the gentleman yield?

Mr. KHANNA. I yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Speaker, is the gentleman asserting there is no law or Federal regulation against federally chartered banks giving loans to people?

Mr. Speaker, that is not simply the case.

Mr. KHANNA. Mr. Speaker, let me take back my comment.

Mr. Speaker, I understand the Second Circuit decision. The Second Circuit decision basically said that, if you are a bank and if you are a fintech company and you are in a rural part of the country—and I totally agree with the gentleman; we need more capital to rural America; we need more tech there. I admire Steve Case's work, the ''Rise of the Rest.''

But what the Second Circuit said is you can't partner with a national bank and preempt State law. So if North Carolina has a law saying you can't charge 400 percent interest, if there is a bank in New York or a bank in California that wants to charge 400 percent interest just because they have some magical fintech, they can't charge people 400 percent interest in North Carolina or Arkansas.

I am all for giving more capital at affordable rates and using technology to help rural America.

We have done a terrible job of that. I concede that point. But this is not the way to do that.

□ 1430

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. MAXINE WATERS of California. I yield an additional 1 minute to the gentleman from California.

Mr. KHANNA. This is going to hurt ordinary folks who can't make paycheck to paycheck, and they are going to have to pay these exorbitant interest rates.

Now, if the majority comes up with a bill that says we want to expand the SBA, we want to expand figuring out how to get venture capital into rural America, we want to expand the earned income tax credit so that people have more money in their pocket so that they can make a living and meet their daily expenses, I agree.

If they say, look, all the capital, 85 percent of the capital is in my district in Massachusetts and New York, and we have got to get the capital into other States, I agree.

But to say that just to use the word ''fintech'' and to say okay, because there is something that is going to allow the diffusion of capital, that that means that you should get rid of the State laws capping usury, that is really going back to the Victorian era. I mean, we had that debate. I was reading Shylock; that was what that was all about. They were charging four times as much, and I just don't think that that is what people want.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds just to say to the gentleman who says this is a majority bill, I would also point out it is supported by Congressman MEEKS, Democrat from New York; Congressman CLAY, Democrat from Missouri; Congressman SCOTT, Democrat from Georgia; Congressman CLEAVER, Democrat from Missouri; Congresswoman MOORE, Democrat from Wisconsin; Congressman PERLMUTTER, Democrat from Colorado; Congresswoman SINEMA, Democrat from Arizona, and the list goes on.

Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS), the vice chairman of our Subcommittee on Financial Institutions and Consumer Credit.

Mr. ROTHFUS. Mr. Speaker, just listening to some of this debate, it seems like some folks just want to find a way to vote ''no'' on this bill when there are many reasons to vote ''yes.''

I am pleased to rise today in support of Vice Chairman MCHENRY's bill, H.R. 3299, the Protecting Consumers' Access to Credit Act of 2017. I also want to commend him for his hard work on this very important issue.

Under the valid-when-made doctrine, the interest rate on a loan that complies with Federal law when it is made will remain valid, regardless of whether that loan is transferred to a third party. This is an important principle, and it is essential to maintaining a vibrant secondary market and fostering continued growth in the online lending industry.

The Second Circuit's decision in Madden v. Midland, which challenged the valid-when-made doctrine, introduced significant uncertainty and risk,

threatening both the secondary market and fintech lending partnerships. This ultimately hurts consumers.

At the Financial Services Committee, we have extensively discussed the difficulty that many Americans face in getting credit. Madden v. Midland will only intensify that challenge for families and Main Street businesses as it jeopardizes the ability of banks to sell loans into the secondary market.

If banks find it difficult to sell debt to nonbanks, a common and healthy practice, they will be forced to become more restrictive in offering credit, and they may do so at a higher cost. Because of this, fewer consumers will be able to access the funds they need to build, invest, and innovate.

Throughout the course of the slow and uneven postcrisis economic recovery, we settled into a two-speed economy. The biggest and richest and best-connected firms have done just fine. They have a relatively easy time accessing funds. Small businesses, however, have been struggling to keep up. In fact, many haven't even gotten off the ground.

Researchers found that our economy is currently missing 650,000 small businesses; that is 650,000 fewer businesses that can innovate, create jobs, and invest in our communities. And those 650,000 businesses would have represented 6½ million jobs, 6½ million taxpayers, 6½ million people contributing to help Social Security and Medicare and helping to pay for our veterans' care.

Anyone who travels this country talking to small-business owners knows that access to credit is a major cause. By codifying valid when made, this bill will help to address one of the most pressing threats to our economic recovery and the resurgence of American small business.

As the OCC's former Acting Comptroller Keith Noreika noted, this ''proposal supports economic opportunity.''

H.R. 3299 will help to keep credit flowing through to those who need it, while ensuring that consumers are protected. This is a commonsense fix that provides the market with the clarity needed to support continued economic growth. I urge my colleagues to support the Protecting Consumers' Access to Credit Act of 2017.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Both of the gentlemen, Mr. MCHENRY and Mr. ROTHFUS, who are advancing this legislation come from States that don't support it.

Mr. MCHENRY, North Carolina has banned payday lending. Mr. ROTHFUS, Pennsylvania has banned payday lending. And here you have a bill that would allow payday lenders to buy up debt from national banks and, basically, charge consumers whatever they would like to charge them. They would get around the ban of your own States. Do you really want to do this?

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PITTENGER), the vice chairman of the Terrorism and Illicit Finance Subcommittee.

Mr. PITTENGER. Mr. Speaker, I thank the chairman for his leadership, and I thank Congressman MCHENRY, also.

Mr. Speaker, I rise today to just, regretfully, say that this ruling, Madden v. Midland, is just another layer of Big Brother, a misguided ruling by some people of good intentions and goodwill, but the net effect is fewer choices for the American people.

Mr. Speaker, I think we have seen what has happened as a result of Dodd-Frank. We saw what happened to the American economy. We saw what happened to the American consumers.

Mr. Speaker, regrettably, it is the low-income, minority people who have suffered the most in the last decade as a result of the misguided regulations that were put upon the American people. Big Brother really doesn't have the answers.

What we do have is the opportunity to provide choices for the American people, and that is what H.R. 3299 is all about.

Mr. Speaker, in North Carolina, we have lost 50 percent of our banks because of this misguided regulatory overmanagement by the Federal Government. There is less access to capital and credit for small business. There is less access to capital for that individual who has a real need. Maybe they want to start something, or maybe they have an emergency in their family.

This is what this bill is all about, and we need to be behind it. We need to support it. We need to understand that the American people know how to make good choices. We need to trust the American people and not trust Big Brother and the Big Government.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind Mr. PITTENGER that his State, North Carolina, again, along with Mr. MCHENRY, attorneys general have opposed this bill. They do not like this bill, and I just want to remind them that they don't have the support of their States in doing so.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the ranking member of the Capital Markets, Securities, and Investments Subcommittee on the Financial Services Committee.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the ranking member for yielding and for her extraordinary efforts to protect consumers by opposing this bill.

Mr. Speaker, I rise in very strong opposition to H.R. 3299. I don't think that we should be doing anything to take away States' authority to enforce their own usury laws, which make it illegal for lenders to charge outrageously high interest rates on their residents.

This is a core consumer protection issue, and if we allow lenders that aren't subject to the strict Federal regulations for banks to circumvent State regulations too, then we are just throwing consumers to the wolves, removing protections.

I know that some people have claimed that this bill would promote innovation by allowing financial technology companies to better serve lower income customers; but let's be clear. The only loans that would be allowed by this bill that aren't already allowed are loans that violate State usury laws that are put in place in States to protect their consumers. Why in the world would we want to do that to people?

I am sorry, but there is nothing innovative about usury, and there is nothing innovative about gouging low-income consumers with outrageous interest rates. This is a terrible, terrible bill.

So this bill is not about innovation. It is about taking away protections for consumers from predatory loans. Why in the world would we want to do that to people?

I urge my colleagues, I urge them to protect consumers and to oppose this bill.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TIPTON), vice chairman of the Subcommittee on Oversight and Investigations.

Mr. TIPTON. Mr. Speaker, it is interesting being able to listen to this debate. The common ground is we want to be able to have consumers have access to capital, and we also want responsible lending. We now need to reset this debate to the reality that is being faced on the ground.

In an already challenging loan environment for many banks nationwide, the Madden v. Midland decision has further limited the ability of national banks to be able to issue credit. Because of the court's decision not to apply the valid-when-made doctrine to its decision, which would have preserved lawful interest rates originated by a bank for nonbanks and third parties, access to credit and risk mitigation tools have been placed into jeopardy.

The legal uncertainty resulting from the Madden decision has led to a reduction in responsible and affordable lending, and has limited consumers' access to better and cheaper choices.

Fortunately, the vice chairman's legislation, the Protecting Consumers' Access to Credit Act of 2017, would reassert the valid-when-made principle, to ensure that a loan that is valid at its inception cannot become invalid or unenforceable upon a subsequent transfer to another person or party.

This legislation promotes healthy financial markets and would help improve the often-limiting loan environment facing banks nationwide. This

measure is important for our families and small businesses, for whom access to credit is critical to success.

Further, this legislation ensures that innovative marketplace lending remains intact while simultaneously providing safe consumer protections.

I would like to thank Mr. MCHENRY for supporting and developing this bipartisan legislation to be able to help preserve access to credit for those who need it most, and I encourage my colleagues to support the measure here today.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, you have heard those of us who are opposed to this legislation repeat over and over again that this is all about predatory lending; that this bill would open the gates wide to the kind of abuses that we have been fighting so hard against.

Mrs. MALONEY asked the questions: Why do you want to do this to your constituents? Why do you want to do this to the very consumers that we are supposed to be protecting?

I have raised a question to those who come from States where the attorneys general oppose this legislation. The gentlemen from North Carolina and Pennsylvania, who are here in support of this bill, they are ignoring the fact that their State attorneys general are saying that this bill is a bad bill.

Of course, if H.R. 3299 was really about expanding access to underserved populations, as the proponents claim, then they may be surprised to learn that the Nation's leading civil and consumer groups are all opposed to this legislation because it will harm consumers, not help them.

□ 1445

According to a news article from last November, there is a reason the NAACP, the Southern Poverty Law Center, the National Consumer Law Center, the Consumer Federation of America, and dozens of churches, women's groups, and antipoverty organizations from around the country have denounced the bill.

In September, those groups wrote a joint letter to Congress warning that H.R. 3299 ''wipes away the strongest available tool against predatory lending practices'' and ''will open the floodgates to a wide range of predatory actors to make loans at 300 percent annual interest or higher.''

The article goes on to say: ''But you don't have to take the NAACP's word for it, just take a look at the companies who are lobbying in favor of H.R. 3299.''

Well, they aren't many, as it is a complicated and obscure issue. But one of them, according to a Federal lobbying disclosure form, is a firm called CNU Online Holdings, LLC. Most customers of CNU Online Holdings don't even realize they use it. They are more familiar with CNU's parent company, payday lending giant Enova Financial; or its flagship brand, CashNetUSA.

The bottom line is that this bill is not helping our consumers, but, rather, lining the pockets of predatory lenders who are looking for any way around State interest rate caps and consumer protections.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. EMMER), a hardworking member of the Financial Services Committee.

Mr. EMMER. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise today to support another bill which builds on the good work of the House Financial Services Committee.

The Protecting Consumers' Access to Credit Act takes an important step to provide certainty through our financial system and to support consumers.

A 2015 court decision that we have heard other speakers talk about today, Madden v. Midland, is making it difficult for online lenders to offer businesses the funds they need to grow and succeed.

In Madden, the court held that, while the National Bank Act allows a federally chartered bank to charge interest under the laws of its home State on loans it makes nationwide, nonbanks that acquire these loans may not be able to maintain the same rate of interest since nonbanks are subject to limits of the borrower's State.

At a time when lenders are eager to help consumers and businesses gain access to capital, Congress needs to step in to check this misguided ruling.

When a federally chartered bank originates the interest on a loan, that interest rate should remain consistent.

Representative MCHENRY's legislation provides that fix by codifying the legal doctrine of valid when made.

Further, it helps community banks and credit unions access secondary markets they need to generate liquidity while also enabling new and emerging financial technology innovators to find easier ways for consumers and businesses to access credit and capital.

Mr. Speaker, I appreciate the hard work of my colleague, our chief deputy whip, on this important legislation. I encourage all of the Members of this body to support the Protecting Consumers' Access to Credit Act.

We must fix the misguided Madden ruling and take another step forward in supporting consumers, financial innovation, and our lenders that serve as the backbone of Main Street America.

Ms. MAXINE WATERS of California. Mr. Speaker, this is odd. Here, we have another Member of Congress, whose State attorney general opposes the bill, and who has banned payday lending.

So, here, Mr. EMMER is joining with Mr. MCHENRY and Mr. PITTENGER, whose State opposes the bill, North Carolina. Again, the two of them are in opposition to their own State's attorney general. And now we have Mr. ROTHFUS from Pennsylvania and all of these speakers on the opposite side of the aisle who are coming here to support a bill that will open up the opportunity for payday lenders to basically rent a bank and put these payday loans out there at exorbitant amounts.

Mr. Speaker, again, this is rather odd to see so many Members representing, supposedly, their constituents who come from States where payday lending has been banned and their attorneys general oppose this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, number one, just for the RECORD, it is Mr. ROTHFUS from Pennsylvania and Mr. PITTENGER from North Carolina. Since we serve with these colleagues, it would be nice to learn their names.

Mr. Speaker, what the ranking member is proposing is to take away credit opportunities for those who need it the most.

The greatest credit program is a competitive marketplace. And, unfortunately, the policy that she is advocating, this Second Circuit court case, has cut credit opportunities in half. That means people are paying more. In many respects, this is a more usurious result than what the ranking member is otherwise claiming will happen without the Second Circuit decision.

Again, I alluded to it in my opening statement, but we have the definitive academic study. We don't have to guess at this, Mr. Speaker. They studied those with lower credit scores in the Second Circuit.

And what did they find out?

I will quote from the study. The results presented in figure 3 indicate that the FICO increase was caused by a decline—a decline—in lending to lower quality borrowers.

Thank you, Second Circuit.

The pattern is most obvious for the lowest quality borrowers, those with FICO scores below 625. The growth rate for these borrowers in Connecticut and New York was a negative 52 percent.

Mr. Speaker, that means they had their credit opportunities cut in half. So exactly what the ranking member says that she wants to do to help these people, she is hurting these people; taking away their opportunities to buy a home or taking away their opportunities to buy a car when they may be the sole breadwinner for their family; taking away opportunities, perhaps, to send somebody to college.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Mr. Speaker, I yield myself an additional 30 seconds.

And then this so-called radical bill of the gentleman from North Carolina, I would note it is a Democrat bill in the Senate. The exact companion bill is carried by a Democrat Senator, Senator WARNER from Virginia. It is a Democrat bill. It is bipartisan. It is supported by at least nine Members of the ranking member's party that sit

with her in our hearings. Clearly, they heard something she didn't hear.

Again, Mr. Speaker, it is important to note that what the Second Circuit has done is change settled law that has been settled law for over 200 years; that will completely not only cut credit opportunities in the Second Circuit, but cut credit opportunities all over America.

We cannot allow that to happen.

Mr. Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think my friend on the opposite side of the aisle, the chairman, is right. I must make sure that I am correct in the way that I identify my colleagues, who they are and what States they come from.

So I would like to repeat: Mr. MCHENRY is from North Carolina. Mr. PITTENGER is from North Carolina. The attorney general from that State opposes this bill, and this State has banned payday lending.

Also let me just mention that Mr. ROTHFUS from Pennsylvania is another one who is opposed by his attorney general. His attorney general is opposed to this bill, is opposed to his representation, and Pennsylvania has banned payday lending.

Of course, we were joined by Mr. EMMER, who is from Minnesota. Minnesota is in the same position as North Carolina and Pennsylvania. The attorney general of Minnesota opposes this bill, and Minnesota bans payday lending.

So let's be clear. We want to make sure that everybody understands who these Members are who are coming here in opposition to their attorneys general, in opposition to their State. These are Representatives from States that oppose this bill. These are Representatives from States who have banned payday lending.

So I want to be sure that I agree with my chairman. We should let everyone know who they are. We should pronounce their names correctly. We should be sure that all of their constituents understand who their Representatives are and what they are doing here today on this bill that will help to explode predatory lending.

This is the rent-a-bank bill that would allow payday lenders to buy up debt from national banks and be able to charge whatever they would like, 300 percent and more, to the unsuspecting consumers.

So I thank the chairman for helping me to make that clear.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds just to say: Apparently, Mr. MEEKS is abusing these consumers, as is Mr. CLAY, as is Mr. SCOTT, as is Mr. CLEAVER, as is Ms. MOORE, as is Mr. PERLMUTTER, as is Ms. SINEMA, as is Mr. HECK, and as is Mr. GOTTHEIMER, all Democrats on the House Financial Services Committee that actually support this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. TROTT), a member of the Financial Services Committee.

Mr. TROTT. Mr. Speaker, I rise in support of H.R. 3299, the Protecting Consumers' Access to Credit Act.

I thank my good friend from North Carolina (Mr. MCHENRY) for his leadership on this bipartisan, commonsense bill.

This is a commonsense piece of legislation that is sponsored by two Republicans, two Democrats. It passed out of our committee with a vote of 42–17. It is the kind of bipartisan solution that the American people expect from their elected officials.

Yet, opponents of this bill want people to believe that it will hurt consumers. We heard similar rhetoric on the recent tax bill passed in Congress. In fact, we still hear it, even though millions of Americans are getting bonuses, taking new and better jobs, and seeing their savings account grow.

Now, let's be clear. This bill will allow banks and credit unions to sell certain loans to investors, thus diversifying their risk and freeing up capital that can be used to issue more loans in local communities. Imagine that.

Why is this commonsense legislation necessary?

A recent case out of the Second Circuit ruled that certain loans would be valid when held on the books of a bank, but would be invalid the minute they are sold to investors.

I fail to see how a loan becomes more dangerous, usurious, or otherwise problematic because the owner of the loan has changed. This is like saying a house's roof becomes leaky the minute you sell it to your neighbor. This is the sort of logic that can only thrive in Washington.

What happens when banks and credit unions can no longer sell loans on the public market?

They issue fewer loans. Fewer young parents can get a mortgage for their new home. Fewer single mothers can get a loan for a new car. Fewer students can get a critical loan to pay for their first year of college. Fewer businesses can get loans to bring innovative ideas to the market to create jobs.

This bill is not rent-a-bank. It will not result in usurious interest rates.

I recently was at a restaurant and I struck up a conversation with the waitress. She can't get a mortgage. She can't buy a home, even though she and her husband have good credit. That is the kind of problem we are trying to address.

Mr. Speaker, I would ask the opponents of this bill to put aside politics and to join me in supporting legislation that will help young families, new businesses, and students. This bill will make credit accessible, and I urge all Members to vote for it.

□ 1500

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman HENSARLING has named the Members on my side of the aisle, the Democrats who support this bill. None of them are on the floor at this time. None of them came here to defend the position that they took. Some of them are reconsidering the vote that they took, and so I don't want him to try and wrap this bill around the fact that there were some Democrats who supported it.

This is a Republican bill. This is a bill by the opposite side of the aisle that supports payday lending and the ability for payday lenders to continue to exploit their consumers in a new and different way. They simply allow them to buy up this debt from the national banks to be able to basically overcome usury laws.

So while he would like everyone to believe there is all of this great Democratic support and he keeps saying over and over again how bipartisan this bill is, none of them are on the floor at this time. None of them came here to defend their position. None of them have said, ''I know that I am absolutely correct.'' As a matter of fact, some of them are raising questions about whether or not they should have voted for the bill, understanding it in one particular way, and some now understanding what it really does.

So I thank the gentleman for his position, and I thank him for being a strong advocate for his position. I thank him for at least stepping up to the plate to say, in essence, he believes that he is doing the right thing, despite the fact that he has got Members on that side of the aisle who are going against their own States' attorneys general.

But let us not believe that this is some great Democratic bill. It is not.

Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield myself 10 seconds just to say—with the exception of the gentlewoman from New York (Mrs. CAROLYN B. MALONEY)—I don't see any of the committee Democrats on the floor, even those who are supporting the ranking member's position.

I am now pleased to yield 2 minutes to the gentleman from North Carolina (Mr. BUDD), a hardworking member of the Financial Services Committee.

Mr. BUDD. Mr. Speaker, I thank the chairman and my friend and colleague from North Carolina, the deputy whip, for his leadership on this very important issue.

Mr. Speaker, I rise today in strong support of this bipartisan legislation, the Protecting Consumers' Access to Credit Act of 2017.

Mr. Speaker, we are on the verge of something special in the financial services space with financial technology

opening the industry up to amazing innovation. However, as many of us gathered here today know, the Second Circuit's decision in the Madden v. Midland Funding case has put this innovation and movement in jeopardy. It has done so by undermining a long-held principle which has left fintech lenders and the secondary credit market with issues that need to be addressed.

Luckily, Mr. MCHENRY's legislation provides a much-needed fix to the Second Circuit's decision by codifying the valid-when-made legal doctrine. This common law principle has been around and accepted in the financial services space for some time now. This bill will ensure that innovative lending practices remain intact, allowing creative and innovative sources of capital to reach the consumer and small businesses. This is important because it will help to preserve the relationship between banks and fintech firms.

I am thankful this legislation is coming up for a vote today because it is greatly needed and, if enacted, will help our economy continue to grow. This body must continue to serve as an advocate for innovation in the credit and financial technology space because, ultimately, it will benefit community development, job creation, and, most importantly, the consumer.

Mr. Speaker, I urge adoption of this bipartisan and commonsense piece of legislation.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself the balance of my time.

There was a reference to Senator WARNER, and he said that the Madden fix bill must address the payday lender loophole. I alluded to some of this kind of thinking about those who may have supported the bill without really giving a lot of thought to this loophole, but I just want you to know that even the author of the bill, Senator WARNER, is saying that the Madden fix bill must address payday lender loopholes.

Mr. Speaker, H.R. 3299 is ultimately a bill that would make it easier for bad actors to get around interest rate caps that States have put into place to protect borrowers from predator payday pit traps. Let's be clear: the availability of affordable credit is very important in every community, and we should work together in ways to make sure that underserved communities have fair access to credit and banking services.

But measures like H.R. 3299 do not productively advance that goal. In fact, the bill would do the opposite. It would open the door for nonbanks to ignore States' strong protections and make loans with high interest rates. The bill would usher in a wave of harmful, high-cost payday loans in States where such loans were previously disallowed.

Let's not forget that last month Mick Mulvaney, who President Trump illegally appointed to serve as Acting Director of the Consumer Financial Protection Bureau, directed the Consumer Bureau to reconsider its sensible and much-needed rule on payday vehicle title and certain high-cost installment loans. That rule, put in place under the leadership of Richard Cordray, would require payday lenders to ensure that consumers can actually afford to pay off their loans.

Essentially, Donald Trump and Mick Mulvaney are helping out payday lenders by undermining the Consumer Bureau's rule as well as rolling back and undermining many of the other critical protections put in place by Democrats in the Dodd-Frank Wall Street Reform and Consumer Protection Act.

On top of his pull to reconsider the payday rule, Mulvaney has also drawn a Consumer Bureau lawsuit against a group of payday lenders who allegedly failed to disclose the true cost of loans which had interest rates as high as 950 percent a year.

Mr. Speaker, Congress should be standing up for and enhancing protections for consumers, not legislating to make it easier for hardworking Americans to be drawn into payday debt traps.

H.R. 3299 is widely opposed by over 200 consumer and civil rights groups, including the Leadership Conference on Civil and Human Rights, the NAACP, the National Consumer Law Center, the Southern Poverty Law Center, and many others.

And so I think it is clear what we are advocating on this side of the aisle. We are simply saying that we should not create this loophole, that we should understand the struggle that many of us have been in to try and keep payday lenders from going into the most vulnerable neighborhoods, targeting the most vulnerable people, taking advantage of folks who have no place to turn and who need a few dollars until payday, taking advantage of them and trapping them into these loans and creating all of this debt for them.

This would just go a long way to continue that kind of madness, and so I would urge Members to vote ''no'' on the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HENSARLING. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. HOLLINGSWORTH), another hardworking member of the Financial Services Committee.

Mr. HOLLINGSWORTH. Mr. Speaker, there are many days when we stand in this Chamber and I specifically talk about the regulations, the regulations that are holding back our economy from growing, holding back consumers from getting the products that they want—we talked about them in very sweeping, hyperbolic terms—but this is not one of those days. This is a day where, in this bill, we are simply codifying what has been the law of the land for over five decades, what is currently the law of the land in 47 out of 50 States.

So not only has this historically been the case, what we are arguing for here, but it is also the case in 47 out of 50 States. And I don't think those three States, the consumers or the citizens of those States, should be disadvantaged by not being able to access affordable capital to be able to grow better futures. That is what I hear back home is they want the opportunity to get loans, to get credit, to get more chances for them to build better financial futures.

And, frankly, this bill does that. It solves the problem of uncertainty, and capital flees uncertainty. This makes clear what has been the law of the land. It doesn't change State usury laws. It doesn't impact payday. It merely restates that which we have operated under for decades before this Second Circuit decision and says the law in 47 States should be the law in 50 States.

Valid when made is an important aspect of our financial markets and ensuring that we can turn over capital more frequently, thus, get more capital out to more individuals. And, frankly, that is what we are here fighting for: making sure everybody gets the opportunity to participate in a better economy by building a financial future. H.R. 3299 goes a long way in solving that problem by a very simple, very narrow fix in ensuring those three States get to participate in the benefit of a vibrant secondary market just like the 47 other States outside of the Second Circuit.

Mr. Speaker, I rise in support of the legislation and encourage all Members here to support this legislation.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 1½ minutes remaining.

Mr. HENSARLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the ranking member has lamented that she has heard from few Democrats on this matter, so let me take the liberty of quoting from Congressman GREG MEEKS, a Democrat from New York, the lead Democratic cosponsor of the bill, who said, during markup:

> This bill would facilitate such affordable lending to those who need it the most.

He goes on to say:

> H.R. 3299 is a community bank bill. Fintech firms have partnered with small community banks and provided these institutions with technological expertise needed to contend with larger competitors. In fact, I'm aware that there are fintech firms engaging with Black-owned banks who have benefited tremendously from new technologies.

Congressman MEEKS goes on to say:

> H.R. 3299 is also a small-business bill. According to the Urban Institute, 34 percent of my constituents in Jamaica, Queens, who have bank accounts rely on alternative financial service providers, including rent-to-own agreements and refund anticipation loans because they have unmet lending needs. Madden does little to help these underbanked individuals. Instead, it shuts the door to more affordable bank loans facilitated through partnership models.

Madam Speaker, I could go on, but what we are trying to do here is assure that what just happened in the Second Circuit, where credit opportunities are cut in half, doesn't happen nationwide. The hardworking men and women of America deserve better, and so we must support H.R. 3299.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. CHENEY). All time for debate has expired.

Pursuant to House Resolution 736, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HENSARLING. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1515

TRID IMPROVEMENT ACT OF 2017

Mr. HENSARLING. Madam Speaker, pursuant to House Resolution 736, I call up the bill (H.R. 3978) to amend the Real Estate Settlement Procedures Act of 1974 to modify requirements related to mortgage disclosures, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 736, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–59, modified by the amendment printed in part B of House Report 115–559 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 2. SECURITIES AND EXCHANGE COMMISSION RESERVE FUND.

Notwithstanding section 4(i)(2)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(i)(2)(B)(i)), the amount deposited in the Securities and Exchange Commission Reserve Fund for fiscal year 2018 may not exceed $48,000,000.

TITLE I—TRID IMPROVEMENT

SEC. 101. AMENDMENTS TO MORTGAGE DISCLOSURE REQUIREMENTS.

Section 4(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2603(a)) is amended—

(1) by striking ''itemize all charges'' and inserting ''itemize all actual charges'';

(2) by striking ''and all charges imposed upon the seller in connection with the settlement and'' and inserting ''and the seller in connection with the settlement. Such forms''; and

(3) by inserting after ''or both.'' the following new sentence: ''Charges for any title insurance premium disclosed on such forms shall be equal to the amount charged for each individual title insurance policy, subject to any discounts as required by State regulation or the title company rate filings.''.

TITLE II—PROTECTION OF SOURCE CODE

SEC. 201. PROCEDURE FOR OBTAINING CERTAIN INTELLECTUAL PROPERTY.

(a) PERSONS UNDER SECURITIES ACT OF 1933.—Section 8 of the Securities Act of 1933 (15 U.S.C. 77h) is amended by adding at the end the following:

''(g) PROCEDURE FOR OBTAINING CERTAIN INTELLECTUAL PROPERTY.—The Commission is not authorized to compel under this title a person to produce or furnish source code, including algorithmic trading source code or similar intellectual property that forms the basis for design of the source code, to the Commission unless the Commission first issues a subpoena.''.

(b) PERSONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78w) is amended by adding at the end the following:

''(e) PROCEDURE FOR OBTAINING CERTAIN INTELLECTUAL PROPERTY.—The Commission is not authorized to compel under this title a person to produce or furnish source code, including algorithmic trading source code or similar intellectual property that forms the basis for design of the source code, to the Commission unless the Commission first issues a subpoena.''.

(c) INVESTMENT COMPANIES.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a–30) is amended by adding at the end the following:

''(e) PROCEDURE FOR OBTAINING CERTAIN INTELLECTUAL PROPERTY.—The Commission is not authorized to compel under this title an investment company to produce or furnish source code, including algorithmic trading source code or similar intellectual property that forms the basis for design of the source code, to the Commission unless the Commission first issues a subpoena.''.

(d) INVESTMENT ADVISERS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by adding at the end the following:

''(f) PROCEDURE FOR OBTAINING CERTAIN INTELLECTUAL PROPERTY.—The Commission is not authorized to compel under this title an investment adviser to produce or furnish source code, including algorithmic trading source code or similar intellectual property that forms the basis for design of the source code, to the Commission unless the Commission first issues a subpoena.''; and

(2) in the second subsection (d), by striking ''(d)'' and inserting ''(e)''.

TITLE III—FOSTERING INNOVATION

SEC. 301. TEMPORARY EXEMPTION FOR LOW-REVENUE ISSUERS.

Section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) is amended by adding at the end the following:

''(d) TEMPORARY EXEMPTION FOR LOW-REVENUE ISSUERS.—

''(1) LOW-REVENUE EXEMPTION.—Subsection (b) shall not apply with respect to an audit report prepared for an issuer that—

''(A) ceased to be an emerging growth company on the last day of the fiscal year of the issuer following the fifth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933;

''(B) had average annual gross revenues of less than $50,000,000 as of its most recently completed fiscal year; and

''(C) is not a large accelerated filer.

''(2) EXPIRATION OF TEMPORARY EXEMPTION.—An issuer ceases to be eligible for the exemption described under paragraph (1) at the earliest of—

''(A) the last day of the fiscal year of the issuer following the tenth anniversary of the date of the first sale of common equity securities of the issuer pursuant to an effective registration statement under the Securities Act of 1933;

''(B) the last day of the fiscal year of the issuer during which the average annual gross revenues of the issuer exceed $50,000,000; or

''(C) the date on which the issuer becomes a large accelerated filer.

''(3) DEFINITIONS.—For purposes of this subsection:

''(A) AVERAGE ANNUAL GROSS REVENUES.—The term 'average annual gross revenues' means the total gross revenues of an issuer over its most recently completed three fiscal years divided by three.

''(B) EMERGING GROWTH COMPANY.—The term 'emerging growth company' has the meaning given such term under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

''(C) LARGE ACCELERATED FILER.—The term 'large accelerated filer' has the meaning given that term under section 240.12b–2 of title 17, Code of Federal Regulations, or any successor thereto.''.

TITLE IV—NATIONAL SECURITIES EXCHANGE REGULATORY PARITY

SEC. 401. NATIONALLY TRADED SECURITIES EXEMPTION.

Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) by striking subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting ''a security designated as qualified for trading in the national market system pursuant to section 11A(a)(2) of the Securities Exchange Act of 1934 that is'' before ''listed''; and

(B) by striking ''that has listing standards that the Commission determines by rule (on its own initiative or on the basis of a petition) are substantially similar to the listing standards applicable to securities described in subparagraph (A)'';

(3) in subparagraph (C), by striking ''or (B)''; and

(4) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

TITLE V—ELIMINATING BARRIERS TO JOBS FOR LOAN ORIGINATORS

SEC. 501. ELIMINATING BARRIERS TO JOBS FOR LOAN ORIGINATORS.

(a) IN GENERAL.—The S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) is amended by adding at the end the following:

''SEC. 1518. EMPLOYMENT TRANSITION OF LOAN ORIGINATORS.

''(a) TEMPORARY AUTHORITY TO ORIGINATE LOANS FOR LOAN ORIGINATORS MOVING FROM A

DEPOSITORY INSTITUTION TO A NON-DEPOSITORY INSTITUTION.—

''(1) IN GENERAL.—Upon employment by a State-licensed mortgage company, an individual who is a registered loan originator shall be deemed to have temporary authority to act as a loan originator in an application State for the period described in paragraph (2) if the individual—

''(A) has not had an application for a loan originator license denied, or had such a license revoked or suspended in any governmental jurisdiction;

''(B) has not been subject to or served with a cease and desist order in any governmental jurisdiction or as described in section 1514(c);

''(C) has not been convicted of a felony that would preclude licensure under the law of the application State;

''(D) has submitted an application to be a State-licensed loan originator in the application State; and

''(E) was registered in the Nationwide Mortgage Licensing System and Registry as a loan originator during the 12-month period preceding the date of submission of the information required under section 1505(a).

''(2) PERIOD.—The period described in paragraph (1) shall begin on the date that the individual submits the information required under section 1505(a) and shall end on the earliest of—

''(A) the date that the individual withdraws the application to be a State-licensed loan originator in the application State;

''(B) the date that the application State denies, or issues a notice of intent to deny, the application;

''(C) the date that the application State grants a State license; or

''(D) the date that is 120 days after the date on which the individual submits the application, if the application is listed on the Nationwide Mortgage Licensing System and Registry as incomplete.

''(b) TEMPORARY AUTHORITY TO ORIGINATE LOANS FOR STATE-LICENSED LOAN ORIGINATORS MOVING INTERSTATE.—

''(1) IN GENERAL.—A State-licensed loan originator shall be deemed to have temporary authority to act as a loan originator in an application State for the period described in paragraph (2) if the State-licensed loan originator—

''(A) meets the requirements of subparagraphs (A), (B), (C), and (D) of subsection (a)(1);

''(B) is employed by a State-licensed mortgage company in the application State; and

''(C) was licensed in a State that is not the application State during the 30-day period preceding the date of submission of the information required under section 1505(a) in connection with the application submitted to the application State.

''(2) PERIOD.—The period described in paragraph (1) shall begin on the date that the State-licensed loan originator submits the information required under section 1505(a) in connection with the application submitted to the application State and end on the earliest of—

''(A) the date that the State-licensed loan originator withdraws the application to be a State-licensed loan originator in the application State;

''(B) the date that the application State denies, or issues a notice of intent to deny, the application;

''(C) the date that the application State grants a State license; or

''(D) the date that is 120 days after the date on which the State-licensed loan originator submits the application, if the application is listed on the Nationwide Mortgage Licensing System and Registry as incomplete.

''(c) APPLICABILITY.—

''(1) Any person employing an individual who is deemed to have temporary authority to act as a loan originator in an application State pursuant to this section shall be subject to the requirements of this title and to applicable State law to the same extent as if such individual was a State-licensed loan originator licensed by the application State.

''(2) Any individual who is deemed to have temporary authority to act as a loan originator in an application State pursuant to this section and who engages in residential mortgage loan origination activities shall be subject to the requirements of this title and to applicable State law to the same extent as if such individual was a State-licensed loan originator licensed by the application State.

''(d) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) STATE-LICENSED MORTGAGE COMPANY.—The term 'State-licensed mortgage company' means an entity licensed or registered under the law of any State to engage in residential mortgage loan origination and processing activities.

''(2) APPLICATION STATE.—The term 'application State' means a State in which a registered loan originator or a State-licensed loan originator seeks to be licensed.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 4501 note) is amended by inserting after the item relating to section 1517 the following:

''Sec. 1518. Employment transition of loan originators.''.

SEC. 502. AMENDMENT TO CIVIL LIABILITY OF THE BUREAU AND OTHER OFFICIALS.

Section 1513 of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5112) is amended by striking ''are loan originators or are applying for licensing or registration as loan originators.'' and inserting ''have applied, are applying, or are currently licensed or registered through the Nationwide Mortgage Licensing System and Registry. The previous sentence shall only apply to persons in an industry with respect to which persons were licensed or registered through the Nationwide Mortgage Licensing System and Registry on the date of the enactment of this sentence.''.

SEC. 503. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date that is 18 months after the date of the enactment of this Act.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part C of House Report 115–559, if offered by the Member designated in the report, which shall be considered read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and submit extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HENSARLING. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 3978, which is a package of five strongly bipartisan bills, yet again, from the Financial Services Committee of the House. As standalone bills, all were favorably reported, again, with strong bipartisan support of at least three-quarters of the committee.

The title provision of this package is the TRID Improvement Act by Congressman FRENCH HILL. This bill amends CFPB's complex TILA/RESPA integrated disclosure, known as the TRID rule, in order to simplify the closing documents consumers get when they close a mortgage.

It does this by allowing for the calculation of the discounted rate that title insurance companies provide to consumers when they purchase a lender's and owner's title insurance policy simultaneously. This makes it more accurate, Madam Speaker.

Title II is the Protection of Source Code Act introduced by Representatives SEAN DUFFY and DAVID SCOTT, a Republican and a Democrat. This provision ensures that the Securities and Exchange Commission cannot require financial services firms to disclose algorithmic trading source code without first obtaining a subpoena. Source code is among a firm's most sensitive information, and this bipartisan provision balances privacy and due process concerns while preserving the SEC's ability to obtain such information when necessary.

The third title is the Fostering Innovation Act which was introduced by Representatives SINEMA and HOLLINGSWORTH to provide relief to small and emerging businesses by extending the popular onramp exemption of the JOBS Act for emerging growth companies in a more tailored manner. In short, it provides emerging growth companies more time to reach a size when they reasonably can be expected to financially sustain the legal, accounting, and compliance costs associated with the full Sarbanes-Oxley section 404(b) compliance.

Fourth, Madam Speaker, is the National Securities Exchange Regulatory Parity Act which was introduced by Mr. ROYCE and which will ensure further clarity and competition among national security exchanges by modernizing the blue sky exemption in the Securities Act. Modernizing this provision will ensure all national security exchanges operate on a level regulatory playing field and help protect retail investors from arbitrary acts by State regulators that may bar investors in one State from buying stock freely available to investors in every other State.

The final title of this bill is a provision introduced by Congressman STIVERS to allow mortgage loan originators who work as loan officers in banks and credit unions to transition to a new job at a nonmortgage company without losing the ability to originate loans. Without this bill, the transition process can take weeks or months depending on the State.

Each of these measures, Madam Speaker, will cut through layers of red tape and help level the playing field making regulations smarter, fairer, clearer, and more efficient, thus ensuring that there are more competitively priced credit opportunities, more credit opportunities for consumers, and that investors have greater investment opportunities in competitive markets. They will provide commonsense regulatory relief. They are practical, they are bipartisan, and they are needed.

Madam Speaker, I encourage all of my colleagues to support the measure, and I reserve the balance of my time.

Ms. MAXINE WATERS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong opposition to H.R. 3978, the TRID Improvement Act of 2017.

H.R. 3978 has been dramatically expanded without input from Democrats to include several highly problematic and damaging bills. If enacted, this amended package of bills would ease the ability of high frequency traders to manipulate the stock markets undetected, encourage a regulatory race to the bottom in our Nation's stock exchanges, and harm investors and small businesses by weakening efforts to prevent accounting fraud at smaller public companies.

Taken together, this deregulatory package could significantly undermine market stability and gut investor and consumer protections at a time when our financial markets are already rattled.

Madam Speaker, from January 26 until last Thursday, the stock markets plunged just over 10 percent, becoming what the financial services industry calls ''stock market correction,'' and for the past two trading days, markets have rebounded the most since 2016.

Although market corrections are not new, what distinguishes today's volatility is that it is driven by complex computer strategies designed to buy and sell stocks and options millions of times a day. As many of us have witnessed, the Dow Jones Industrial Average may be up 500 points and then down 600 in less than a few minutes. For the average American who was hoping to one day retire with dignity by investing her hard-earned savings in the stock market, it can be distressing to see such wild swings always wondering whether the markets are truly fair or whether she is going to be fleeced. Unfortunately, the passage of H.R. 3978 would likely make those swings more extreme and increase the likelihood of problems going forward.

I am going to walk through each of the problematic provisions in this bill. Beginning with title IV, this provision is identical to H.R. 4546, the National Securities Exchange Regulatory Parity Act, which would weaken the standards for listing public companies for trading at U.S. stock exchanges. Today, exchanges listing standards set minimum requirements for a company's shares to be sold to the public without having to comply with State law. Exchanges can only revise these standards if the Securities and Exchange Commission first finds that new standards are substantially similar to the listing standards of the New York Stock Exchange.

This bill would remove any separate analysis for changing the standards and, thus, automatically preempt State oversight. As a result, the bill would encourage a race to the bottom of listing standards as exchanges compete with each other to attract companies with less restrictions, even if the standards are beneficial to the investors.

I believe that we should be strengthening the current analysis to promote fair and rigorous listing standards and only preempt State law when companies meet high standards. This is why I worked with the cosponsors last Congress to strike a bipartisan compromise which passed the House unanimously to require the SEC to develop a core qualitative listing standard. Unfortunately, my Republican colleagues have reversed their position in favor of empowering the industry over the investing public.

Turning to title III which is identical to H.R. 1645, the so-called Fostering Innovation Act, this provision would eliminate the independent audit of a company's financial reporting controls for up to 10 years for newly public companies provided that they have $50 million or less in gross revenues and less than $700 million in outstanding shares. Passed in the wake of the Enron and WorldCom accounting scandals, the requirement that public companies conduct an independent audit of financial controls is one of the many accounting provisions required by the bipartisan Sarbanes-Oxley Act that directly benefits investors and public companies by improving the accuracy of their financial reporting.

In fact, companies that are not subject to such review by an independent auditor are more likely to issue corrections to their financial reports leading to investor losses and higher losses for the company.

Investors like these audits because they improve the veracity of the reports they rely on to make investment decisions. Today, truly small public companies—those with less than $75 million worth of shares—are already exempt from the audit requirement. But this bill would extend the exemption to large companies that are nearly ten times that size. The law already provides newly public companies with an exemption for 5 years. Extending it to a decade would harm investor confidence and all such companies, hurting the very companies the bill's supporters purport to help.

Title II of this bill is the same language as H.R. 3948, the Protection of Source Code Act. This bill bans the SEC from inspecting source code used by regulated entities to engage in algorithmic or computer-driven trading and other activities that impact the securities markets and investors without first obtaining a subpoena. This provision would severely hamper the ability of the SEC to effectively examine persons like high-frequency traders and to investigate market disruptions.

The recent stock market volatility, which has seen all of the major stock indices decline by more than 10 percent in less than 2 weeks, has been exacerbated by high-frequency traders using complex computer algorithms to determine when to buy and sell millions of trades per second by making it harder for the capital markets COP to detect and stop bad actors and rein in fraudulent trading schemes. This provision will inevitably harm everyday Americans and retirees who rely on fair capital markets to invest their hard-earned savings.

To make matters worse, Republicans added a provision to pay for the cost of the bill by taking $2 million from the Securities and Exchange Commission's reserve fund. As a result, our financial watchdog will have less resources to support its capacity to oversee the markets through investments in IT and to respond to unforeseen market events like the flash crash.

In short, this bill asks taxpayers to pay for the costs of diminished capital market oversight by taking away SEC's funding to respond to emergency market situations that threaten market stability. This provision doubles down on the irresponsible policymaking we often see by the opposite side of the aisle.

The bill before us today would also make two less significant changes which I believe the Republicans included to garner additional support for the legislation. Nevertheless, even with these provisions, the package should be soundly rejected.

Title I, which includes the version of H.R. 3978, TRID Improvement Act of 2017, that the committee previously considered, would amend a mortgage disclosure known as TRID or the know-before-you-owe disclosure that informs home buyers of the terms and conditions of their mortgage. Responding to the concerns of some in the real estate industry, this provision would amend the disclosure to account for the discounts paid to borrowers in States where simultaneous lender and buyer title insurance is issued. However, the revised form does nothing for bars in States that do not provide such special rates to home buyers, and the provision eliminates the Consumer Bureau's ability to fix this aspect of the form even if a problem arises in the future.

The final provision, title V, is identical to H.R. 2948, the SAFE Mortgage Licensing Act. This title would ease the ability of individuals employed as mortgage originators to change employers by creating a temporary 120-day licensing regime so that they can continue to work at their new employer.

This bill would effectively treat mortgage originators who work for State registered firms the same as federally registered firms and was unanimously supported by committee Democrats. Unfortunately, because this legislation has been packaged with other deeply problematic and destructive bills, sensible relief to these individuals that has broad bipartisan support is being held hostage by Republicans' efforts to roll back as many safeguards as they can this year.

Madam Speaker, H.R. 3978, as amended, threatens many of the important reforms Democrats made to restore investor confidence to our capital markets after the worst financial crisis in generations. As the stock markets continue to wobble ominously in ways that threaten the savings of hard-working Americans, Congress should be strengthening oversight of the financial system, not weakening it.

Not surprisingly, H.R. 3978 is strongly opposed by the North American Association of Securities Administrators who serve on the frontline combating securities fraud on the State level and by nonpartisan organization who speak on behalf of our Nation's consumers, investors, and unions, including Consumer Federation of America, Center for American Progress, Americans for Financial Reform, AFL–CIO, and Public Citizen, and so do I.

Madam Speaker, I urge everyone to reject this harmful package of bills and to vote ''no'' on H.R. 3978.

Madam Speaker, I reserve the balance of my time.

□ 1530

Mr. HENSARLING. Madam Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. HILL), the majority whip of the committee and the sponsor of the legislation.

Mr. HILL. Madam Speaker, I rise in support of my bill, H.R. 3978, the TRID Improvement Act.

I want to focus my comments on the actual improvements to the Truth in Lending and RESPA form, TILA-RESPA, which is now referred to as TRID.

Back in 2010, when Dodd-Frank was being considered, one of the goals that then-White House staffer ELIZABETH WARREN, now Senator ELIZABETH WARREN, had was: Well, we are going to make this a win for both banks and consumers. One of the things we are going to do is we are going to make forms simpler and consumer disclosure better. America's exhibit A today is the TILA-RESPA form.

TILA was about truth in lending, and let's make sure the interest rate you are going to pay on your mortgage is calculated right, it is accurate. And RESPA, the Real Estate Settlement Act, said that whatever you were paying in extras, such as title insurance, was disclosed accurately.

Well, we now flash forward a number of years.

Back in 2013, the CFPB finalized this new, combined rule, the TRID rule: know before you owe. It should have been called: know before you confuse.

This rule, finalized in 2013, was still subject to delay due to errors that the CFPB made, and it finally got put in place back in 2015.

There was $1.5 billion in software compliance costs for banks to try to merge this form that is supposed to be so simple and so easy for consumers. The CFPB offered no concrete guidance about it. So this House came together and over 300 Members of this House voted to direct the CFPB to improve this rule; that it was not a success story.

So, in fact, in April 2016, the CFPB decided to open the rulemaking for TILA-RESPA and try to find some clarifying and amending procedures that would make it more clear.

Well, as you can hear, it is a massive, complex rule that is expensive. The American Bankers Association said if there was one thing to fix in consumer compliance, it would be TILA-RESPA; the TRID. It wouldn't be the qualified mortgage definition. It wouldn't be all the capital rules embedded in Dodd-Frank. It would be this rule.

When I have been at home in my district, I have heard about it countless times from mortgage bankers and community bankers.

So we are still not there, which is why we are here today, Madam Speaker. And that is, this bill does one simple thing, which says: if you buy a title insurance policy, in the majority of States, the CFPB rule is not accurate.

You can see here that the rule for Arkansas on a $200,000 sales price house says that the consumer should pay $382.50 after this complex formula when, in reality, they are really paying either $525 or the actual charge of $35. So it is not an improvement.

In these States, the CFPB is not allowing for the calculation of a discounted rate, known as a simultaneous issue, which is a rate title insurance companies provide to consumers when they purchase both the lender's and owner's title policy simultaneously.

Madam Speaker, this bill offers clarity and actually takes a complex rule and makes this part of it simpler so our consumers actually will see on the closing statement what the cost of the title insurance is. It will be transparent.

There are many other challenges with this rule, and we have talked about them in our committee. Today, we are only debating and discussing one small one.

But I urge my colleagues on both sides of the aisle—when this bill came out of our committee—bipartisan—this is a bill that Members of Congress have heard from across this country and all 50 States from community bankers, mortgage bankers of all sizes who are trying to provide an accurate, fast closing for our most important thing we do as a family, and that is to decide to buy a home.

I thank the chairman of the full committee for yielding. I urge my colleagues to support this full package of bipartisan bills through regular order, through our committee, and that are presented here to improve our economy, improve the balance in our regulatory system, and help make credit more accessible for consumers at better prices.

Ms. MAXINE WATERS of California. Madam Speaker, I reserve the balance of my time.

Mr. HENSARLING. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. DUFFY), the chairman of the Subcommittee on Housing and Insurance and the sponsor of title 2 of the Protection of Source Code in this bill.

Mr. DUFFY. Madam Speaker, I thank the chairman for all of his work and support on this legislation, as well as the gentleman from Arkansas (Mr. HILL), for which my provision is made part of a larger package.

I also thank the gentlemen from Georgia and Illinois, my good friends across the aisle, DAVID SCOTT and BILL FOSTER, both of whom are cosponsors of the Protection of Source Code Act. It is a bipartisan bill.

The recent cyber incidents at Equifax, SEC, and even at the NSA, has shown that all organizations are vulnerable to security risks. These incidents are a timely reminder of the risks that we face in this digital age.

Given this reality, it is important for government agencies such as the SEC to rethink what they collect, how they collect it, how it is stored, and what they do with this information in the long run.

The Protection of Source Code Act is a bipartisan bill intended to reduce some of the cybersecurity risks to our financial markets posed by the SEC when it gathers highly sensitive trading or source code information as part of their oversight duties.

The Protection of Source Code Act establishes a process for the SEC with respect to requesting source code and other intellectual property that forms the basis of source code.

It does not preclude the SEC from requesting data that it determines it needs for market oversight. It merely puts a process in place for how the SEC seeks access to certain intellectual property.

Having a process in place for how the SEC requests source code and similar intellectual property will better protect registrants and their clients and investors from inadvertent disclosure or cyber theft of their most valuable and important intellectual property.

Such disclosure or theft could destroy the American businesses that own the intellectual property. Worse, it could undermine investor confidence and create significant volatility in our financial markets.

In general, the SEC should not be requesting source code or intellectual property that forms the basis of source code. They shouldn't be collecting that on a regular basis. Such information is generally unnecessary for the SEC to perform its market oversight function and, as we have learned from recent cyber hacks, could create a very inviting treasure trove of sensitive data for computer hackers.

This bill ensures that the SEC will gather source code when it is truly needed, under a subpoena process that provides appropriate due process for the information.

Under this bill, the SEC, in conducting an exam, may continue to ask a registrant for general information about a registrant's trading system or trading strategies.

So let's break this down a little bit. We have source code that is highly sensitive. It is intellectual property. If you are the SEC, you can actually go onsite and look at the source code. I am fine with that.

But if you are going to collect the source code and take it back to the SEC and store it and you have a whole bunch of intellectual property from American businesses stored at the SEC, this is one-stop shopping for hackers. You have just got to do it once. Get in the SEC and you get it all.

My friend across the aisle, the ranking member, wants to talk about volatility. Wait and see if there is an SEC hack where they get all this information, all this source code. That is a risk we don't want to have.

We want due process. If you want to come in and take the source code, get a subpoena.

Do we believe in due process in America?

For the most sensitive data, the most sensitive information, get a subpoena and you can take it. But those are basic measurers, basic protections that we offer in America that we should employ at the SEC when they want this intellectual property that is of great value to these firms.

My bill, contrary to the ranking member's point, Madam Speaker, doesn't offer exemptions to exams. Exams will still happen. Also, it is still illegal to manipulate markets. Those things haven't changed.

This is just about due process.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HENSARLING. Madam Speaker, I yield an additional 30 seconds to the gentleman from Wisconsin.

Mr. DUFFY. It is important that we have truthful and honest information on the floor. This does not prohibit exams. This doesn't make legal manipulation of the markets. It is still illegal. All we are saying is we have sensitive source code, and if you want to take it to the SEC, you get a subpoena.

Frankly, we think there are problems with that. The SEC has been hacked. The NSA has been hacked. Everybody has been hacked. If you compile all this information, the risk that poses to our markets and volatility to our markets, I think, is unacceptable. That is why it is bipartisan.

I would encourage all Members of this House to take a step forward for due process.

Ms. MAXINE WATERS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, given the extreme volatility in the stock markets over the past few weeks, I am particularly troubled by title II of this bill, which would make it easier for high-frequency traders to evade regulatory oversight of their potentially disruptive automated trading algorithms.

This provision is widely opposed by nonpartisan consumer and investor advocacy groups who recognize the impact automated trading has on our markets.

Let me read for you excerpts from a few letters from these groups that highlight the dangers of title 2.

Americans for Financial Reform—a coalition of more than 200 consumer, civil rights, investor, retiree community, labor, faith-based, and business groups—wrote: ''Title II would prevent regulators from inspecting not only their raw source code used in automated trading, but also any related intellectual property that 'forms the basis for the design of' source code. Examination of such intellectual property would only be possible in an enforcement context pursuant to a subpoena. This implies that the SEC would have to wait until the damage was done through a 'flash crash' or similar market disruption before taking any action, which would have to be retrospective.

''In light of the significance of automated trading to modern markets, and the potential risk of high-frequency trading, it makes no sense to tie the hands of regulators in examining detailed trading strategies and methods of high frequency traders.''

The Center for American Progress cautioned that: ''But in an era of fast-moving, 'flash-crash'-prone markets, the SEC may have a wide range of regulatory reasons for why it may need to examine source codes, including approvals of new trading products or the supervision of trading venues. The SEC should only exercise that authority carefully and under the strictest protections for confidential information, but blocking it by law dangerously limits the SEC's ability to address the significant technology-based challenges to financial markets.''

The Consumer Federation of America, an association of nearly 300 consumer advocacy groups, similarly opposed title 2 because it ''would weaken SEC oversight of algorithmic trading and hamstring the agency from responding quickly to flash crashes or other market breakdowns.''

Further, the CFA wrote that: ''At a time when algorithmic trading is taking on increased importance in our capital markets, this bill would make it more difficult for the SEC to properly oversee such trading.

□ 1545

''The bill would require the SEC to first issue a subpoena before it could compel a person to produce or furnish to the SEC algorithmic trading source code or 'similar intellectual property.' This would undermine the SEC's examination authority by creating a gaping hole in its ability to gain access to firm records relevant to the examination. It would also have a devastating effect on the agency's ability to respond quickly in the event of another 'flash crash' or such events in the future. In order to oversee the markets effectively, the SEC needs to be able to accurately and efficiently reconstruct order entry and trading activity, including for algorithmic traders.''

Public Citizen, a consumer rights advocacy group with over 400,000 members and supporters, wrote: ''Market volatility caused not by real events such as outbreak of a war, but by computers, including computer glitches, threatens to erase savings to some innocent investors and erodes general investor confidence. The recent swings in the markets attest to the need for robust and urgent supervisory inspection. The May 6, 2010 'Flash Crash,' where markets collapsed by more than $1 trillion in less than an hour, revealed that such a robust and urgent supervision has been lacking. The SEC required nearly a half year to investigate this incident before identifying a flawed algorithmic at one major trader. SEC oversight should be streamlined, not hampered. Trading instructions and records of human traders are already subject to inspection, so it should be no different for those instructions and records generated by a machine. Hiding source code from regulatory scrutiny will leave those responsible for mistakes as well as those attempting to manipulate markets unaccountable.''

These letters demonstrate the wide opposition to title II by groups that truly understand that robust oversight of algorithmic trading is necessary for the help of our makers.

Madam Speaker, I include in the RECORD letters from these groups.

FEBRUARY 13, 2018.

Please vote NO on H.R. 3299 and H.R. 3978.

Hon. MEMBER,
House of Representatives,
Washington, DC.

DEAR HON. MEMBER: On behalf of more than 400,000 members and supporters of Public Citizen, we ask you to vote NO on H.R. 3299 and H.R. 3978, which are expected to be considered by the full House on Wednesday, February 14, 2018. Provisions in these bills would expose borrowers to abusive loans, investors to dubious securities, and Americans generally to a riskier financial system.

H.R. 3299, the Protecting Consumers' Access to Credit Act of 2017, would allow predatory lenders to escape state limits on high interest rates. The bill would nullify the Second Circuit Court ruling in Madden v. Midland Funding. That decision provided that a financial institution that buys loans originated by a national bank could not benefit from the National Bank Act's preemption of state interest rate caps. While the Madden decision did not limit interest rates that banks charge on credit, it does limit nonbanks from evading state interest rate caps. This bill would pave the way for payday lenders, financial technology (fintech) companies and others to exploit that loophole and use a ''rent-a-bank'' arrangement in order to charge high interest rates. Twenty state Attorneys General have written to oppose this measure, noting that it undermines their efforts to protect borrowers from abusive loan rates. We urge you to oppose this bill.

H.R. 3978, the TRID Improvement Act of 2017, is actually a package of bills that were considered separately in the House Financial Services Committee. One of these is the Financial Stability Oversight Council Improvement Act (formerly H.R. 4061). This measure would add numerous procedural requirements for the Financial Stability Oversight Council (FSOC) when it considers the designation or continued designation of a nonbank firm as a systemically important financial institution (SIFI). Current rules already make SIFI designation a high hurdle. The case of MetLife, for example, shows that firms enjoy more than ample methods to contest designation. After FSOC designated MetLife as systemically important, it contested it in court and the case is pending. Increasing the government's burden for designation would restrict its ability to apply enhanced supervision to major institutions. However, the largest bailout of the 2008 financial crash went to AIG, a nonbank engaged in reckless derivatives activity beyond the purview of banking supervisors. We oppose this measure.

Another bill contained in H.R. 3978 is the Fostering Innovation Act (previously H.R. 1645). This bill amends Section 404(b) of the Sarbanes-Oxley (SOX) law by increasing from five to 10 years the time that CEOs of firms with less than $50 million in revenue must attest to the accuracy of their financial reporting. Congress approved SOX in response to the accounting scandals at the turn of the millennium. The rules are designed to promote accounting accuracy to the shareholders who have entrusted their savings to these firms. A Government Accountability Office (GAO) report found that companies with inferior financial reporting controls have a significantly higher likelihood of issuing a restatement of their financial accounts. Firms that are unwilling to oblige SOX should not be trusted with the capital of savers. Extending the CEO attestation requirement from five to 10 years exacerbates the problem. From an investor perspective, accounting safeguards are more important for smaller companies, since larger companies generally attract a larger and more sophisticated base of stock and bond holders who can perform effective oversight. We oppose this measure.

A third bill that is part of the H.R. 3978 package is the National Securities Exchange Regulatory Parity Act (formerly H.R. 4546). This bill would eliminate state supervision of securities if they are listed on an exchange, even if the exchange has reduced standards compared with those of major exchanges such as the New York Stock Exchange. Under current law, state supervision is pre-empted only if the security is listed on exchanges with rules overseen by the Securities and Exchange Commission (SEC). Rules may differ between exchanges, but they must be approved by the SEC to ensure that they prevent fraud, serve the public interest and protect investors. Moreover, exchanges must adopt and enforce rules that are ''substantially similar'' to the major exchanges, known formally as ''Named Markets,'' under current law. The existing system deters a race to the bottom, where an exchange may attempt to attract companies with weaker rules. Conversely, this bill would actually promote that race to the bottom by removing the requirement that the exchange adopt rules that are substantially similar to those of the Named Markets. We oppose this measure.

A fourth measure in H.R. 3978 is the Protection of Source Code Act, (formerly H.R. 3948). This measure would impede the ability of the SEC to conduct effective compliance examinations of market volatility involving computer-driven algorithms. The bill imposes a strict subpoena requirement before staff could inspect otherwise routine business records that involve source code. Market volatility caused not by real events such as the outbreak of a war, but by computers, including computer glitches, threatens to erase savings to some innocent investors and erodes general investor confidence. The recent swings in the markets attest to the need for robust and urgent supervisory inspection. The May 6, 2010 ''Flash Crash,'' where markets collapsed by more than $1 trillion in less than an hour, revealed that such robust and urgent supervision has been lacking. The SEC required nearly a half year to investigate this incident before identifying a flawed algorithm at one major trader. SEC oversight should be streamlined, not hampered. Trading instructions and records of human traders are already subject to inspection, so it should be no different for those instructions and records generated by a machine. Hiding source code from regulatory scrutiny will leave those responsible for mistakes as well as those attempting to manipulate markets unaccountable. We oppose this measure.

Because of our opposition to these elements in H.R. 3978 and to H.R. 3299 we urge you to vote NO on these bills. As we are marking the 10th anniversary of the Wall Street Crash, it's clear that American consumers and investors deserve stronger financial reforms, not weakened protections that will make our economy more susceptible to another collapse.

Thank you for your consideration. For questions, please contact Bartlett Naylor.

Sincerely,

PUBLIC CITIZEN.

AMERICANS FOR
FINANCIAL REFORM,
Washington, DC, February 13, 2018.

DEAR REPRESENTATIVE: On behalf of Americans for Financial Reform, we are writing to urge you to vote in opposition to H.R. 3978, which is being considered on the House floor today. This legislation is a grab bag of bad legislative ideas that should never have advanced through the House Financial Services Committee. Especially notable given the recent wild swings in stock prices, Title II of this bill would sharply limit the ability of the Securities and Exchange Commission (SEC) to investigate high-frequency automated trading strategies that can disrupt markets. But that is hardly the only harmful bill in this package. There are several other provisions that would weaken consumer and investor protections.

Title I, ''TRID Improvement,'' would amend the TILA/RESPA Integrated Disclosure Rule (also known as TRID) to change how title insurance fees are disclosed, in a manner that would increase confusion and potentially misinform consumers as to the final cost of these important fees. The title insurance market already lacks transparency and fairness; fees are grossly inflated in relation to the value of the insurance. The Consumer Financial Protection Bureau (CFPB) carefully studied this issue in its rulemaking to determine the clearest and most accurate way to disclose fees in light of varying state laws on title insurance and differences in practices by different companies. The changes in the statutory language here would limit the CFPB's authority to create a consistent method of disclosure across different companies and different states, and to reflect ways in which title insurance costs can change at closing. Further refinement in title insurance disclosures can be addressed through rulemaking by the CFPB itself in consultation with stakeholders.

Title II, ''Protection of Source Code,'' would severely restrict the ability of the SEC to examine the detailed trading strategies of high-frequency traders or automated traders, even in cases where such traders posed a risk to markets or the financial system. Title II would prevent regulators from inspecting not only the raw source code used in automated trading, but also any related intellectual property that ''forms the basis for the design of'' source code. Examination of such intellectual property would only be possible in an enforcement context pursuant to a subpoena. This implies that the SEC would have to wait until the damage was done through a ''flash crash'' or similar market disruption before taking any action, which would have to be retrospective.

In light of the significance of automated trading to modern markets, and the potential risks of high frequency trading, it makes no sense to tie the hands of regulators in examining detailed trading strategies and methods of high frequency traders. At any brokerage, trading instructions to a human trader, including the conditions under which such a trade would be carried out (e.g., a limit order) are part of the books and records routinely open to inspection by FINRA or the SEC. Trading instructions must not be exempt from inspection simply because they are automated. They should be part of the books and records of the organization, just as other order-related documents are. Intellectual property related to source code clearly involves trading strategies, which have always been a subject for regulatory inspection and oversight.

The continued high volatility on Wall Street is giving evidence of the potential systemic dangers of high-frequency automated trading. Now is not the time to tie the SEC's hands in doing oversight of such trading.

Title III, ''Fostering Innovation,'' would double the time for which certain new public companies are exempt from key financial reporting controls, most notably attestation by an auditor that their earnings and accounting are accurate. It grants this exemption to a class of companies, newly public companies with low revenue growth, which have a particular strong incentive to manipulate their financial statements and deceive investors. This piece of the legislation would both harm investors and undermine the integrity of our capital markets.

Title IV, ''National Securities Exchange Regulatory Parity,'' would dangerously expand Federal pre-emption from state securities laws designed to protect investors from securities fraud. Under current law, a national securities exchange needs to meet listing standards similar to those of a major national exchange—e.g., the New York Stock Exchange, NASDAQ—for its securities to be deemed ''covered securities.'' Under this

classification, securities enjoy the advantages of exemptions from state-level regulations.

Title IV in H.R. 3978 would amend the Securities Act of 1933 to remove the requirement that companies meet listing standards rigorous enough to be considered similar to those of major exchanges, effectively allowing riskier, less liquid securities to qualify as ''covered securities'' and avoid state securities laws designed to protect investors and financial markets. Under this section of H.R. 3978, a security would be exempt from state-level fraud protections as long as it is traded on a national exchange that is a member of the National Market System. This would mean that securities could be pre-empted from the oversight of state securities regulators without meeting the strong standards that the SEC has laid out for individual securities to qualify for preemption under Section 18 of the Securities Act.

Both the North American Securities Administrators Association (NASAA), the main body of state securities regulators, and the chief securities regulator for the Commonwealth of Massachusetts have made the dangers of this legislation clear in strongly worded opposition letters. In these letters, they advocated for fair and rigorous listing standards as essential to protect retail investors and savers, to maintain high standards for corporate governance, and to avoid conflicts of interests that harm investors. Title IV of H.R. 3978 unacceptably weakens these listing standards.

The sections of H.R. 3978 discussed above are, individually, bad bills for consumers and investors rights and protections. Packaging them together only worsens the harm. We urge you to reject H.R. 3978.

Thank you for your attention to this matter. For more information please contact AFR's Policy Director, Marcus Stanley.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

MORTGAGE BANKERS ASSOCIATION,
Washington, DC, February 13, 2018.

Hon. PAUL RYAN, SPEAKER OF THE HOUSE,
House of Representatives, Washington, DC.

Hon. JEB HENSARLING,
Chairman, House Financial Services Committee, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

Hon. MAXINE WATERS,
Ranking Member, House Financial Services Committee, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN, LEADER PELOSI, CHAIRMAN HENSARLING AND RANKING MEMBER WATERS: On behalf of the Mortgage Bankers Association (MBA), I am writing to express our support for H.R. 3978, the TRID Improvement Act, which the House of Representatives will vote on this week. I would highlight MBA's strong support for the inclusion of two individual bills—H R. 2948 and the previously free-standing H.R. 3978—within this updated vehicle.

MBA enthusiastically supports the inclusion of Title V, Section 501, entitled ''Eliminating barriers to jobs for loan originators,'' within the newly re-packaged bill. The Secure and Fair Enforcement for Mortgage Licensing (SAFE) Act of 2008 created two parallel but asymmetrical regimes for mortgage loan originators (MLOs) that have resulted in uneven consumer protections and an unlevel playing field for mortgage originators. The SAFE Act requires MLOs employed by non-bank lenders to be licensed, which includes pre-licensing and annual continuing education requirements, passage of a comprehensive test, and criminal and financial background reviews conducted by state regulators. These MLOs are also registered in the Nationwide Mortgage Licensing System and Registry (NMLS). By contrast, MLOs employed by federally-insured depositories or their affiliates must only be registered in the NMLS, and do not have to pass a test or meet specific education requirements.

The result is a two-tiered system that inhibits job mobility for loan officers and makes it difficult for non-bank lenders to compete for talented employees. Rather than leaving a job on a Friday and starting a new job on a Monday, an MLO who moves from a bank to a non-bank lender must sit idle for weeks, and sometimes months, unable to engage in loan origination activities while they complete the SAFE Act's licensing and testing requirements — despite the fact they have already been registered in the NMLS and originating loans. This bill promotes a fair and competitive labor market by eliminating barriers to the ability of non-bank lenders (especially small lenders) to compete for talented staff, and allowing MLOs to more easily move to the employer that offers them the best chance to succeed.

Section 501 of the bill is a bipartisan, narrow solution that would provide ''transitional authority'' to originate mortgages for individuals who change corporate affiliation from a federally-insured institution to a non-bank lender, or move across state lines, while they work to meet the SAFE Act's licensing and testing requirements. Transitional authority would be available only to MLOs that have a clean history as an originator (e.g., no license denials, revocations or suspensions, cease and desist orders, or felonies that preclude licensing).

MBA is especially grateful for the leadership of the bill's author, Representative Steve Stivers (R–OH), as well as its bipartisan original cosponsors: Representatives Joyce Beatty (D–OH), Bruce Poliquin (R–ME), and Kyrsten Sinema (D–AZ). Last Congress, the bill was unanimously reported from the House Financial Services Committee, and shortly thereafter passed the full House of Representatives under suspension of the rules. Again, late last year, the bill was reported from committee by a unanimous vote of 60–0.

MBA also supports Title I, Section 101, entitled ''TRID Improvement'', of the newly repackaged bill, as originally introduced as a free-standing vehicle by Representatives French Hill (R–AR) and Ruben Kihuen (D–NV). This section would amend the Real Estate Settlement Procedures Act (RESPA) to require the Consumer Financial Protection Bureau (CFPB) to allow the accurate disclosure of title insurance premiums and any potential available discounts to homebuyers. Under current regulations, the CFPB does not permit title insurance companies to disclose available discounts for lender's title insurance on the government-mandated disclosure forms. This creates inconsistencies in mortgage documents and causes confusion for consumers. This section would minimize that confusion by allowing title insurance companies to disclose available discounts and accurate title insurance premiums to consumers across the country.

MBA urges all members of the House to support the newly reframed H.R. 3978. Thank you for your consideration of our views on this bill, which will help promote a more competitive real estate finance market and thereby enhance overall economic development and growth.

Sincerely,

BILL KILLMER,
Senior Vice President, Legislative and Political Affairs.

Ms. MAXINE WATERS of California. Madam Speaker, I reserve the balance of my time.

Mr. HENSARLING. Madam Speaker, I yield myself 30 seconds to say the widespread opposition to the bill alluded to by the ranking member doesn't include roughly half the Democrats on the committee, including the gentleman from Illinois (Mr. FOSTER), who was quoted in our markup as saying: ''As someone who can code in at least seven languages, I understand that source code is qualitatively different from other documents that a firm might have and that our regulators should have legitimate access to. They are truly the crown jewels of an electronic trading firm, and there are obvious dangers that have been exposed in transferring things really not just to the government, to any entity. The first line of defense in cybersecurity is to keep the data as closely held as reasonable and still be able to do your job.''

Madam Speaker, I reserve the balance of my time.

Ms. MAXINE WATERS of California. Madam Speaker, I continue to reserve the balance of my time.

Mr. HENSARLING. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN), the vice chairman on the Subcommittee on Capital Markets, Securities, and Investment.

Mr. HULTGREN. Madam Speaker, I thank Chairman HENSARLING, and I am so grateful for his work on this package of bills that are so important.

I rise today to speak in support of H.R. 3978, the TRID Improvement Act, and all the additional measures that have been included in the Rules Committee print. I am a cosponsor of four of the five bills. The TRID Improvement Act sponsored by Representatives HILL and KIHUEN make important improvements to the TILA-RESPA integrated disclosure forms so home purchasers have the accurate representation of title insurance costs.

I am also a strong supporter of the National Securities Exchange Regulatory Parity Act, which I cosponsored with Chairman ROYCE. This is a commonsense technical fix to a 20-year-old statute that didn't foresee an increase in the number of exchanges in today's competitive market structure.

Currently, exchanges not named in the law must have substantially similar listing standards as those that are specifically named. This means the Chicago Stock Exchange, the CBOE, and others that have registered with the SEC since 1996 cannot be first movers in adopting innovative listing standards.

The Chicago Stock Exchange has told me: ''This change would remove this current impediment to companies listing their securities on CHX and would help in the exchange's efforts to develop a robust primary listing market here in Illinois.''

I am also very supportive of Chairman DUFFY's legislation, the Protection of Source Code Act, and I am an original cosponsor of that, because I

recognize that the entire value of some companies are embodied in their source code. We need to have strong checks in place before our government can demand such information.

Chris Giancarlo, now chairman of the CFTC, described the value of a subpoena when criticizing the idea of a source code repository at the agency he serves. I quote him when he said: ''The subpoena process provides property owners with due process of law before the government can seize their property. It protects owners of property, not the government that already has abundant power.''

Finally, I want to mention my support for the Fostering Innovation Act, sponsored by KYRSTEN SINEMA and TREY HOLLINGSWORTH; and the SAFE Mortgage Licensing Act, sponsored by STEVE STIVERS and JOYCE BEATTY. I am a cosponsor of those measures as well.

I urge all of my colleagues to vote in support of this very bipartisan package of bills.

Ms. MAXINE WATERS of California. Madam Speaker, I continue to reserve the balance of my time.

Mr. HENSARLING. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. WILLIAMS), the vice chairman of our Subcommittee on Monetary Policy and Trade.

Mr. WILLIAMS. Madam Speaker, I rise in support of H.R. 3978, the TRID Improvement Act introduced by my colleague from Arkansas (Mr. HILL) and my colleague from Nevada (Mr. KIHUEN).

This important and overwhelmingly bipartisan legislation, which passed out of the House Financial Services Committee by a vote of 53–5, is a straightforward, commonsense solution that will help hardworking Americans buy a new home or refinance their existing home.

Under the CFPB's misnamed ''Know before you owe'' TRID rule, those in the home buying or refinancing process may not actually know everything about the price they are going to pay before closing.

Because of the TRID rule and the restrictions placed on the listing of discounted title loan insurance rates on loan estimates, consumers may see one title loan insurance price on their loan estimate and another on their closing form.

The TRID rule creates unnecessary confusion, and this bill is a step in the right direction to reducing the burdensome and overreaching authority of the CFPB.

I am proud to join this bipartisan effort, but I do wish that the CFPB had been more willing to work with the chorus of voices from both sides of the aisle calling for this change.

The home buying experience is complicated enough as it is, and the rationale displayed by the CFPB discourages homeownership and levies unjust penalties for those Americans striving for the dream of homeownership.

I am proud to join my colleagues in support of this measure, the TRID Improvement Act.

In God we trust.

Ms. MAXINE WATERS of California. Madam Speaker, I continue to reserve the balance of my time.

Mr. HENSARLING. Madam Speaker, I yield 2 minutes to the gentleman from Maine (Mr. POLIQUIN), a hardworking member of the Financial Services Committee.

Mr. POLIQUIN. Madam Speaker, I thank the chairman for moving this very important package of bills through the Financial Services Committee and now to the floor.

Madam Speaker, I want to congratulate a terrific Congressman from the State of Arkansas (Mr. HILL) for the great work he has done in reconstituting the TRID Improvement Act. This bill, Madam Speaker, is designed to help our homeowners or would-be homeowners go through the process comfortably and efficiently, and also help our financial professionals who help them, in turn, to secure residential mortgages.

This bill, as has been noted earlier, Madam Speaker, passed with very strong bipartisan support, and I encourage everybody on the floor, Republicans and Democrats, to weigh in with a ''yes'' vote on H.R. 3978.

Now, Madam Speaker, Mr. HILL's bill has two very important pieces that help our families and also help our economy grow.

First, in title I, section 101, this bill allows title insurance companies to accurately disclose the premiums they charge for their service and also the discounts that are available to our home buyers across the country. Right now, the CFPB does not allow such disclosures, which is unfair and confusing for our home buyers.

Madam Speaker, secondly, in title V, section 501, this bill includes the Eliminating Barriers to Jobs for Loan Originators Act, of which I am proudly a cosponsor. This bill, Madam Speaker, allows mortgage loan officers at a bank to move to do the same work at a nonbank financial institution without sometimes waiting weeks or months for redundant and unnecessary relicensing.

Now, that is just not fair, Madam Speaker, to the folks who are trying to help our families secure mortgages so they can move into a new place to work.

I encourage everybody on both sides of the aisle to support this excellent bill. It is bipartisan. Again, I congratulate the gentleman from Arkansas (Mr. HILL), and I salute our chairman for moving this so quickly through the process.

Ms. MAXINE WATERS of California. Madam Speaker, I continue to reserve the balance of my time.

Mr. HENSARLING. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. ZELDIN), another member of the Financial Services Committee.

Mr. ZELDIN. Madam Speaker, I rise in strong support of the TRID Improvement Act, bipartisan legislation introduced by the gentleman from Arkansas (Mr. HILL).

I am a proud cosponsor of this legislation, which combines three bipartisan proposals that will improve the home buying process, protect intellectual property, and help emerging businesses thrive and create jobs. By reforming confusing regulations that make it difficult for prospective buyers or businesses to get title insurance, this legislation will help get more families into homes and help local businesses grow.

By protecting the intellectual property of investors, we are improving the access to capital that is essential for growth and job creation in communities on Long Island, where my district is located, and all across our country.

And last but not least, by reforming the outdated definition of what constitutes an emerging growth company, this legislation takes important steps towards fostering innovation and ensuring that new businesses are not discouraged from expansion and job creation.

The sum of these important bipartisan solutions are more innovation, more hiring, and a more vibrant economy. I urge all of my colleagues to vote for this important piece of legislation. I thank my colleague, Congressman HILL, for his leadership with it, and Chairman HENSARLING and his great staff for all their efforts to get this bill to the floor.

Ms. MAXINE WATERS of California. Madam Speaker, I continue to reserve the balance of my time.

Mr. HENSARLING. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LOUDERMILK), another proud member of the Financial Services Committee.

Mr. LOUDERMILK. Madam Speaker, I thank Chairman HENSARLING for his leadership and for allowing me to come here and speak in support of the TRID Improvement Act and the other bills that are in this package.

Madam Speaker, we have seen countless examples of overregulation and regulatory mission creep by many agencies, and especially of the CFPB. But one of the things the CFPB should be doing is making sure that consumers have the right information when closing on a home.

Unfortunately, the CFPB's 2015 mortgage disclosure caused many home buyers to not have an accurate disclosure of their title insurance premiums. The commonsense bill proposed by my colleague, Mr. HILL, will make sure that home buyers know exactly the cost of their title insurance, not two different prices from a loan estimate and a closing document.

I also strongly support several other pieces of legislation that have been included in this package. Mr. ROSS' bill, the FSOC Improvement Act, will make regulation of large financial institutions much smarter and more effective.

Instead of only focusing on punishing companies for violations of rules, regulators should also focus on what should be the real purpose of financial regulations, which is reducing risk.

Mr. ROSS' bill will also allow nonbank financial companies the opportunity to reduce any risky activities before they are designated as systemically important. This will help financial regulators to achieve their intended purpose rather than simply being a gotcha game on regulated companies.

All of these bills we are considering today received overwhelming bipartisan support in the Financial Services Committee, and I urge all of my colleagues to support this legislative package.

Ms. MAXINE WATERS of California. Madam Speaker, may I inquire as to whether or not the chairman has more speakers?

Mr. HENSARLING. Madam Speaker, I would tell the ranking member that I have potentially two speakers, if they make it. They are on their way from a hearing, but they are not here now.

□ 1600

Ms. MAXINE WATERS of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, it has become par for the course for the majority to recklessly advance harmful deregulatory packages like H.R. 3978. My friends on the other side of the aisle are moving forward with regulatory roadblocks at a furious pace, pushing dangerous bills through the House nearly every week.

It appears that they may have already completely forgotten a way that lacks financial regulation and allowed the crisis in 2008 to occur. That crisis badly damaged the whole economy and harmed all of our constituents. The impact was enormous: $13 trillion in household wealth was lost; 11 million people lost their homes to foreclosure; and the unemployment rate reached 10 percent.

Democrats responded by enacting Wall Street reform to ensure that consumers, investors, and our economy are protected from reckless actors and bad practices, but now Republicans cannot wait to take us back to the bad old days. It makes no sense.

As we have discussed, the package of bills now before us guts important financial protections at a time when markets are already experiencing turmoil. It would allow high-frequency traders to manipulate the stock markets undetected, encourage a regulatory race to the bottom at our Nation's stock exchanges, and harm investors by weakening efforts to detect accounting fraud at smaller public companies. This package of bills threatens important progress we have made to reduce risk in the financial system and return investor confidence.

In recent weeks, we have seen volatile markets that threaten the savings of hardworking American families. These circumstances should serve as a clear reminder that Congress should be strengthening oversight of the financial system, not weakening it by undermining or removing important protections.

H.R. 3978 is strongly opposed by our State's security cops, who are at the front line of combating fraud, and it is opposed by groups representing consumers, investors, and unions.

Madam Speaker, for all of these reasons, I urge Members to oppose H.R. 3978, and I yield back the balance of my time.

Mr. HENSARLING. Madam Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes remaining.

Mr. HENSARLING. Madam Speaker, there may be other Members coming, so, at the moment, I yield myself 4 minutes.

Madam Speaker, again, all over America today, fortunately, because of the Tax Cuts and Jobs Act, people are waking up to new opportunities. They are finally seeing their wages begin to grow. We have seen the greatest wage growth in almost a decade, Madam Speaker, again, thanks to President Trump and thanks to a Republican Congress, a bill that was opposed by every single Democrat.

But as they wake up to these new opportunities, Madam Speaker, they also need new credit. As their incomes rise—this is good—they still need credit in order to buy a home, in order to purchase that car, and sometimes just to put groceries on the table. Unfortunately, over the last 8 years of the Obama administration where we saw probably one of the greatest increases in the cost, expense, and burden of costly Washington red tape, we have seen fewer credit opportunities.

So now, fortunately, today there are good men and women on both sides of the aisle who are trying to work together to bring some rationale and reason to the regulatory burden. Many Members on the other side of the aisle do realize that Dodd-Frank did not come down as tablets from Mt. Sinai, that it isn't chiseled into stone, and that maybe there are some improvements that could be made.

So today, we are taking a number of very bipartisan bills to the House floor. The Protecting Consumers' Access to Credit Act, which we debated earlier, Madam Speaker, passed by 42–17.

The TRID Improvement Act by Mr. HILL from Arkansas passed through our committee 53–5—90 percent. Almost all of the Democrats but the ranking member supported the bill. The Protection of Source Code Act, 46–14; the Fostering Innovation Act passed by a vote of 48–12, a Democratic bill; the National Securities Exchange Regulatory Parity Act, 46–14.

We have a lot of bipartisan bills, but with one exception, title V of the TRID Improvement Act, none of them were supported, unfortunately, by the ranking member.

So there is, again, a lot of bipartisan work we are trying to get done here. Unfortunately, very little of it is supported by the ranking member.

And why is this important? It is important, Madam Speaker, because every day we are still hearing from our constituents who need access to competitive affordable credit. And because of this Washington red tape and regulatory burden, they are not getting it.

It wasn't that long ago we heard from Ann of Wisconsin, who said:

> My husband and I had very high credit scores. We have plenty of equity in our home. But because my husband has a seasonal job and finds other employment in the winter, many banks we contacted rejected our loan request. They based our annual income only on the job he has currently and said that was part of the new regulations.

Part of the new regulations—there is somebody who won't buy a home; they can't get a home.

I heard from a mortgage banker in North Carolina who said:

> Last year, we declined a young man and his family fixed rate financing to purchase a primary home. The applicant recently relocated to work for a family business. Prior to Dodd-Frank, it would have been easy to qualify, but no more.

Another potential American home buyer denied credit because of this regulatory burden. Madam Speaker, that is what many of us, on both sides of the aisle, are trying to remedy today.

Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Arizona (Ms. SINEMA), a sponsor of title III of the Fostering Innovation Act.

Ms. SINEMA. Madam Speaker, I rise in support of H.R. 3978, a package of commonsense solutions, each passed with support of both parties by the House Financial Services Committee. Madam Speaker, I also thank Congressman HILL of Arkansas for his leadership in moving the package forward.

One of these solutions is H.R. 1645, the Fostering Innovation Act, legislation we introduced to help Arizona biopharmaceutical companies make lifesaving breakthroughs.

Business expenses always involve tradeoffs. When Arizona small businesses spend money on costly regulations that provide little public benefit, they have less money to invest in research, development, and job creation for Arizona families.

That is why I introduced this bill. This narrow fix ensures that innovative emerging growth companies, or EGCs, have the time and capital to develop and perfect scientific breakthroughs. Right now, they are exempted only for 5 years from these costly external audit requirements. That is often not enough time for these emerging companies to prepare innovations for commercialization. Our bill temporarily extends this exemption for an additional 5 years for a small subset of these EGCs with an annual revenue of less than $50 million and less than $700 million in public float.

The Fostering Innovation Act empowers innovative Arizona companies, like HTG Molecular Diagnostics, to use valuable resources to remain competitive, stable, and, ultimately, successful.

HTG is a Tucson-based developer of targeted molecular profiling technology. This innovation ensures genetic testing can be turned around accurately and quickly, in as little as 24 hours. For patients, doctors, and families grappling with unexplainable symptoms or illnesses, genetic testing can provide critical insights and inform the best course of treatment.

These are lifesaving breakthroughs. It is what companies like HTG should use their limited resources to fund, not unnecessary and costly paperwork.

I urge my colleagues to support American ingenuity, job creation, and growth by passing this act.

Mr. Speaker, I thank, in particular, Chairman HENSARLING and Congressman HOLLINGSWORTH of Indiana for working with me on a consensus solution that cuts red tape and supports innovative and potentially lifesaving medical research.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore (Mr. YODER). The gentleman from Texas has 1 minute remaining.

Mr. HENSARLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, once again, I want to hear the voices of hardworking Americans, not just Washington, D.C., letterhead groups.

We heard from a community banker, who said:

A local union member wanted to refinance his primary residence. He was currently laid off due to the winter season. His tax return showed he was generally laid off for about 6 weeks each year during the extreme cold but was always called back when weather improved. Since he was laid off, we could not meet the requirement to validate his current income that would continue for 3 years. We had to deny the loan.

Yet again, Mr. Speaker, more Washington red tape taking away home opportunities from hardworking Americans. It is wrong. We must do something about it. It is why, on a bipartisan basis, so many of us have gotten together to pass H.R. 3978.

Yes, we want to make sure that people can buy homes, they can buy cars, they can put groceries on the table, and right now, when the economy is finally starting to improve, thanks to President Trump and the Tax Cuts and Jobs Act, we want them to have opportunities.

Mr. Speaker, I encourage all Members to support H.R. 3978, and I yield back the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I include in the RECORD the following letters of opposition.

CENTER FOR AMERICAN PROGRESS,
Washington, DC, February 13, 2018.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Democratic Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: The Center for American Progress (''CAP'') is writing today to express opposition to H.R. 4061, the Financial Stability Oversight Council Improvement Act of 2017, which is included as Title VI of the revised H.R. 3978 package. It is our understanding that the revised H.R. 3978 package will be considered on the floor of the House of Representatives this week, so we welcome the chance to share our concerns regarding this legislation with you and your Members.

In short, this bill erodes a vital new financial regulatory tool implemented following the devastating 2007–2008 financial crisis. If enacted, the U.S. financial regulatory structure will be less equipped to handle risks that build up outside of the traditional banking sector—making the financial sector as a whole more vulnerable to another shock and economic downturn. Americans paid for the last crisis with their jobs, homes, and savings, while banks and other financial institutions were bailed out. This bill inexplicably makes a repeat of that economic calamity more likely.

The 2007–2008 financial crisis demonstrated that excessive risk could build up outside of the traditional banking sector. Nonbank financial institutions like Lehman Brothers, Bear Stearns, and AIG did not face the type of oversight and regulatory standards warranted by their systemic importance. The failure or near-failure of these institutions threatened the stability of the U.S. financial sector. AIG and Bear Stearns were bailed out accordingly, while the failure of Lehman Brothers brought the global financial system to the brink of collapse. The crisis also revealed that no one financial regulator had a system-wide mandate, meaning individual regulators were only focused on their respective segments of the financial sector. This left financial regulators in the dark regarding risks that built up across different parts of the sector or that emerged in underregulated parts of the sector.

In the wake of the financial crisis, President Obama worked with Congress to pass the Dodd-Frank Wall Street Reform and Consumer Protection Act—the most significant financial regulatory reforms enacted since the Great Depression. One important pillar of Dodd-Frank was the creation of the Financial Stability Oversight Council (''FSOC''), a new systemic risk regulatory body. The FSOC was created to bring the disparate financial regulators together to identify and mitigate threats to financial stability. The most important tool given to the FSOC to fulfill this mission is the authority to subject a nonbank financial company to enhanced oversight and regulation by the Federal Reserve Board if material distress at the company, or the company's activities, could threaten financial stability. The FSOC has used this designation authority sparingly and only after a thorough, multi-stage review process in which the FSOC communicates extensively with the company and the company's primary regulators.

H.R. 4061 would add multiple additional hurdles to the FSOC's already-rigorous designation process. The proposed changes would add an estimated two years to the designation process, meaning it would take roughly four years for the FSOC to designate a nonbank financial company that could threaten U.S. financial stability. The four-year estimate does not even factor in the time it will take for the legal proceedings to play out when a company challenges the designation in court. The legal challenge by MetLife took years, and likely would have taken longer if the Trump administration didn't agree to stop pursuing the case. If anything, this bill increases the procedural issues a designated company could raise in court. H.R. 4061 practically invites a legal filibuster of the designation. It renders the designation authority nearly useless. Hollowing out this crucial post-crisis authority makes it far more likely that an underregulated systemically important nonbank will cause or aggravate the next financial crisis.

Contrary to critics of the FSOC, it is not a rigid body and has in the past responded to legitimate process and transparency suggestions. In 2015, after soliciting public comment, the FSOC adopted 17 changes to its designation process and transparency policies The current designation process in place is rigorous and appropriately thorough. H.R. 4061 would add no less than nine new bureaucratic steps. These proposed changes are excessive, and the intent is clear: To prevent the FSOC from using this vital tool.

This legislation is even more concerning given the actions Treasury Secretary Steven Mnuchin, Chairman of the FSOC, has taken since the start of the Trump administration. The FSOC, under Mnuchin's leadership, has: (i) rescinded the designation of AIG, the company that received a $182 billion bailout during the crisis; (ii) slashed the FSOC's budget and staff; (iii) dropped the legal proceedings regarding MetLife's designation; (iv) signaled that Prudential's designation may be rescinded this year; and (v) recommended some deeply concerning additional changes to the FSOC's designation process in a report published in late 2017. Further restricting the FSOC's authority at a time when it is being dismantled from within would be a grave mistake.

For these reasons, CAP recommends that Members vote ''NO'' when the revised H.R. 3978 package of bills, which includes H.R. 4061, is considered on the floor.

If you have any questions about this letter or would like to discuss these issues further, please contact Gregg Gelzinis.

Sincerely,

GREGG GELZINIS,
Research Assistant, Economic Policy, Center for American Progress.

February 13, 2018.

DEAR REPRESENTATIVE, The undersigned organizations urge you to vote against H.R. 3978, the TRID Improvement Act. The bill, which amends Section 2603 of RESPA, would create confusion and undermine consistency in mortgage disclosures. In particular, the bill would make it harder for consumers to understand how much they are paying for title insurance, a required fee that already lacks a transparent, functioning market.

In 2007, a GAO report concluded that borrowers ''have little or no influence over the price of title insurance but have little choice but to purchase it.'' Instead, the lender typically chooses the insurer. As a result, the fees are grossly inflated in relation to the value of the insurance. Recent studies have found that barely 5% to 11% of premiums are paid out in claims. Almost the entirety of a title insurance premium goes to commissions, not insurance coverage. In contrast, for health insurance, minimally 80% of premiums are returned to consumers in claim payouts and the loss ratios for auto insurance fluctuate between 50% and 70%. Borrowers already pay inflated title insurance costs. Increased confusion in title insurance price disclosures would only serve to exacerbate the problems in the market with transparency and fairness.

The method required by the Consumer Financial Protection Bureau for disclosing title insurance premiums reduces consumer confusion and enhances consistency between the estimated and final loan cost disclosures. The bill would change the final loan disclosure, decreasing consistency with the initial disclosure. As a result, it would increase consumer confusion, especially where the consumer opts not to purchase both lender and owner policies (only the lender policy is required) after getting the early disclosure containing both.

The bill's requirement to disclose the ''actual'' cost of the insurance will lead to confusion in almost half of the states because the calculation of premiums is not standardized under state law and title companies within those states do not provide comparable rates. In contrast, the CFPB regulations take into account that comparison shopping in such states is not possible and provides a standardized approach. Further refinement of the title insurance disclosures can be addressed by the CFPB itself in cooperation with stakeholders to ensure any outstanding issues are addressed with the input of all affected parties.

We urge you not to undermine the CFPB's careful rules for restoring transparency and market competition to the title insurance market. Please vote no on H.R. 3978.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.
CENTER FOR RESPONSIBLE LENDING.
NATIONAL ASSOCIATION OF CONSUMER ADVOCATES.
NATIONAL CONSUMER LAW CENTER (ON BEHALF OF ITS LOW-INCOME CLIENTS).

CONSUMER FEDERATION OF AMERICA,
February 12, 2018.

DEAR REPRESENTATIVE: We understand the House is scheduled to vote this week on H.R. 3978, the ''TRID Improvement Act.'' While we did not take a position on this bill when it came before the House Financial Services Committee, we urge you to oppose it now that it includes the following extraneous, anti-investor bills: H.R. 3948, the ''Protection of Source Code Act;'' H.R. 1645, the ''Fostering Innovation Act;'' and H.R. 4546, the ''National Securities Exchange Regulatory Parity Act.'' Each of these bills would harm investors and undermine the integrity of our capital markets.

H.R. 1645, the ''Fostering Innovation Act,'' would make financial accounting fraud more likely.

This legislation would extend the period of time in which certain public companies would be exempt from a requirement that provides important protections against financial reporting errors, including errors that are the result of fraud. That is the requirement under Section 404(b) of the Sarbanes-Oxley Act that requires auditors, as part of their audits of public company financial statements, to assess and attest to the adequacy of the company's internal controls to ensure accurate financial reporting. This bill would extend this exemption for up to five years to a class of companies, including those that have gone public but may be struggling to produce significant revenues, that could have a particular incentive to manipulate their financial statements in order to attract more capital. Companies should not be permitted to raise capital in the public markets if they do not have adequate controls in place to prevent financial reporting errors and fraud. And auditors cannot reasonably attest to the accuracy of a company's financial statements without carefully assessing those controls. Requiring auditors to attest to the adequacy of those controls as part of the financial statement audit contributes to the market transparency and integrity that is essential to a healthy capital formation process. Moreover, the number and severity of financial restatements has declined since the requirement was adopted, which demonstrates that these requirements have benefited the market significantly. Because this legislation would make financial accounting fraud more likely, we oppose it. Furthermore, because this legislation is being attached to the TRID bill, we urge you to oppose the entire package.

H.R. 3948, the ''Protection of Source Code Act,'' would weaken SEC oversight of algorithmic trading and hamstring the agency from responding quickly to flash crashes or other market breakdowns.

At a time when algorithmic trading is taking on increased importance in our capital markets, this bill would make it more difficult for the SEC to properly oversee such trading. The bill would require the SEC to first issue a subpoena before it could compel a person to produce or furnish to the SEC algorithmic trading source code or ''similar intellectual property.'' This would undermine the SEC's examination authority by creating a gaping hole in its ability to gain access to firm records relevant to the examination. It would also have a devastating effect on the agency's ability to respond quickly in the event of another ''flash crash'' or other such events in the future. In order to oversee the markets effectively, the SEC needs to be able to accurately and efficiently reconstruct order entry and trading activity, including for algorithmic traders. Because this legislation would weaken SEC oversight of algorithmic trading and hamstring the agency from responding quickly to flash crashes or other market breakdowns, we oppose it. Furthermore, because this legislation is being attached to the TRID bill, we urge you to oppose the entire package.

H.R. 4546, the ''National Securities Exchange Regulatory Parity Act,'' would drastically weaken standards for securities to be listed and traded on exchanges.

H.R. 4546 would change the terms on which securities are deemed ''covered securities,'' and thus exempt from state oversight. It would do so by removing any requirement that these securities have to meet conditions comparable to the current listing standards on leading national exchanges. Instead, any security listed on an exchange that is a member of the National Market System (NMS) would be exempt from state regulation and oversight. Because the bill would not establish any core quantitative or qualitative requirements for covered securities to replace those eliminated by the bill, it would likely accelerate an already troubling race to the bottom in listing standards among NMS members. Moreover, the bill does not sufficiently protect against the possibility that a venture exchange could eventually be established specifically to meet the bill's requirements for state preemption. If this were to occur, smaller, more local offerings typically overseen by states could be ''designated as qualified for trading'' on such an exchange without any assurance that they can meet basic quantitative and qualitative standards designed to ensure investors are appropriately protected. In short, this bill would eliminate protections afforded by state oversight, fail to replace the current meaningful protections afforded by high listing standards with a comparable alternative, and leave investors without any reasonable hope that the SEC will be able to provide effective oversight at the federal level. Because this legislation would drastically weaken standards for securities to be listed and traded on exchanges, we oppose it. Furthermore, because this legislation is being attached to the TRID bill, we urge you to oppose the entire package.

The TRID bill should not be used as a vehicle to pass extraneous, anti-investor bills. Because the bills attached to the TRID bill would harm investors and undermine the integrity of our capital markets, we urge you to vote no on the entire package when H.R. 3978 comes to the floor this week.

Respectfully submitted,

BARBARA ROPER,
Director of Investor Protection.
MICAH HAUPTMAN,
Financial Services Counsel.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. FOSTER

Mr. FOSTER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 4, strike ''source code, including''.

Page 3, line 6, insert ''algorithmic trading'' before ''source code''.

Page 3, line 15, strike ''source code, including''.

Page 3, line 17, insert ''algorithmic trading'' before ''source code''.

Page 3, line 25, strike ''source code, including''.

Page 4, line 2, insert ''algorithmic trading'' before ''source code''.

Page 4, line 11, strike ''source code, including''.

Page 4, line 13, insert ''algorithmic trading'' before ''source code''.

The SPEAKER pro tempore. Pursuant to House Resolution 736, the gentleman from Illinois (Mr. FOSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. FOSTER. Mr. Speaker, my amendment clarifies that this bill is only intended to apply to the source code underpinning algorithmic trading rather than any computer code that exists anywhere in the enterprise.

The algorithmic source code at a trading firm are its crown jewels. It is basically the core of its existence in its intellectual property.

It is not merely historical or descriptive like books or records that regulators routinely have access to. Likewise, it is not a broad expression of strategies that a firm might use some time in the future. Rather, it is a specific and prescriptive algorithm that generates a specific outcome based on a specific set of inputs.

The firms that rely on algorithmic trading have Ph.D. scientists, mathematicians, and economists researching correlations that lead to these relationships between the inputs and outputs. These may be simple but may also be incredibly complex, involving multiple inputs that do not appear related at first glance.

This complexity, coupled with the fact that they are written largely in computer code, limits the usefulness of

inspecting source code as an examination tool. It is, rather, the behavior of the firm in the market that represents potential violations of security laws. Manipulative behavior, like frequently displaying or canceling orders, should get the regulators' attention and prompt them to ask the firm to explain it.

Source code would be and will be a valuable part of any investigation or enforcement action into observed manipulation of the market, but this is not the basis and should not be the basis for casual inspection. It would probably be central to proving the element of intent in an enforcement action because it demonstrates that the algorithm was designed to engage in, for example, manipulative or abusive behavior.

To this end, it is imperative that the firms achieve archived versions in effect at any given time and log modifications to those algorithms, including who made them, at any time that the code is altered. These should always be available by subpoena.

Additionally, I believe that most firms would allow the regulator on site to examine the source code on an air gap computer. To treat the source code as ordinary books and records would not limit the regulator to onsite examination, but would allow for staff to request it and that it be made available offsite, which has real dangers.

Because of the value the firm carries with its proprietary algorithms, it makes sense that the firm would be reluctant to allow any undue access to its crown jewels. It is really, I believe and I think the majority of my colleagues believe, something that should be accessible only by a subpoena.

My amendment simply clarifies that it is only the algorithmic trading code and related information that should be covered. I urge my colleagues to support my amendment and, upon its adoption, to support the bill on final passage.

Mr. Speaker, I reserve the balance of my time.

□ 1615

Ms. MAXINE WATERS of California. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. MAXINE WATERS of California. Mr. Speaker, the current language of title II of H.R. 3978 would require SEC examination staff to obtain a subpoena before it could inspect any source code whatsoever, including, for example, computer code reflecting a firm's adherence to the SEC's cybersecurity regulations.

The amendment offered by Mr. FOSTER would narrow the requirement in title II to only apply to proprietary source code related to algorithmic trading. While I applaud Mr. FOSTER and the amendment's cosponsor, Mr. SCOTT, for narrowing the overbroad language of title II, the amendment cannot fix this untimely and ill-advised legislation. Even as amended, title II would undermine effective oversight of the high-frequency traders that simultaneously create and stand to benefit from the kind of extreme market volatility that we have seen in the past few weeks.

Let's not forget that, on May 6, 2010, in an event referred to as the ''flash crash,'' major U.S. stock indices inexplicably plummeted nearly $1 trillion in less than an hour before mostly rebounding. Alarmingly, market regulators took nearly 5 months to determine that the flash crash was caused by a combination of a flawed execution algorithm of one institutional investor and aggressive algorithmic trading by HFTs.

While it is too early to tell exactly what created the recent volatility in the U.S. stock market, market analysts have suggested that algorithmic trading has played a central role. In fact, just last Tuesday, the day after the Dow Jones Industrial Average saw its biggest one-day point drop in history, Treasury Secretary Steve Mnuchin testified before the House Financial Services Committee that algorithmic trading ''definitely had an impact on market moves.''

Given the importance of algorithmic trading in our stock market, it makes no sense to obstruct the SEC's access to the information that enables such activity merely because it exists in an electronic format. Americans who have trillions of their dollars in 401(k) and other retirement and savings plans deserve the SEC's best efforts in investigating and mitigating computer-driven market disruptions. For this reason and for all of these reasons, and given my broader concerns that the bill would significantly harm investor confidence in our markets even if the amendment is adopted, I am urging a ''no'' vote on H.R. 3978.

Mr. Speaker, I yield back the balance of my time.

Mr. FOSTER. Mr. Speaker, I would just like to simply reiterate that it should be the actions in the market that are the first indications that the regulators should have a look at, and when they see suspicious activity in the market, that is the time to get the subpoena and go after the source code.

With that, I just urge the adoption of the amendment and the passage of the underlying bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

The question is on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CAPUANO. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CAPUANO. I am, in its current form.

Mr. HENSARLING. Mr. Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. A point of order on the motion is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Capuano moves to recommit the bill H.R. 3978 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 5, line 13, strike ''and''.

Page 5, line 14, strike the period and insert ''; and''.

Page 5, after line 14, insert the following:

''(D) has claw back policies to require any executive officer incentive-based compensation to be clawed-back in the event that the issuer is required to prepare an accounting restatement due to the material noncompliance of the issuer with any financial reporting requirement under the securities laws (as defined in section 3(a) of the Securities Exchange Act of 1934), regardless of whether such compensation was paid to an officer who was a party to the actions that resulted in such restatement.''.

Mr. CAPUANO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. HENSARLING. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts is recognized for 5 minutes in support of his motion.

Mr. CAPUANO. Mr. Speaker, my amendment simply requires a company to have a policy in place to claw back executives' incentive-based pay if it is materially noncompliant with financial reporting requirements. Now, those words matter because the words ''materially noncompliant'' mean something in the accounting world. It has to be a big change, not just some minor, little accounting error.

This amendment really should be noncontroversial. It is outrageous, not to mention shortsighted, that almost a decade after the crisis that wrecked the economy we still don't have commonsense safeguards in place to ensure that CEOs do not turn a blind eye to problems that lead to a public restatement of their company's financials.

This is not something hypothetical. It happens on a pretty regular basis. It is not relegated to just the past. Everybody here is pretty familiar with Wells Fargo Bank. It has generated scandal after scandal by ripping off its own

consumers. Last year, the bank settled an 11-year lawsuit with the Department of Justice because it overcharged veterans who applied for home loan refinancing. At the same time, we learned of hundreds of thousands of car loan customers charged for car insurance that they never agreed to purchase.

In 2016, we learned of millions of fake deposits and credit card statements opened up by Wells Fargo and then charging their customers. Last September, the bank failed to refund insurance payments made by customers who paid off their car loans early. And most recently, we found out that they delayed mortgage closing dates in order to jack up their own fees.

These abuses come on top of $10 billion in fines by that bank that has been paid in recent years for everything from mortgage fraud, illegal marketing, kickback schemes, insider trading, racial discrimination, and student loan scams. Yet the bank believes that this kind of consistent misconduct is not materially financially important enough to require a restatement.

Wells Fargo has only ever clawed back a few tiny dollars from its executives. All this recommit does is simply says that if you commit an act that requires a material change in your public statements, you shouldn't profit by it. That is all. Not basic pay; just the incentive pay tied to those actions.

The underlying bill goes in the opposite direction. It makes it more likely that there will be material inaccuracies in certain public companies' financial statements. If this is what Congress is going to do, we should, at the very least, not incentivize that bad behavior. Title III of this bill allows new public companies to get out of independent audit requirements for 10 years—ten years.

Now, we all think, well, that is fine for a small company. Small company? Up to $700 million of company shares? That is a small company? Those are significant companies that put lots of people at risk, shareholders and investors.

In 2002, the Sarbanes-Oxley Act—I want to repeat, the Sarbanes-Oxley Act because Mike Oxley was the Republican chair of the Financial Services Committee at the time—requires companies to issue stock to publicly report their internal control structures and procedures for financial reporting. Those reports have to be attested to and covered in an audit report.

There is a reason why an independent audit of large corporations is a good thing: it makes it harder for them to hide bad actions. This recommit, again, it is simple. It doesn't change the underlying bill. It simply says: If a corporation makes a material change to its publicly stated financial records and an executive's incentive pay has been tied to the profits made off of that now-changed policy, the company has to have a policy in place whereby to claw back those ill-gotten profits. I don't think that is controversial. I don't think that is partisan. I don't think that is antibusiness. I don't think that is overregulation. It is simply fair.

We don't let bank robbers keep their money. We don't let other people who commit wrongdoings keep the profits that they have. Why should we let corporations who go out of their way—some, not all, only a handful go out of their way—to make sure that they hide their bad actions, report them badly? And when they get caught and have to report them appropriately, they still get to keep the ill-gotten gains.

That is all this recommit does. It is simple. It is straightforward. And I would hope that my friends on not just the other side but on both sides of this aisle see this as a thoughtful, insightful, and commonsense approach to amend this bill.

Mr. Speaker, with that, I yield back the remainder of my time.

Mr. HENSARLING. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The reservation of a point of order is withdrawn.

Mr. HENSARLING. Mr. Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I listened very carefully to my colleague on the Financial Services Committee. I lost track of how many times he mentioned Wells Fargo. That has nothing to do with an early growth company. That has nothing to do with this title of the bill.

So the Fostering Innovation Act by the gentlewoman from Arizona is all about allowing emerging-growth companies the opportunity to actually grow. What a novel concept.

What we know is, Mr. Speaker, in 8 years of Obamanomics, they were only able to produce about 1.8 percent economic growth, for all intents and purposes. Nobody's savings account came back. Wages were stagnant. And now that we have sensible regulation, now that we have passed the Tax Cuts and Jobs Act, now we have 3 percent economic growth, which is economic growth for America's working families. Unemployment is at a 17-year low. It remains at a 17-year low.

Again, wages grew at 2.9 percent last year, the fastest in almost a decade. Two million Americans have gone back to work, Mr. Speaker, and this is not by accident.

So what the gentleman is doing with his motion to recommit is sending us back. He is rolling the clock back to an era where working Americans didn't get ahead, where entrepreneurship was at a generational low, where small businesses were finding it hard to access lines of credit. So the bill that he so much maligns from the gentlewoman from Arizona, who happens to reside on his side of the aisle—at markup, the ranking member of the relevant subcommittee, the gentlewoman from New York (Mrs. MALONEY), supported the provision and said: This is a sensible compromise that provides a narrowly targeted relief to only the companies that truly need it.

Researching a new drug and getting FDA approval is a very, very long process, which is exactly what we heard in our committee. For example, we have heard from John Blake, senior vice president of finance at Atyr Pharma, who testified before the Subcommittee on Capital Markets, Securities, and Investments. He said: It remains the case that the biotech development time line is a decades-long affair. It is extremely likely that Atyr will still be in the lab, in the clinic, when our EGC clock expires, our early growth company.

In other words, they may have revenues, but they don't have profits. They don't have profits. This is something that is especially common in the biotech area. They need this capital for innovation.

So once again, we have heard this rhetoric on the other side of the aisle before. This is all about Dodd-Frank revisited. They aim at Wall Street, but they are hitting Main Street, Mr. Speaker. The MTR, the motion to recommit, hits Main Street in the gut. It will mean fewer early growth companies. It will mean fewer jobs. It will mean lower wage growth. And it will mean, again, a decimated and declining American Dream.

□ 1630

Mr. Speaker, we should reject the motion to recommit, and we should support the underlying bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CAPUANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on:

Passage of the bill, if ordered; and

Passage of H.R. 3299.

The vote was taken by electronic device, and there were—yeas 189, nays 228, not voting 13, as follows:

[Roll No. 76]

YEAS—189

Adams	Blunt Rochester	Cárdenas
Aguilar	Bonamici	Carson (IN)
Barragán	Brady (PA)	Cartwright
Beatty	Brown (MD)	Castor (FL)
Bera	Brownley (CA)	Castro (TX)
Beyer	Bustos	Chu, Judy
Bishop (GA)	Butterfield	Cicilline
Blum	Capuano	Clark (MA)
Blumenauer	Carbajal	Clarke (NY)

Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Welch
Wilson (FL)
Yarmuth

NAYS—228

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Pittenger
Poe (TX)
Poliquin
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Taylor
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—13

Bass
Boyle, Brendan F.
Costa
Cummings
Duncan (SC)
Gutiérrez
LoBiondo
Pearce
Posey
Rogers (KY)
Stivers
Tenney
Watson Coleman

□ 1656

Messrs. BOST, MESSER, DAVIDSON, BISHOP of Michigan, SMITH of Texas, MCHENRY, STEWART, BARR, HUNTER, LAMALFA, and ROKITA changed their vote from ''yea'' to ''nay.''

Messrs. COOPER, DOGGETT, and GRIJALVA changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MAXINE WATERS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 271, nays 145, not voting 14, as follows:

[Roll No. 77]

YEAS—271

Abraham
Aderholt
Aguilar
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bera
Bergman
Beyer
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Correa
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Delaney
DelBene
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foster
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Himes
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
Kihuen
Kilmer
Kind
King (IA)
King (NY)
Kinzinger
Knight
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Larsen (WA)
Latta
Lewis (MN)
Lipinski
Loebsack
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Maloney, Sean
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meeks
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Napolitano
Newhouse
Noem
Norman
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Palmer
Paulsen
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Polis
Ratcliffe
Reed
Reichert
Renacci
Rice (NY)
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruppersberger
Russell
Rutherford
Sanford
Schneider
Schrader
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Soto
Stefanik
Stewart
Suozzi
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Vargas
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—145

Adams
Barragán
Beatty
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Courtney
Crist
Crowley
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings
Higgins (NY)
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur

Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Krishnamoorthi
Langevin
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Lújan, Ben Ray
Lynch
Maloney, Carolyn B.
Matsui
McCollum
McEachin
McGovern
McNerney
Meng
Moore
Moulton
Nadler
Neal
Nolan
Norcross
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmuter
Pingree
Pocan
Price (NC)
Quigley
Raskin
Richmond
Rosen
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Welch
Wilson (FL)
Yarmuth

NOT VOTING—14

Bass
Boyle, Brendan F.
Costa
Cummings
Duncan (SC)
Grothman
Gutiérrez
LoBiondo
Pearce
Posey
Rogers (KY)
Scalise
Stivers
Watson Coleman

□ 1704

Mr. POLIS changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROTECTING CONSUMERS' ACCESS TO CREDIT ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 3299) to amend the Revised Statutes, the Home Owners' Loan Act, the Federal Credit Union Act, and the Federal Deposit Insurance Act to require the rate of interest on certain loans remain unchanged after transfer of the loan, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 171, not voting 14, as follows:

[Roll No. 78]

YEAS—245

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Cárdenas
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Correa
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hastings
Heck
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
Kind
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Meeks
Messer
Mitchell
Moolenaar
Mooney (WV)
Moore
Mullin
Murphy (FL)
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Schneider
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Suozzi
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—171

Adams
Aguilar
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Courtney
Crist
Crowley
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Green, Al
Grijalva
Hanabusa
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meng
Moulton
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Welch
Wilson (FL)
Yarmuth

NOT VOTING—14

Bass
Boyle, Brendan F.
Costa
Cummings
Duncan (SC)
Gutiérrez
Johnson (GA)
LoBiondo
Pearce
Posey
Rogers (KY)
Scalise
Stivers
Watson Coleman

□ 1712

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCALISE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''yea'' on rollcall No. 77 and ''yea'' on rollcall No. 78.

PERSONAL EXPLANATION

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for rollcall votes 72 through 78 on Wednesday, February 14, 2018. Had I been present, I would have voted ''yea'' on rollcall votes 74, 75, and 76, and ''nay'' on rollcall votes 72, 73, 77, and 78.

HOUR OF MEETING ON TOMORROW

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. BUDD). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR MEMBER TO BE ADDED AS A COSPONSOR OF H.R. 676

Ms. FRANKEL of Florida. Mr. Speaker, I ask unanimous consent that my name be added as cosponsor to the bill, H.R. 676.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

□ 1715

RECOGNIZING SHERIFF JIM OLSON

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to recognize the service of

Carver County Sheriff Jim Olson, who recently announced his retirement.

Sheriff Olson began his career with the Carter County Sheriff's Office 31 years ago. He was elected to his first 4-year term in 2010 and was reelected in 2013.

Olson led law enforcement operations during a time when Carver County surpassed a population of 100,000 people, making it one of the fastest growing counties in Minnesota. He oversaw major public safety operations during the aftermath of Prince's death as well as the Ryder Cup in 2016.

He is well respected in our community and is involved in community outreach, raising public awareness of mental health resources, educating the public about the role of the sheriff's office, and supporting the Hope House, a youth homeless shelter in Chanhassen.

Mr. Speaker, I thank Sheriff Olson for his many years of service and dedication to keeping the residents of Carver County safe. We wish him the best of luck in the future. He will be missed.

RECOGNIZING HEALTH AND WELLNESS COACHES

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today to honor America's health and wellness coaches. Health and wellness coaches help people change their unhealthy lifestyles and manage chronic illnesses.

Mr. Speaker, I am a diabetic. I also suffer from macular degeneration and heart disease. I know firsthand how difficult it is for people to change their behaviors and make healthier life choices, but I also know that changing behavior can improve overall health and reduce the amount of costly medical care people need.

The American Medical Association recently found that having a health and wellness coach involved in a person's wellness journey not only increases patient satisfaction and engagement, but also reduces physician stress and burnout by freeing up their time.

Last week, I introduced H. Res. 733 to express support for health and wellness coaches and to designate this week as National Health and Wellness Coach Recognition Weak.

Mr. Speaker, I ask my colleagues to join me in celebrating our Nation's health and wellness coaches.

RECOGNIZING DAVID LONG

(Mr. MESSER asked and was given permission to address the House for 1 minute.)

Mr. MESSER. Mr. Speaker, I rise today to recognize a tremendous Hoosier public servant, leader of the Indiana State Senate, David Long, who recently announced his retirement from office.

David has served in the Indiana Senate for 22 years and as president pro tempore for the last 12. He is a remarkable leader who has been central to every major policy achievement in Indiana at a State level over the past decade.

He led the charge on cutting taxes, passing right to work, enacting Major Moves, creating one of the biggest and best school choice programs, and permanently capping property taxes.

On a personal note, David Long is my mentor. We are both graduates of Wabash College, and we both overachieved in marriage. I will always be grateful for his friendship, advice, and counsel.

I thank David for his years of service.

DEFENDING THE FBI

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, our law enforcement and intelligence community—most pointedly, the Federal Bureau of Investigation—is sustaining an unprecedented, coordinated attack.

Like a cancer, the strikes are coming from deep in the marrow of our democratic Republic. Our own President and even some Members of Congress block the light of justice.

In his State of the Union Address, President Trump bragged about the apprehension of violent criminals and gang members. The hypocrisy of this President taking credit for the dangerous work of our FBI and larger intelligence community while systematically and doggedly working to undermine public faith in these institutions is an outrage.

Under Special Counsel Mueller's direction in 2012, the FBI made 25,000 arrests and 14,800 indictments. They located 1,100 missing children and seized $1.125 billion worth of criminal assets and drugs.

The historic role of the FBI in bringing major criminals and foreign and domestic enemies of our state to justice cannot be overstated. The FBI has defended us in ways and measures well beyond general public awareness.

If not out of patriotism and commitment to our democracy and its institution, then out of sheer necessity, Congress and the American people must defend the rule of law.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

FAIRNESS FOR HIGH-SKILLED IMMIGRANTS

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today as the Senate debates DACA and border security to urge my colleagues in both Houses of Congress to include high-skilled immigration reform in the final legislative package.

Our immigration system is broken in many places. While we search for solutions to promote fairness, compassion, and the rule of law, I want to highlight a group of immigrants who have been following our laws, contributing to our country, and yet are being left out in the cold by our broken system.

Right now, the per-country caps on green cards for highly skilled H–1B immigrants unfairly discriminate against immigrants from a few countries, especially India. The caps have created a huge backlog of Indian applicants who will have to wait decades—as much as 70 years—to achieve their dream of American citizenship.

The per-country caps must be replaced by a merit-based system that treats everyone fairly, regardless of their country of origin. My bill, the Fairness for High-Skilled Immigration Act, would do just that.

I urge my colleagues not to let our compassion end with DACA recipients. Let's also use this opportunity to promote fairness for high-skilled immigrants as well.

DOMESTIC ABUSE IS WRONG

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, as we address Women's History Month in the month of March, I raise the attention of my colleagues to a set of circumstances that we have seen relating to the administration and its personnel policies, but the real issue is the affirmation of opposition to domestic violence and abuse.

Thousands of women and some men lose their lives to domestic abuse and domestic violence. Thousands live in silence and absolute fear. Children see their mothers and fathers killed. To have insensitivity to the importance of anyone who has engaged in domestic violence and domestic abuse be ignored sends a wrong signal to the girls and young women in this country.

We must join together in a bipartisan manner to ensure that the Violence Against Women Act is reauthorized in March, and we must pronounce that domestic violence and domestic abuse is wrong for men, women, and families. It is something that should be condemned and not condoned.

No matter how important a position you may hold, it is important for America's leadership to denounce this kind of vicious attack on families. Mr. Speaker, I look forward to bipartisanship on this issue.

RECOGNIZING OLYMPIAN ERIN HAMLIN

(Ms. TENNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, I rise today to recognize a world-class athlete and Olympian from the 22nd Congressional District, Erin Hamlin.

Four-time Olympian and two-time world champion luger, Erin Hamlin carried the Team USA flag during the 2018 Winter Olympic opening ceremony in Pyeongchang, South Korea, last Friday. Following a vote from her fellow athletes, Erin was selected from eight other athletes to enter her last Olympic Games as the flagbearer.

Erin made history in 2014 as the first U.S. athlete to win a singles luge medal after taking home the Olympic Bronze Medal at the Sochi Games. She made history again as the fourth luger to serve as the United States flagbearer and the first since 2010.

During Friday's Parade of Nations, Erin led 244 athletes, the largest team ever from the United States. Yesterday, she competed in the last race of her outstanding career.

Erin will be remembered as someone who shattered barriers for both men and women in the sport of luge. Please join me in congratulating Oneida County's and Remsen, New York's own rock star, Erin Hamlin, on these incredible achievements.

HONORING THE LIFE OF CHICAGO POLICE COMMANDER PAUL BAUER

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, I rise today to mourn the passing of Chicago Police Commander Paul Bauer, who was shot and killed in the line of duty yesterday. This is a terrible tragedy for the Chicago Police Department, our city, and, most of all, Paul's wife and young daughter.

Paul Bauer graduated 2 years ahead of me at Saint Ignatius and joined the police department soon after, when he was just 21 years old. He rose through the ranks over 32 years to lead the mounted horse unit and, later, became commander of the Near North District.

A member of Nativity Parish in Bridgeport, Paul is being remembered as a loving father and husband, someone who knew the value of community policing and giving back, and for leading efforts to raise funds for the Chicago Police Memorial Fund.

Mr. Speaker, I ask my colleagues to join me in mourning the passing of Commander Paul Bauer. Please pray for him, his family, and for our city.

Please remember to take a moment to thank the police and other first responders that you encounter every day. We owe them so much.

PROTECTING RELIGIOUS LIBERTY

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, I rise today to commend the Health and Human Services' new Conscience and Religious Freedom Division within the Office of Civil Rights.

Recently, they announced a proposed rule to protect workers in HHS-funded programs from being coerced into practicing activities that violate their conscience, including abortion, sterilization, assisted suicide, and more.

Under the previous administration, doctors and nurses were not protected from being forced to participate in procedures that may violate their religious beliefs or moral convictions. This is clearly wrong. Those who are discriminated against for their religious beliefs should be afforded the same protections as those facing any other types of discrimination.

OCR has now opened a 60-day public comment period on the rule. I encourage everyone across the country to participate in that comment period.

I thank the Division once again for taking this important action to protect religious liberty in our healthcare system.

HONORING THE LIFE OF AUSTIN DAVIS

(Mr. KIHUEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIHUEN. Mr. Speaker, today I rise to remember the life of Austin Davis, who visited Las Vegas to attend the Route 91 concert on October 1.

Austin was an only child who was very close to his parents. He lived in Riverside, California, and worked as a pipefitter. During his free time, Austin loved to play softball. All of those who knew him remember Austin for his contagious smile and hardworking nature.

I extend my condolences to Austin Davis' family and his friends. Please know that the city of Las Vegas, the State of Nevada, and the whole country grieve with you.

□ 1730

HONORING SAM JOHNSON

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, I rise today to honor our colleague and my fellow Texan, SAM JOHNSON. This week marks 45 years since he returned to freedom after enduring nearly 7 years as a prisoner of war in Hanoi, Vietnam.

Each February, we are reminded of the heroism, perseverance, and leadership that SAM JOHNSON displayed during his time as a prisoner of war. We are also reminded of the persistence of SAM's family and their joy and the joy of our north Texas community and the American people when SAM returned home to Texas in 1973.

SAM JOHNSON has served our country selflessly—first through his distinguished Air Force career, and then here in the House of Representatives. Since he was elected to the House in 1991, he has been an advocate for our Armed Forces, our veterans, and American freedom.

Mr. Speaker, 15 years ago, I gave my first floor speech, marking 30 years since Mr. JOHNSON returned home. Today it is a distinct privilege to honor my friend and mentor on his 45th ''returniversary.''

SAM JOHNSON, welcome home.

HONORING WORLD WAR II VETERAN WILLIAM JOHN TOMKA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Florida (Mr. RUTHERFORD) is recognized for 60 minutes as the designee of the majority leader.

Mr. RUTHERFORD. Mr. Speaker, I rise today to honor World War II veteran William John Tomka, with whom I had the recent pleasure of joining to celebrate his 100th birthday on January 27, 2018.

Born in Dover, New Jersey, to immigrant parents, William spent his formative years in New Jersey developing a love of music. This resulted in him becoming a music teacher until he was drafted into the United States Army on July 11, 1941.

He left a successful job teaching in New Jersey to defend our great Nation. After completing his radio operations training at Fort Dix and Fort Bragg, he was deployed to Iceland as part of the 50th Signal Battalion in which he served as a technical sergeant leading a group of eight men who were also trained radio operators.

His team was responsible for code, receiving and transmitting from the field, as well as in command vehicles. This group was part of the first American Army personnel to be sent in the European Theater of Operations.

After 22 months in Iceland, he was sent to England to be a part of the invasion force of France on D-day. He was dropped onto Utah Beach on June 6, 1944, and bravely fought through the entire campaign of Europe, including the American bombardment of the German forces at Saint-Lo. He and his fellow soldiers later proceeded to serve at the Battle of the Bulge.

When recounting his most memorable times in the Army, Mr. Tomka will tell you about his time in Europe after D-day. He told me about his time in France, where he witnessed American fighter pilots bomb the German forces, and of his time served in joint force with the Russians at the river of Elbe.

Mr. Tomka was discharged after 3½ years of foreign duty on June 22, 1945. After his years of service, Mr. Tomka went back to his passion of teaching music. He started an instrumental music program in the Ridgefield school system of New Jersey. During his years of music education, Mr. Tomka obtained his master's degree from NYU in supervision and administration.

While he was at NYU, he also played violin in the orchestra. Even at 100 years old, his talents are still impressive. At his recent birthday celebration, Mr. Tomka expertly played the clarinet, violin, piano, and sang for all of his family and friends.

I salute Mr. William John Tomka on his years of faithful service to our country and to the public school system. He exemplified qualities of a true American hero. I, on behalf of a grateful nation, admire his service and sacrifice.

30TH ANNIVERSARY OF THE DAVID A. STEIN JEWISH COMMUNITY ALLIANCE

Mr. RUTHERFORD. Mr. Speaker, I rise today to congratulate the hard-working men and women of the David A. Stein Jewish Community Alliance on the celebration of their 30th anniversary of enriching the lives of those with a variety of needs.

The JCA is a pillar in our Jacksonville community. The Jewish Community Alliance is a nonprofit community center affiliated with the Jacksonville Jewish Federation, the United Way of Northeast Florida, and the Jewish Community Centers of North America. Its focus is to enhance the quality of life for families and individuals of all ages, religions, races, financial means, and physical and mental abilities.

To this end, the JCA has impacted tens of thousands of citizens in our community. Situated on the Ed Parker Jewish Community Campus, the JCA welcomes preschool-aged children to get a good start in life and embraces teens and adults to join classes on health, heritage, and a variety of subjects.

The JCA is a spirit of intergenerational sharing of values and ideas. The afterschool and school-closed day programs give peace of mind to working parents, both married and single. Seniors and adults with special needs are offered opportunities to reach their potential with dignity and tradition.

The JCA facility offers swimming, theater, and camp programs, fitness and exercise classes, sports teams, art, and academic classes to all members and welcomes all for membership. The JCA offers an array of creative and innovative classes, programs, and events to inspire and benefit its participants.

Mr. Speaker, I ask Members of the House to join me in acknowledging the 30th anniversary of the Jewish Community Alliance and its commitment to our community.

Mr. Speaker, I yield back the balance of my time.

ECONOMIC REGENERATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. FORTENBERRY. Mr. Speaker, you may remember this around the holidays. It was a television commercial that played quite frequently. It may still be on. But it shows a shelter for the poor and homeless around Christmastime, and men and women are entering from the cold wintry streets, and they are gathering under bright lights and sharing good cheer, and they are clearly benefitting from the holiday outpouring of charity and compassion and fellowship.

But then the commercial shifts and the environment changes. It is a dreary downtrodden affair at this point. The new year has begun and the shelter is left darker and less full than its former ambient light, and laughter has dimmed into somber tones. All the while, a man is sitting at the piano in this emptying place singing, ''Don't You Forget About Me.'' The scene concludes with the adage: ''The season of giving ends, but the need remains.''

Mr. Speaker, as our economy begins to recharge, giving more and more hope with more and more Americans gaining jobs, it is important, though, to continue to reflect on this still early stage of the new year. After some important budget battles here and a major tax reform piece of legislation, it is important to reflect on the proper balance between responsibility and charity, as well as those who continue to be left behind or forgotten.

Americans are the most generous people in the world, and they also deeply value responsibility, and they know that a fulfilled life requires rewarding work. Unfortunately, unemployment and underemployment continue to hinder a faster economic recovery, causing much anxiety for persons and their families.

According to a new survey from CareerBuilder, nearly eight out of ten Americans say they are living paycheck to paycheck, and our improving economic indices should not obscure this difficult reality.

So to better help persons support themselves and one another in the full dignity of work, our next phase of economic regeneration must be an attempt to find the proper balance between right-sized government, responsibility to one another, and reasonable expectations that everyone can contribute something according to their means and their capacity. Everyone has something to give.

As this recognition and economic regeneration kindles a new policy discussion, several guideposts should be kept in mind, such as ensuring enhanced opportunity and the erasure of what I call entrepreneurial impediments, along with efforts to address and mend a deep societal sense of brokenness.

When persons are unemployed or underemployed, they can enter a downward spiral in their lives. Mr. Speaker, as we well know, Washington alone cannot create a humane economy that works for the many. Americans living together in community form the cornerstone of a vibrant market.

A fuller answer to unemployment, underemployment, and this widespread lack of financial assets, along with the resulting loss of social capital, might be found in the idea that government and society should join in a movement for national solidarity, seeing work as a common endeavor for us all. After all, economics, in its essence, is not just a transaction; it is profoundly relational.

A rightful discussion about the profound meaning of work also requires the right words. The overreliance in this body, particularly, on depersonalizing economic language, I think, is one reason that Washington can seem so disconnected and aloof from real communities and real people.

At the end of the month, if a person can't pay their gas or a grocery bill, they are unlikely to care about GDP growth or arguments for the efficiency of globalized trade. In a similar way, recent news cycles are tracking the skyrocketing stock market valuations with some ups and downs of late. And this is all exceeding most expectations, particularly from the beginning of the year, but glowing green numbers and signals provide little reassurance to millions of Americans who are priced out of owning stock.

Ultimately, Mr. Speaker, a lack of work, as well as a lack of assurance in the security of government guardrails and earned benefits, can take a life-diminishing toll.

Mr. Speaker, I have many seniors who write to me and suggest to us in pretty clear terms that they aren't entitled to their own money. We throw the language around of entitlements, referring to programs where people set aside money into government savings programs or were given guarantee of healthcare. That is not an entitlement. That is something people worked for.

Many persons with difficult jobs deserving of both dignity and earned benefits sometimes are those who are forgotten. I approached my door recently, Mr. Speaker, here in D.C. at my office, and there was a large crowd of men who had gathered, and they were all in camouflaged T-shirts waiting outside.

□ 1745

All of us here experience a number of visitors from our home States. Sometimes, in my office, people have to stack up outside in the hallway, as we are trying to accommodate people.

But as I got closer, I noticed that the front of these T-shirts that these men had on read, ''United Mine Workers.'' I thought, that is unusual to see Nebraskans wearing United Mine Workers T-shirts. But it turns out they were actually waiting for my neighbor, who is from the State of Kentucky. Nevertheless, I greeted these men, and we began a meaningful conversation about work and security and fairness.

These men had spent their lives in hard jobs. I am sure they toiled, very proudly, to make a reasonable living for their families, but they all now showed real signs of physical fatigue. They were in Washington making a

plea for their pensions, which are facing dramatic reductions. A similar situation does exist in Nebraska for another group of workers.

These people worked for a guarantee: that they would be provided for—when they could work no more. But, given a confluence of factors, their pensions face a dramatic shortfall, and, frankly, it is not fair.

I lived for several years as a younger man in the area where these gentlemen had come from, in a town that had lost half of its population in 20 years, in what is called the old industrial Rust Belt, where the post-World War II economic boom built a thriving, stable community, but now where globalized supply-side theory has had its most dramatic degenerating economic effect. I said to one of these men, ''You know, I know where you come from,'' and one of the men and I hugged.

Mr. Speaker, our country is in pain. Epic hurricanes and floods; escalating urban violence; an opioid epidemic among those self-medicating their own mental, physical, and financial anguish; combine this with a broken healthcare construct, and the lingering after-effects of a bitterly fought last electoral season have torn America's heart.

In a vibrantly healthy society, though, there should be space for what I call marketplace fluidity and creativity and innovation. A person who has an idea and the drive should be able to pursue it. The benefits accrue, of course, to this person as the inventor, but also the buyer of those services, the community, and those who gave the effort in the building of this product or service.

So a healthy economy is two things at once: it is individualistic and it is community-oriented at the same time. Innovation and competition can be disruptive, but they must be set within a fair set of rules.

When a system stacks to the wealthiest, or is outsourced by faceless corporations in the name of advancing quarterly profits, exploiting the poor elsewhere and damaging the environment elsewhere, where there is a lax legal foundation and, therefore, an indirect subsidy to the means of production, and the externality costs are borne by persons elsewhere in the forms of shorter lives and the effects of pollution, it sets in motion not only difficulties in other places, but here—a loss of jobs, lost community cohesion, and a breakdown of life's stability. Tie this to the loss of the formative institutions of family life, faith life, and civic life, and we drift. We drift without a national narrative. It makes it much more difficult to respond holistically in the midst of tragedy to our greater challenges and problems.

For a moment, I want to speak about a person who participated in one of my telephone townhalls. She told me she is an architect, her husband is an architect, and they were very interested in starting an architectural firm on their own, but they can't. Why can't they? They have the education, they have the drive, they want to be innovative and disruptive, they want to do creative work with their own two hands and take the risk necessary to provide something new and novel in the marketplace.

They have a sick child. So by the time they go onto the individual insurance market and try to obtain insurance for themselves, knowing that they are going to have to pay the full deductibles and copays, that bill—and this was a little while back, I suspect it is higher now—the bill was going to be close to $30,000. So before they even open their door, they have an upfront cost of $30,000, just for a little bit of personal protection.

So what happens? They stay put. They are tethered to institutions that may not be as gratifying to them. Society loses from their inability to take that risk and provide that product out in the market, because they are tethered, they are handcuffed, to a benefit called healthcare that a large institution can provide, but the small entrepreneur can't. This makes no sense.

We have some specific ideas on this, and we are working to grow a bipartisan working group to make proper changes potentially in that individual insurance market, whereby people can pool together more easily, where there is a better type of major medical product out there that would be a lot less expensive, and, perhaps, using an idea that was embedded in the healthcare debate earlier this year, where the government provides a stabilizing reinsurance model so that the market can actually work within a certain bandwidth where the sickest person pays the same rate, but is protected from excess expense by a more direct government subsidy.

This makes sense. Think about the entrepreneurial potential that then would be released, creating opportunity, more jobs, better products. We are constraining ourselves for no reason here.

I hope that this chapter can unfold in the coming weeks, as some people of goodwill are trying to work through this, and there is significant interest, I feel, on both sides of the aisle. You just have to break through it.

Mr. Speaker, we are also, from my perspective, living in a paradoxical age where we are more and more dependent upon big business for information flow and consumer goods, and, at the same time, we are more and more skeptical of this model.

I was trained in an era where economic language was cast in terms of efficiency and optimization, economies of scale, production capacity, inputs, the free flow of capital and labor, and on and on, all the vocabulary of economic academic theory. These are analytical and mechanical terms necessary for understanding market function, but they lack a connection to any deeper purpose.

Ultimately, a properly functioning market is a connector of community, a delivery mechanism for material well-being, and an opportunity enhancer for individual initiative and rewarding work. These classical economic expressions lack a deeper understanding of the ultimate purpose of production.

I once asked a professor when I was young: Who does a normative analysis? Who asked the question, ''What ought to be?'' What institution is doing that?

He said: No one.

Mr. Speaker, you are a fairly young man. You know this as well. We are long past the age when working one's entire career in the same large corporation guaranteed security and well-being is finished. The current corporate construct is desperately driven and hopelessly fragmented by quarterly profit mandates.

Short-term decisions overrule long-term strategy. While this is occasionally brought to heel by scandal and malfeasance, most multinationals are no longer tethered to a face or a place, so they pitch us on TV and print with caring images, and kindly deem us worthy to help with their chosen causes, and then major cities with major airports become the hub, and the rest of us have to just buy it.

Now, lest I sound too critical, large businesses certainly retain a necessary space in producing certain types of goods and large-scale industrial products, and can provide exciting opportunity. That is all true and necessary.

But I also think we are on the front end of something, Mr. Speaker. There is a hunger for the next economic trend to reorient around the revitalization of Main Street, including local foods, sustainable energy production, smarter services, and smaller scale manufacturing, recreating that long lost sense of place in our communities.

Imagine a new urbanism of an economic ecosystem with friendly neighborhoods, nearby centers of smaller scale, microbusinesses, contextually appropriate architecture, and a burgeoning supply of easily accessible public space. We see this trend developing, and, frankly, it is very exciting.

Now, we had a bill recently in which we took an important vote here on tax reform, and I believe this is going to help. I believe that tax reform legislation will help rebalance a number of business inequities, particularly for small business where most jobs come from.

It is estimated that the average Nebraska family of four will receive more than a $2,000 extra benefit in their pocket from the immediate impact of the tax bill and the relief that they will get. And then over time, due to increased wages, that will translate into about a $4,000 benefit.

I think this is important because Americans need a break, especially working men and women trying to get a bit ahead and trying to provide for their family well. But for many, it is also harder and harder. As we said,

many Americans are living paycheck to paycheck. That is not fully a Tax Code problem. It is the harsh reality of social fragmentation, downward mobility, the rising cost of living, and skyrocketing income disparity driven by inequitable globalization and concentrations of economic power. These forces have not fundamentally benefited us fully, and they have left millions of people behind.

I think this tax reform measure is important because it particularly rebalances the perverse incentive to offshore.

In addition to putting more money in the pockets of hardworking Americans, it does support the revitalization of Main Street and the return of the ''Made in America'' label.

This legislation also provided a reasoned progress in an attempt to make the Tax Code simpler and fairer and to resolve this convoluted set of problems that overburdened people, families, and small businesses across the Nation. I think this is important because we are living in an age where we can't keep pushing the same policies over and over and expect them to fit into a 21st century architecture of well-being and successful living.

Moving forward, I believe the source and the strength of the American economy will be in this new urbanism of small business in which entrepreneurs from village to city add value through small-scale manufacturing, innovative new products, or brokering in repair services.

Now, we do anticipate a spike in the initial deficit from the tax bill, but we are already seeing a surge of revitalization and possibility of economic opportunity. Given this reorientation of the tax policy around the family, hopefully, with the entrepreneurial momentum, we will generate more jobs, earnings, and reverse this downward trend in small business formation. Less tax, more taxpayers, more revenue over time, that is the calculation.

□ 1800

As more opportunity appears, more persons should also be able to transition from important support mechanisms and systems into meaningful work.

Now, this tax reform attempts to be sensitive to the needs of all Americans as it begins to push for a modernized revenue construct that no longer enables the complex, lawyered-up, quarterly-driven multinationals to unjustly benefit from low taxes abroad while taking advantage of tax loopholes here. It rebalances the perverse incentives to offshore. At the same time, it uses the carrot of lower corporate rates to bring foreign profits back to America, and we are already seeing the effect.

So, on balance, this was a massive, historic, and necessary overhaul of our antiquated, harsh, and complicated tax system so that families cannot only get by, but maybe they can start getting ahead. And if we can combine this with a small business ecosystem of revived entrepreneurial momentum—and a part of that is the next set of policies, hopefully, that will be empowering with a new type of healthcare product that is stable for persons who do want to enter into the formation of their own small business now but are not empowered to do so—this will only strengthen this entrepreneurial revitalization.

There is no way to calculate the held, pent-up benefit of unleashing this potential. Again, because we have tethered people to a benefit package based upon institutions that are able to afford it, we have drained ourselves, made ourselves weary from being able to unleash the fullness of the potential to create things with your own hands or your own intellect that are good for you, good for your family, and good for others. That is what we mean by a new small business ecosystem that has revived entrepreneurial momentum.

Mr. Speaker, in the Middle East, the Jordan River flows into both the Sea of Galilee and the Dead Sea. There is a difference between the two bodies of seas. One of them is devoid of life. Water flows in but nothing flows out. It is dead.

Abundant life requires both giving and receiving, both charity and responsibility. An economy that is founded upon these strengths which we have discussed tonight, supported by a right-sized government and a dedicated, hardworking people, can only keep growing stronger. Then, maybe—maybe—we can say, don't you forget about me and that we will never forget about you.

Mr. Speaker, I yield back the balance of my time.

CELEBRATING BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. AL GREEN) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. AL GREEN of Texas. Mr. Speaker, I ask unanimous consent for all Members to have 5 legislative days to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. AL GREEN of Texas. Mr. Speaker, this is February 14, Valentine's Day, and this is but one day, of course, in the month of February, which is Black History Month. I am honored to stand here tonight to present a resolution that will be filed, a Black History resolution.

But I am also honored to say that a good many of my colleagues are in support of Black History Month, and they deserve to have their words, their expressions made known, which is why I have asked for this unanimous consent. My belief is that we will have many, many persons who are not here tonight, for legitimate reasons, who will want to make sure that they are made a part of the RECORD by and through their comments that they will submit in written word.

Mr. Speaker, I am here to talk about Black History because for many years, too many years, to be quite honest, the history of Africans in the Americas, the history of Black people in America, the history of African Americans, at one time known as Negroes, this history was deleted from the history books. It was said in one book that, because little contributions were made to world history, there would be little mention of Africans in history.

But, Mr. Speaker, we know now that this is not true, and because we know that it is not true, we seek to at least give some indication in the RECORD that African Americans have made a significant contribution in America. But also, the truth is that Africans have made a contribution to world history.

However, tonight, this resolution will focus on and it will recognize and celebrate Black History Month; and, in so doing, we would like to present the resolution that will be filed at a later time.

Mr. Speaker, ''Whereas the theme for Black History Month 2018 is 'African Americans in Times of War' ''—something that we have not focused on to the extent that we should have, because African Americans have made significant contributions to our country during times of war—this theme ''which commemorates the centennial of the end of the First World War in 1918, and explores the complex meanings and implications of this international struggle and its aftermath;

''Whereas this resolution will focus primarily on African Americans in the military, which is but one historically important aspect of this far-reaching exploration of African-American history;

''Whereas African Americans have fought for the United States throughout its history;

''Whereas despite racial segregation and discrimination, African Americans have played a significant role during times of war from the colonial period forward''—Mr. Speaker, it is interesting to note, as an aside now, that it was not until 1948, by Presidential executive order, that President Truman desegregated the military.

Continuing: ''Whereas Crispus Attucks was a fugitive slave working outside of Boston, Massachusetts, as a sailor, and during his time off, he worked as a rope maker near the wharf;

''Whereas in early 1770, competition for work and wages became stiff as British soldiers were contending for the same unskilled positions as the locals''—that would be Crispus Attucks and other locals;

''Whereas this situation created tension which slowly escalated to violent confrontations;

''Whereas on March 5, 1770, Attucks led a group of rope makers and sailors into a confrontation with a group of British soldiers and subsequently was shot and killed;

''Whereas Crispus Attucks, a Black man, is generally considered to be the first casualty of the Revolutionary War and is remembered as the first of many notable African-American heroes;

''Whereas Araminta Ross was born into slavery in Maryland and escaped to freedom in the North in 1849 to become the most famous conductor on the Underground Railroad;

''Whereas Araminta Ross was a leading abolitionist before the American Civil War and also helped the Union Army during war, working as a spy, among other roles;

''Whereas Araminta Ross, a Black woman, guided the Combahee River Raid, which liberated more than 700 slaves in South Carolina;

''Whereas Araminta Ross, better known as Harriet Tubman, was the first woman to lead an armed expedition during the Civil War;

''Whereas Powhatan Beaty was born a slave in Richmond, Virginia, in 1837;

''Whereas when the Civil War broke out, Beaty enlisted in the Union Army;

''Whereas Powhatan Beaty, a Black man, was quickly promoted to sergeant and oversaw 47 other Black recruits in noncombat jobs;

''Whereas in September of 1864, Beaty's division attacked the enemy at Chaffin's farm, near Richmond, Virginia;

''Whereas with all of the other unit's officers and most of its enlisted men dead or wounded, Beaty took over and led a second charge, driving the enemy back;

''Whereas for his heroism, Powhatan Beaty, a Black man, was awarded the Medal of Honor . . . ;''

''Whereas Benjamin Oliver Davis, Sr., entered the military service on July 13, 1898, during the Spanish-American War and, as a temporary first lieutenant of the 8th United States Volunteer Infantry;

''Whereas on June 18, 1899, he enlisted as a private in the 9th Cavalry of the Regular Army;

''Whereas Davis eventually came under the command of Charles Young, whom, at the time, was the only African-American officer serving in the U.S. military;

''Whereas Young took Davis under his tutelage and helped him to prepare to take his officer candidate test;

''Whereas in only 2 years, he rose to sergeant major and earned a commission as a second lieutenant in 1901;

''Whereas Benjamin Oliver Davis, a Black man, rose through the ranks and became the first African American to achieve the rank of brigadier general in the U.S. military;

''Whereas, during World War I, approximately 800''—no one is sure of the number—''approximately 800 African Americans were killed in action;

''Whereas Doris Miller enlisted in the U.S. Navy as a mess attendant''—meaning he was a person who served those others with food and took care of the cleaning of facilities—''where he served on the USS West Virginia when the Japanese attacked Pearl Harbor on December 7, 1941;

''Whereas Miller was assigned to carry the wounded sailors to safer quarters;

''Whereas he returned to the deck and picked up a 50-caliber Browning antiaircraft machine gun that he had never been trained to shoot and managed to shoot down enemy aircraft;

''Whereas, Doris Miller, a Black man, was commended by the Secretary of the Navy and became the first African American to be presented the Navy Cross;

''Whereas before 1940, African Americans were barred from flying for the U.S. military;

''Whereas civil rights organizations and Black press exerted pressure on President Roosevelt, which resulted in the formation of the Tuskegee Airmen based in Tuskegee, Alabama, in 1941;

''Whereas the Tuskegee Airmen included pilots, navigators, bombardiers, maintenance and support staff, instructors, as well as the personnel who kept the planes and pilots in the air;

''Whereas the Black Tuskegee Airmen overcame segregation and prejudice to become one of the most highly respected groups of World War II;

''Whereas the Tuskegee Airmen's achievements helped pave the way for full integration of U.S. military;

''Whereas during World War II, approximately 700 African Americans were killed in action;

''Whereas Cornelius Charlton, a career military man, served in the Army during the Korean war;

''Whereas on June 2, 1951, his platoon encountered heavy resistance while attempting to take Hill 543 and the leader of his platoon was wounded;

''Whereas Charlton took command and regrouped his men and led an assault on the hill;

''Whereas he singlehandedly attacked and disabled the last remaining enemy gun encampments;

□ 1815

''Whereas he subsequently died from his wounds inflicted by a grenade, but he is credited with saving much of his platoon;

''Whereas Cornelius Charlton, a Black man, posthumously received the Medal of Honor for his actions near Chipo-ri, South Korea;

''Whereas African Americans literally fought for the right to die in defense of their country;

''Whereas in the face of injustices, many African Americans distinguished themselves with their commitment to the noble ideals upon which the United States was founded and courageously fought for the rights and the freedom of all Americans;

''Whereas the preservation and teaching of Black history are nationally recognized due to the efforts of Dr. Carter G. Woodson and his establishment of Negro History Week, the precursor to Black History Month;

''Whereas Black History Month, which represents Dr. Carter G. Woodson's efforts to enhance knowledge of Black history, started through the Journal of Negro History, published by Woodson's Association for the Study of African American Life and History; and

''Whereas the month of February is officially celebrated as Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievements of Black Americans.

''Now, therefore, be it resolved that the House of Representatives—

''Recognizes the significance of Black History Month as an important time to acknowledge and celebrate the contributions of African Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all peoples of the United States''—regardless of where they are from—''to learn more about the past and to better understand the experiences that have shaped the Nation;

''Recognizes that ethnic and racial diversity of the United States enriches and strengthens the Nation; and

''Encourages all States to include in their year-round educational curriculum the history and contributions of African Americans in the United States and around the world.''

Mr. Speaker, I am honored to say to this audience that this Congress has been very responsive to the notion of celebrating African-American history. My hope is that, once we are back in the business of approving resolutions of this type, this resolution will be taken up by the Congress of the United States of America, that it will be voted on, and that it will be passed.

My hope is that this will be an indication to our country that our Congress does truly appreciate what the African Americans have done to make America the beautiful a more beautiful America.

Mr. Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I rise to recognize this month of February as Black History Month. Black History Month is an important celebration of the achievements and sacrifices of African-Americans in building our nation.

Black History Month has a rich history itself, from its humble beginnings as 'Negro Awareness Week', celebrated in February to coincide with the birth months of both Frederick Douglass and President Lincoln, the expansion to a month was first celebrated at Kent State University in 1970, before being officially recognized by President Gerald Ford in 1976, who said that it was a 'seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history'. February has

been officially designated as Black History Month by every President since, and while the month is not itself sufficient to honor the legacies of African-Americans, it makes a good start.

This year is especially important, as is this day, as we honor the 200th birthday of Frederick Douglass, a towering presence in African-American history. Born into slavery, secretly teaching himself to read and write, Frederick Douglass would become a powerful voice for abolition, and for the equality of all people.

But during this month, we must honor not only Frederick Douglass and the other leading figures of our movement, but also the thousands of ordinary African-Americans who formed the tide that swept slavery from our nation, the many people who continue in the effort to eradicate racism today, and all those who will do so in the future.

Mr. Speaker, I thank my good friend AL GREEN for convening this special order session, so that we can appropriately honor Black History Month, and recognize the sacrifice and courage of African-Americans throughout our nation's history.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LOBIONDO (at the request of Mr. MCCARTHY) for today after 1:30 p.m. and for February 15 on account of attending a family funeral.

Mrs. WATSON COLEMAN (at the request of Ms. PELOSI) for today.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on February 9, 2018, she presented to the President of the United States, for his approval, the following bills:

H.R. 1892. To amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

H.R. 1301. Making appropriations for the Department of Defense the fiscal year ending September 30,2017, and for other purposes.

H.R. 582. To amend the Communications Act of 1934 to require multi-line telephone systems to have a configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

ADJOURNMENT

Mr. AL GREEN of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 15, 2018, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3982. A letter from the Congressional Review Coordinator, Animal and Plant Heath Inspection Service, Department of Agriculture, transmitting the Department's final rule — Standardizing Phytosanitary Treatment Regulations: Approval of Cold Treatment and Irradiation Facilities; Cold Treatment Schedules; Establishment of Fumigation and Cold Treatment Compliance Agreements [Docket No.: APHIS-2013-0081] (RIN: 0579-AD90) received February 12, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3983. A letter from the Acting Under Secretary of Defense for Research and Engineering, Department of Defense, transmitting the Department's Calendar Year 2017 reports to describe activities under the Secretary of Defense Personnel Management Demonstration Project authorities for the Department of Defense Science and Technology Reinvention Laboratories, pursuant to 10 U.S.C. 2358 note; Public Law 110-181, Sec. 1107(d); (122 Stat. 358); to the Committee on Armed Services.

3984. A letter from the Associate General Counsel for Legislation and Regulations, Office of Policy, Development and Research, Department of Housing and Urban Development, transmitting the Department's interim final rule — Federal Policy for the Protection of Human Subjects: Delay of the Revisions to the Federal Policy for the Protection of Human Subjects [Docket No.: FR-6077-I-01] received February 1, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3985. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — 2018-2020 Enterprise Housing Goals (RIN: 2590-AA81) received February 7, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

3986. A letter from the Secretary, Department of Education, transmitting the Department's final regulations — Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance of College and Higher Education Grant Program [Docket ID: ED-2017-OPE-0112] (RIN: 1840-AD28) received February 12, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

3987. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Occupational Safety and Health Review Commission report for Fiscal Year 2017, pursuant to the Buy American Act, 41 U.S.C. 10a(b); to the Committee on Education and the Workforce.

3988. A letter from the Assistant General Counsel, Consumer Product Safety Commission, transmitting the Commission's direct final rule — Revision to Children's Gasoline Burn Prevention Act Regulation [Docket No.: CPSC-2015-0006] received February 1, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3989. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Infrastructure State Implementation Plan Requirements for the National Ambient Air Quality Standards [EPA-R06-OAR-2017-0435; FRL-9973-23-Region 6] received February 9, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3990. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — OHIO: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R05-RCRA-2017-0381; FRL-9974-25-Region 5] received February 9, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3991. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Emergency Preparedness and Operations Reliability Standards [Docket No.: RM17-12-000; Order No.: 840] received February 12, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

3992. A letter from the Chairman, United States Nuclear Waste Technical Review Board, transmitting the Board's report titled, ''A Report to Congress and the Secretary of Energy on Management and Disposal of U.S. Department of Energy Spent Nuclear Fuel'', pursuant to the Nuclear Waste Policy Amendments Act of 1987, Public Law 100-203; to the Committee on Energy and Commerce.

3993. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Supplemental Report to Congress on Market Data for overseas Cost-of-Living Adjustments, pursuant to Public Law 114-323, Sec. 411; to the Committee on Foreign Affairs.

3994. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a determination by the Secretary to exercise the authority to waive the restriction on assistance under Sec. 620(q) of the Foreign Assistance Act of 1961 with respect to Antigua and Barbuda; to the Committee on Foreign Affairs.

3995. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-255, ''Washington Metrorail Safety Commission Board of Directors Appointment Amendment Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3996. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-254, ''East End Grocery and Retail Incentive Tax Exemption Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3997. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-253 ''Jackson School Lease Renewal Authorization Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3998. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-252, ''East End Commercial Real Property Tax Rate Reduction Amendment Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

3999. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-251, ''General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4000. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-250, ''Africare Real Property Tax Relief Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the

Committee on Oversight and Government Reform.

4001. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-249, ''Electric Vehicle Public Infrastructure Expansion Amendment Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4002. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-248, ''Bicycle and Pedestrian Safety Clarification Amendment Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4003. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 22-247, ''National Community Reinvestment Coalition Real Property Tax Exemption Amendment Act of 2018'', pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

4004. A letter from the Acting Director, Consumer Financial Protection Bureau, transmitting the Bureau's Strategic Plan for Fiscal Years 2018-2022, pursuant to 5 U.S.C. 306(a); Public Law 103-62, Sec. 3(a) (as amended by Public Law 111-352, Sec. 2); (124 Stat. 3866); to the Committee on Oversight and Government Reform.

4005. A letter from the Assistant Director, OSD SEMO, Department of Defense, transmitting forty (40) notifications of a federal vacancy, designation of acting officer, nomination, action on nomination, change in previously submitted reported information, or discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

4006. A letter from the Acting Chief Financial Officer, Department of Homeland Security, transmitting the Department's Annual Performance Report for Fiscal Years 2017-2019, Annual Performance Plan, and Annual Performance Report, pursuant to 31 U.S.C. 1115(b); Public Law 111-352, Sec. 3; (124 Stat. 3867); to the Committee on Oversight and Government Reform.

4007. A letter from the Acting Director and General Counsel, Office of Government Ethics, transmitting the Office's Strategic Plan for FY 2018-22, Congressional Budget Justification for 2019, Annual Performance Plan for FY 2018 and 2019, and Annual Performance Report for FY 2017, pursuant to 31 U.S.C. 1115(b); Public Law 111-352, Sec. 3; (124 Stat. 3867) and 5 U.S.C. 306(a); Public Law 103-62, Sec. 3(a) (as amended by Public Law 111-352, Sec. 2); (124 Stat. 3866); to the Committee on Oversight and Government Reform.

4008. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's Strategic Plan for fiscal years 2018-22, combined Annual Performance Plan for FY 2018-19, and Annual Performance Report for FY 2017, and Budget Justification for FY 2019, pursuant to 31 U.S.C. 1115(b); Public Law 111-352, Sec. 3; (124 Stat. 3867) and 5 U.S.C. 306(a); Public Law 103-62, Sec. 3(a) (as amended by Public Law 111-352, Sec. 2); (124 Stat. 3866); to the Committee on Oversight and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THOMPSON of Mississippi (for himself, Mr. BRADY of Pennsylvania, Ms. LOFGREN, Mr. LANGEVIN, Mr. RICHMOND, and Mrs. DEMINGS):

H.R. 5011. A bill to protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Homeland Security, Intelligence (Permanent Select), the Judiciary, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROKITA (for himself, Mr. MARINO, and Mr. BABIN):

H.R. 5012. A bill to provide further tax relief for Americans receiving bonuses; to the Committee on Ways and Means.

By Mr. OLSON (for himself, Mr. CONNOLLY, Mr. ROE of Tennessee, Mr. BEYER, Ms. CHENEY, Mr. DUNN, and Mr. HARRIS):

H.R. 5013. A bill to amend the Public Health Service Act to clarify liability protections regarding emergency use of automated external defibrillators; to the Committee on Energy and Commerce.

By Mr. RUTHERFORD (for himself, Mr. BILIRAKIS, Mr. BUCHANAN, Mr. DESANTIS, Mr. GAETZ, Mr. MAST, Mr. FRANCIS ROONEY of Florida, Ms. ROS-LEHTINEN, Mr. ROSS, and Mr. YOHO):

H.R. 5014. A bill to provide for a moratorium on oil and gas leasing and exploration on the outer Continental Shelf off the coast of Florida until 2029, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. MCGOVERN, Mr. HUFFMAN, Ms. NORTON, Ms. VELÁZQUEZ, Ms. SPEIER, Mr. DEFAZIO, Ms. WASSERMAN SCHULTZ, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Ms. TSONGAS, Ms. SCHAKOWSKY, Ms. CLARK of Massachusetts, Mr. CONNOLLY, Mr. PASCRELL, Mr. POLIS, Mr. QUIGLEY, Mr. NADLER, Ms. SLAUGHTER, Ms. LOFGREN, Mr. MEEKS, Ms. PINGREE, Ms. LEE, Mr. ELLISON, Mrs. WATSON COLEMAN, Mr. GRIJALVA, Mr. NOLAN, Mr. LARSEN of Washington, Ms. KUSTER of New Hampshire, Mr. CARTWRIGHT, Mr. COHEN, Ms. DELAURO, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. ESTY of Connecticut, and Ms. KAPTUR):

H.R. 5015. A bill to direct the Administrator of the Environmental Protection Agency to take certain actions related to pesticides that may affect pollinators, and for other purposes; to the Committee on Agriculture.

By Mr. ABRAHAM:

H.R. 5016. A bill to direct the Secretary of Transportation to establish a Revitalize Rural America Grant Program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FUDGE (for herself, Mr. EVANS, and Ms. LEE):

H.R. 5017. A bill to amend the Department of Agriculture Reorganization Act of 1994 to reauthorize the Healthy Food Financing Initiative, and for other purposes; to the Committee on Agriculture.

By Mr. KIND:

H.R. 5018. A bill to carry out pilot programs to improve skills and job training, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TED LIEU of California (for himself, Mr. NADLER, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. CONNOLLY, Mr. GUTIÉRREZ, Mr. JOHNSON of Georgia, Ms. NORTON, Ms. BARRAGÁN, Mrs. LAWRENCE, Mrs. CAROLYN B. MALONEY of New York, Mr. PAYNE, Mr. COOPER, Ms. VELÁZQUEZ, Mr. WELCH, Ms. JAYAPAL, Mr. KRISHNAMOORTHI, Mr. LYNCH, Mr. COHEN, Mr. CLAY, Mr. DESAULNIER, Mr. LOWENTHAL, Mr. BEYER, Mrs. WATSON COLEMAN, Mr. RASKIN, Ms. PLASKETT, Mr. DANNY K. DAVIS of Illinois, Mr. CICILLINE, and Mr. GALLEGO):

H.R. 5019. A bill to amend title 5, United States Code, to require a quarterly report on security clearances for individuals working in the White House or the Executive Office of the President, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LOEBSACK:

H.R. 5020. A bill to provide for the establishment of a Department of Education program to award grants to secondary schools that establish a project to encourage students in their junior and senior school years to experience career and technical education courses at a community college, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 5021. A bill to require the Administrator of the Drug Enforcement Administration to make publicly available on the website of the Drug Enforcement Administration a report on the sale of controlled substances and controlled substance analogues by means of the Internet; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARSHALL (for himself, Mr. THOMPSON of Pennsylvania, Mrs. BUSTOS, and Mrs. DINGELL):

H.R. 5022. A bill to amend the Food Security Act of 1985 to authorize funding for the voluntary public access and habitat incentive program; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 5023. A bill to designate the Civil War Defenses of Washington National Historical Park comprised of certain National Park System lands, and by affiliation and cooperative agreements other historically significant resources, located in the District of Columbia, Virginia, and Maryland, that were part of the Civil War defenses of Washington and related to the Shenandoah Valley Campaign of 1864, to study ways in which the Civil War history of both the North and South can be assembled, arrayed, and conveyed for the benefit of the public, and for other purposes; to the Committee on Natural Resources.

By Mrs. RADEWAGEN:

H.R. 5024. A bill to exclude the species known as bullet tuna and frigate tuna from the standard of identity established for canned tuna, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. RADEWAGEN:

H.R. 5025. A bill to amend the Western and Central Pacific Fisheries Convention Implementation Act to limit the imposition of penalties against a person fishing on a United States flag fishing vessel in certain areas of the Pacific Ocean based on a report by an observer on such a vessel; to the Committee on Natural Resources.

By Mrs. RADEWAGEN (for herself and Ms. BORDALLO):

H.R. 5026. A bill to amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RATCLIFFE (for himself and Miss RICE of New York):

H.R. 5027. A bill to amend chapter 77 of title 18, United States Code, to clarify that using drugs or illegal substances to cause a person to engage in a commercial sex act constitutes coercion and using drugs or illegal substances to provide or obtain the labor or services of a person constitutes forced labor; to the Committee on the Judiciary.

By Ms. ROSEN:

H.R. 5028. A bill to amend the Securities Exchange Act of 1934 to require disclosure of payments for settlements of disputes regarding sexual abuse and certain types of harassment and discrimination, and for other purposes; to the Committee on Financial Services.

By Mr. SOTO:

H.R. 5029. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require the specialty crops committee to make an additional recommendation regarding agricultural technology, and for other purposes; to the Committee on Agriculture.

By Mr. PETERS (for himself, Mr. ISSA, Mr. CÁRDENAS, Mr. COHEN, Mr. GRIJALVA, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Ms. LEE, Mr. MCGOVERN, Mr. POCAN, Mr. QUIGLEY, Mr. SERRANO, and Mr. HASTINGS):

H. Res. 738. A resolution expressing support for designation of February 14 as World Bonobo Day; to the Committee on Natural Resources.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. THOMPSON of Mississippi:

H.R. 5011.

Congress has the power to enact this legislation pursuant to the following:

The United States Constitution Article 1, Section 8, Clause 18, that Congress shall have the power to make all laws which shall be necessary and proper.

By Mr. ROKITA:

H.R. 5012.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

By Mr. OLSON:

H.R. 5013.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. RUTHERFORD:

H.R. 5014.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. BLUMENAUER:

H.R. 5015.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ABRAHAM:

H.R. 5016.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the U.S. Constitution.

By Ms. FUDGE:

H.R. 5017.

Congress has the power to enact this legislation pursuant to the following:

Aritcle I section 8 clause 3; To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

By Mr. KIND:

H.R. 5018.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. TED LIEU of California:

H.R. 5019.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Mr. LOEBSACK:

H.R. 5020.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 5021.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8

By Mr. MARSHALL:

H.R. 5022.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article 1, Section 8, Clause 3.

By Ms. NORTON:

H.R. 5023.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

By Mrs. RADEWAGEN:

H.R. 5024.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mrs. RADEWAGEN:

H.R. 5025.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mrs. RADEWAGEN:

H.R. 5026.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. RATCLIFFE:

H.R. 5027.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution which states that Congress has the power ''to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Ms. ROSEN:

H.R. 5028.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the U.S. Constitution (''To regulate Commerce . . . among the several States'' and ''To make all Laws which shall be neccessaru and proper'')

By Mr. SOTO:

H.R. 5029.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 99: Mrs. MURPHY of Florida.
H.R. 113: Mr. AL GREEN of Texas.
H.R. 365: Mr. LUETKEMEYER.
H.R. 392: Miss GONZÁLEZ-COLÓN of Puerto Rico and Mr. JOYCE of Ohio.
H.R. 613: Mr. ROTHFUS.
H.R. 667: Mr. SMITH of Nebraska and Mr. BYRNE.
H.R. 676: Ms. FRANKEL of Florida.
H.R. 681: Mr. BISHOP of Utah, Mr. EMMER, and Mr. JODY B. HICE of Georgia.
H.R. 719: Mr. RICE of South Carolina.
H.R. 731: Mr. RUIZ, Ms. JUDY CHU of California, Mr. SHERMAN, and Mr. GOMEZ.
H.R. 757: Mr. PETERSON.
H.R. 795: Ms. ESTY of Connecticut.
H.R. 809: Mr. MCCLINTOCK.
H.R. 878: Mr. BUCK.
H.R. 881: Ms. CLARKE of New York, Mr. SCHNEIDER, and Mr. JOHNSON of Louisiana.
H.R. 909: Mr. AL GREEN of Texas.
H.R. 959: Mr. CARSON of Indiana and Mrs. DINGELL.
H.R. 964: Mr. BACON and Mr. SOTO.
H.R. 1002: Mr. KIHUEN.
H.R. 1017: Mr. JOHNSON of Georgia.
H.R. 1102: Mr. MCGOVERN.
H.R. 1156: Mr. FITZPATRICK.
H.R. 1205: Mr. SUOZZI, Mr. GONZALEZ of Texas, and Mr. SOTO.
H.R. 1212: Mr. ELLISON.
H.R. 1267: Mr. CUELLAR.
H.R. 1276: Mr. MICHAEL F. DOYLE of Pennsylvania.
H.R. 1291: Mr. KENNEDY.
H.R. 1300: Ms. SEWELL of Alabama and Mr. ROGERS of Alabama.
H.R. 1341: Mr. SMITH of Nebraska.
H.R. 1358: Mr. PETERSON.
H.R. 1377: Ms. GABBARD.
H.R. 1447: Ms. BASS.
H.R. 1494: Ms. PLASKETT, Mr. COLLINS of New York, and Mr. AL GREEN of Texas.
H.R. 1515: Ms. BASS.
H.R. 1516: Ms. BASS.
H.R. 1617: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 1676: Ms. TITUS.
H.R. 1734: Ms. KELLY of Illinois, Ms. ROS-LEHTINEN, Mr. KHANNA, Ms. TSONGAS, Mr. LARSON of Connecticut, Mr. CLEAVER, and Ms. GABBARD.
H.R. 1784: Mr. MCNERNEY.
H.R. 1847: Mr. AL GREEN of Texas.
H.R. 1881: Mr. ROUZER.
H.R. 2024: Mr. GAETZ.
H.R. 2242: Mr. DANNY K. DAVIS of Illinois.
H.R. 2267: Mr. BEN RAY LUJÁN of New Mexico.
H.R. 2308: Mr. DESAULNIER and Mr. FOSTER.
H.R. 2309: Ms. CLARKE of New York.
H.R. 2310: Mr. BACON.
H.R. 2319: Mr. VELA.
H.R. 2327: Mrs. HARTZLER.
H.R. 2366: Mr. GUTIÉRREZ and Mr. RASKIN.
H.R. 2417: Mr. BRADY of Pennsylvania.
H.R. 2501: Ms. SLAUGHTER.
H.R. 2659: Ms. MENG.
H.R. 2740: Mr. SAM JOHNSON of Texas.
H.R. 2917: Mr. PEARCE.
H.R. 2987: Ms. MICHELLE LUJAN GRISHAM of New Mexico and Mr. PETERSON.

H.R. 3030: Mr. JOHNSON of Georgia, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. SIRES.
H.R. 3174: Mr. RYAN of Ohio and Ms. SINEMA.
H.R. 3199: Mr. CARSON of Indiana.
H.R. 3222: Ms. BASS and Mr. JOHNSON of Georgia.
H.R. 3255: Mr. BRADY of Pennsylvania.
H.R. 3282: Mr. WITTMAN.
H.R. 3301: Mr. GAETZ, Mr. JOHNSON of Louisiana, and Ms. SLAUGHTER.
H.R. 3349: Mr. LIPINSKI and Mr. GUTIÉRREZ.
H.R. 3459: Ms. LOFGREN.
H.R. 3497: Ms. LOFGREN.
H.R. 3574: Mr. POCAN, Mr. TAKANO, Ms. LEE, Mr. LOWENTHAL, Mr. FOSTER, Ms. NORTON, Miss RICE of New York, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SLAUGHTER, Ms. SPEIER, Mr. SWALWELL of California, and Mr. TONKO.
H.R. 3600: Mr. ABRAHAM.
H.R. 3635: Mr. KUSTOFF of Tennessee.
H.R. 3642: Mrs. LOVE and Mr. ISSA.
H.R. 3654: Mr. BROWN of Maryland, Ms. CLARK of Massachusetts, Ms. SPEIER, Ms. SLAUGHTER, and Mr. HECK.
H.R. 3681: Mr. COFFMAN, Mr. BACON, and Mr. CARBAJAL.
H.R. 3712: Ms. SHEA-PORTER.
H.R. 3714: Mrs. WATSON COLEMAN.
H.R. 3738: Ms. CLARKE of New York.
H.R. 3790: Mr. BRAT.
H.R. 3827: Mr. BRADY of Pennsylvania.
H.R. 3842: Ms. CLARKE of New York.
H.R. 3862: Mrs. WATSON COLEMAN.
H.R. 3887: Mrs. DINGELL and Mr. KHANNA.
H.R. 3889: Mr. MESSER.
H.R. 3913: Mr. CONNOLLY.
H.R. 3956: Mr. ROUZER.
H.R. 3976: Ms. SEWELL of Alabama, Mrs. LAWRENCE, Mr. ESTES of Kansas, and Mr. BROOKS of Alabama.
H.R. 4007: Mr. MOOLENAAR.
H.R. 4013: Mr. DELANEY.
H.R. 4062: Miss GONZÁLEZ-COLÓN of Puerto Rico and Mr. JEFFRIES.
H.R. 4099: Mr. ISSA, Ms. ESTY of Connecticut, and Mr. LOEBSACK.
H.R. 4107: Mr. DELANEY, Mr. ISSA, and Mr. ROKITA.
H.R. 4144: Mr. SIRES.
H.R. 4152: Mr. KENNEDY.
H.R. 4207: Mr. FASO.
H.R. 4229: Mr. CARTER of Georgia and Mr. KUSTOFF of Tennessee.
H.R. 4240: Mr. KEATING.
H.R. 4253: Mr. KHANNA.
H.R. 4256: Mr. LATTA and Mr. WITTMAN.
H.R. 4260: Ms. ESTY of Connecticut.
H.R. 4268: Mr. KRISHNAMOORTHI and Mr. BLUMENAUER.
H.R. 4311: Mr. JODY B. HICE of Georgia.
H.R. 4312: Mr. GROTHMAN and Mr. ISSA.
H.R. 4316: Ms. KUSTER of New Hampshire.
H.R. 4345: Ms. LOFGREN, Mrs. WALORSKI, Ms. LEE, Mr. COFFMAN, Ms. GABBARD, Mr. SERRANO, and Mr. VELA.
H.R. 4424: Mr. WALZ.
H.R. 4439: Mr. PITTENGER and Mr. SIRES.
H.R. 4444: Ms. DELAURO, Mr. SARBANES, Mr. YOUNG of Alaska, Mr. MACARTHUR, and Mr. SCHIFF.
H.R. 4549: Mr. WILSON of South Carolina and Mr. GARRETT.
H.R. 4563: Mr. FLEISCHMANN.
H.R. 4633: Mr. JODY B. HICE of Georgia.
H.R. 4657: Mr. WELCH and Mr. JOHNSON of Georgia.
H.R. 4660: Mr. GROTHMAN.
H.R. 4682: Mr. YOUNG of Iowa.
H.R. 4706: Mr. JOHNSON of Louisiana.
H.R. 4732: Mr. SUOZZI and Mr. OLSON.
H.R. 4734: Miss GONZÁLEZ-COLÓN of Puerto Rico.
H.R. 4736: Mr. OLSON.
H.R. 4747: Mr. PITTENGER, Mr. DUNN, Mr. LAMALFA, Mr. BANKS of Indiana, Mr. KELLY of Mississippi, Mr. BLUM, Mr. MOONEY of West Virginia, Ms. SPEIER, and Mr. FLORES.
H.R. 4760: Mr. SCALISE.
H.R. 4763: Mr. SOTO.
H.R. 4770: Mr. GAETZ, Mr. RUTHERFORD, Mr. POSEY, Mr. BUCHANAN, and Mr. YOHO.
H.R. 4775: Mr. SOTO and Ms. MATSUI.
H.R. 4809: Mr. ROUZER.
H.R. 4844: Mr. ROKITA and Mr. GROTHMAN.
H.R. 4846: Mr. HIGGINS of New York, Mr. RUPPERSBERGER, Mr. CAPUANO, Mr. CURBELO of Florida, Mr. COHEN, Mr. FITZPATRICK, and Mr. LAWSON of Florida.
H.R. 4851: Mr. MCGOVERN and Ms. WILSON of Florida.
H.R. 4888: Ms. SCHAKOWSKY.
H.R. 4903: Mr. MACARTHUR.
H.R. 4906: Mr. DESAULNIER.
H.R. 4910: Mr. DUNN and Mr. DESJARLAIS.
H.R. 4916: Mr. ESTES of Kansas, Mr. GOSAR, Mrs. WAGNER, and Mr. BIGGS.
H.R. 4921: Mr. FASO.
H.R. 4929: Mrs. BROOKS of Indiana, Ms. KUSTER of New Hampshire, and Miss RICE of New York.
H.R. 4940: Mrs. MURPHY of Florida.
H.R. 4944: Mr. CROWLEY, Ms. SEWELL of Alabama, and Mr. O'ROURKE.
H.R. 4949: Mr. DEUTCH, Mr. ESPAILLAT, Mr. RYAN of Ohio, and Mr. TAYLOR.
H.R. 4980: Mr. ELLISON, Ms. JAYAPAL, Mr. MOULTON, Mr. RUSH, and Mr. DANNY K. DAVIS of Illinois.
H.R. 4999: Mr. MCGOVERN and Mr. KHANNA.
H.R. 5005: Mrs. DEMINGS.
H. Con. Res. 10: Mr. BABIN.
H. Res. 31: Mr. GIBBS and Mr. BROWN of Maryland.
H. Res. 129: Mr. ABRAHAM.
H. Res. 466: Mr. LOEBSACK.
H. Res. 632: Mr. CHABOT.
H. Res. 661: Mr. ESPAILLAT.
H. Res. 673: Ms. LOFGREN.
H. Res. 720: Mr. KELLY of Mississippi, Mr. CLYBURN, Mr. CLAY, Ms. FUDGE, Mr. PAYNE, and Ms. PLASKETT.
H. Res. 722: Mr. KHANNA, Mr. ESPAILLAT, and Mr. VARGAS.
H. Res. 733: Mr. MICHAEL F. DOYLE of Pennsylvania.

PETITIONS, ETC.

Under clause 3 of rule XII,

79. The SPEAKER presented a petition of the Board of Supervisors of Jackson County, Mississippi, relative to a resolution supporting Gulf of Mexico Energy and Revenue Sharing; which was referred to the Committee on Natural Resources.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164 WASHINGTON, WEDNESDAY, FEBRUARY 14, 2018 *No. 29*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable THOM TILLIS, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the fountain of wisdom, thank You for this season of penance and personal reflection. Lord, as we remember that the last time Ash Wednesday and Valentine's Day fell on the same day—it was 1945—we thank You for the many challenging seasons through which You have brought this Nation and world. As we continue to depend upon the power of Your prevailing providence, deliver us from majoring in minors. Bless our lawmakers. As they commit themselves to You, make them a voice for the voiceless and a help for the helpless. May they make it their first priority to fulfill Your purposes for their lives.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOM TILLIS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. TILLIS thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IMMIGRATION

Mr. MCCONNELL. Mr. President, it is now Wednesday morning of the week the Senate set aside to debate DACA, border security, interior enforcement, and other immigration issues. I promised I would clear the way to debate these matters this week, and I have. I promised I would ensure a fair amendment process in which both sides could offer legislation for discussion and votes, and I have. Just yesterday, the Congressional Hispanic Caucus released a letter thanking me for keeping my commitment and urged the Senate to resolve this issue quickly.

But we haven't even been able to get started yet. We haven't even been able to get started. Yesterday, I tried twice to open the debate and start the voting. Both times, my Democratic colleagues objected. I am a little perplexed, frankly, by the holdup.

My Democratic colleagues have spent months—months, as we all know—demanding that the Senate take up this issue. They even shut down the government—shut down the government unnecessarily, I might add—in order to secure this very week for this discussion. But now that the time has come to make law instead of just making points, they are stalling. Why? Why, after months and months spent demanding that the Senate take up this issue, do they now object to even starting the debate? Because they know, no matter how long they spend in closed-door negotiations, they can't change the fact that the President has spelled out a fair and generous framework that will be necessary to earn his signature. These guys can't take yes for an answer. So instead of moving to fulfill our promises and address the DACA issue, they haven't even allowed the debate to begin.

There is a widespread desire in this Chamber to find a resolution for the illegal immigrants who were brought to this country as children—widespread agreement on that—but common sense dictates that we cannot simply treat one symptom of our broken immigration policy in complete isolation. We must address the underlying problems as well. That means fixing broken parts of our legal immigration system.

We must also ensure the safety of the American people. That is why a DACA resolution should be paired with new security measures at our borders and commonsense steps to improve security inside our borders, steps like fixing the loophole that forces us to release thousands of criminal aliens whose home countries won't take them back, steps like enacting Kate's Law to put criminal offenders who repeatedly and illegally cross our borders behind bars, cracking down with stiffer penalties for human trafficking, and updating the removability grounds for drug traffickers, repeat drunk drivers, gang members, sex offenders, and other violent and dangerous criminals. Why in the world would those ideas be controversial?

Keeping Americans safe does not need to be a partisan issue, and addressing these important safety issues along with DACA, border security, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

other parts of our broken immigration system is our best chance to produce legislation that can pass the House, pass the Senate, and earn the President's signature. This is why the proposal put forward by Senator GRASSLEY and others, which draws on the President's generous framework and which the President has officially endorsed, has my support, because presumably we will actually make a law here.

I have made no effort—none—to tell Democrats what amendments they should offer. Of course, they shouldn't try to dictate Republican amendments either.

The longer my colleagues across the aisle refuse to come to the table, the longer they are unable to produce any legislation they actually support, the lower the odds that we can arrive at a legislative solution this week.

Yesterday alone, the Senate was open for 9 hours—yesterday alone, 9 hours. Nine hours we could have spent processing amendments and proceeding to votes. Nine hours down the drain because Democrats won't let us start the debate they have spent months demanding.

Now that we can finally proceed to consider the underlying bill this morning, I hope my colleagues across the aisle will come to the table. The President has made clear what principles must be addressed if we are going to make a law instead of merely making political points.

While our Democratic colleagues can no longer prevent the Senate from starting the debate, they can continue to delay votes on amendments. I hope that won't happen.

INFRASTRUCTURE

Mr. MCCONNELL. Mr. President, on Monday, President Trump unveiled his proposal to improve America's infrastructure. Today he will host committee chairmen and ranking members at the White House for a bipartisan, bicameral meeting on that subject. I am grateful the President is prioritizing this and reaching across the aisle.

Experts agree that America's aging infrastructure needs a lot of help. Nationwide, 9.1 percent of our bridges are considered structurally deficient, and 13.6 percent are considered functionally obsolete. One recent study suggests that road congestion costs us $160 billion a year—for road congestion. The answer is not simply to throw new money at old problems.

It took American workers less time to build great skyscrapers, start to finish, than it now takes bureaucrats to review—not even build, but review—proposals for new bridges and roadways. We need to streamline regulations, reform the permitting process, and get government out of the way wherever possible. Once projects are proposed, they should be reviewed in a safe but reasonable amount of time and then completed as quickly and cost effectively as possible.

This is a prime opportunity for bipartisan cooperation. Our last three highway bills, our last three WRDA bills, and our last three FAA bills all passed the Senate easily, averaging more than 80 votes. I hope we can renew that consensus when the time comes.

TAX REFORM

Mr. MCCONNELL. Mr. President, on one final matter, for 8 years under President Obama, our economy didn't perform as well as it should have. America's wages and salaries hardly grew. Many job creators sat on the sidelines, wary of new tax increases or heavy-handed regulations. Washington had its foot on the brake. Last year, all that changed.

President Trump and this Republican Congress set out to make life easier for workers and for job creators. We cut regulations and passed tax reform to give middle-class families immediate relief and set the stage for more hiring and more wage growth in the years ahead.

I recently heard from a small family-owned inland river shipyard in Ashland, KY, along the Ohio River. They build and repair commercial barges. Here is what their president wrote. He said: ''Thanks to the tax change and optimism of our customers, we are at long last able to replace equipment which has been used way past [its] life expectancy and possibly add two more production workers.''

Last week a Louisville employer dropped by to tell me how he is using his tax reform savings: $1,000 bonuses for more than 100 Kentucky employees.

Small companies and big business alike are thrilled that they finally have a 21st-century tax code. It makes them more competitive with overseas rivals and frees up more money to invest right here at home, and middle-class workers are reaping the rewards. Major national companies like Pfizer and Home Depot, which together employ more than half a million Americans, have announced hundreds of millions of dollars in employee bonuses—again, thanks to tax reform.

Just this week, MetLife announced a major new investment in 50,000-plus employees. The company is raising its minimum wage, enhancing benefits, boosting retirement contributions, and creating a skills development fund. In short, MetLife is betting big on U.S. workers, and so are the more than 300 other companies that have already announced major investments in their employees and in their facilities—right here in America, right here, thanks to historic tax reform.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

BROADER OPTIONS FOR AMERICANS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2579, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 302, H.R. 2579, a bill to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

The ACTING PRESIDENT pro tempore. All postcloture time is expired.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

BROADER OPTIONS FOR AMERICANS ACT

The ACTING PRESIDENT pro tempore. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2579) to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

AMENDMENT NO. 1959

(Purpose: In the nature of a substitute.)

Mr. GRASSLEY. Mr. President, I call up amendment No. 1959.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1959.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 1948 TO AMENDMENT NO. 1959

Mr. MCCONNELL. Mr. President, I call up the Toomey amendment No. 1948 to the Grassley amendment No. 1959.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. TOOMEY, proposes an amendment numbered 1948 to amendment No. 1959.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States)

At the appropriate place, insert the following:

SEC. ___. STOP DANGEROUS SANCTUARY CITIES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Stop Dangerous Sanctuary Cities Act''.

(b) ENSURING THAT LOCAL AND FEDERAL LAW ENFORCEMENT OFFICERS MAY COOPERATE TO SAFEGUARD OUR COMMUNITIES.—

(1) AUTHORITY TO COOPERATE WITH FEDERAL OFFICIALS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) shall be deemed to be acting as an agent of the Department of Homeland Security; and

(B) with regard to actions taken to comply with the detainer, shall have all authority available to officers and employees of the Department of Homeland Security.

(2) LEGAL PROCEEDINGS.—In any legal proceeding brought against a State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) no liability shall lie against the State or political subdivision of a State for actions taken in compliance with the detainer; and

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(i) the officer, employee, or agent shall be deemed—

(I) to be an employee of the Federal Government and an investigative or law enforcement officer; and

(II) to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(ii) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(iii) the United States shall be substituted as defendant in the proceeding.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual.

(c) SANCTUARY JURISDICTION DEFINED.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of this section the term ''sanctuary jurisdiction'' means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from—

(A) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual; or

(B) complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual.

(2) EXCEPTION.—A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on its having a policy whereby its officials will not share information regarding, or comply with a request made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.

(d) SANCTUARY JURISDICTIONS INELIGIBLE FOR CERTAIN FEDERAL FUNDS.—

(1) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—

(A) GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.—Section 201(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(b)) is amended—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)(B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) the area in which the project is to be carried out is not a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(B) GRANTS FOR PLANNING AND ADMINISTRATION.—Section 203(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(a)) is amended by adding at the end the following: ''A sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act) may not be deemed an eligible recipient under this subsection.''.

(C) SUPPLEMENTARY GRANTS.—Section 205(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(a)) is amended—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)(B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) will be carried out in an area that does not contain a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(D) GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.—Section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147) is amended by adding at the end the following:

''(c) INELIGIBILITY OF SANCTUARY JURISDICTIONS.—Grants funds under this section may not be used to provide assistance to a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(2) COMMUNITY DEVELOPMENT BLOCK GRANTS.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(A) in section 102(a) (42 U.S.C. 5302(a)), by adding at the end the following:

''(25) The term 'sanctuary jurisdiction' has the meaning provided in subsection (c) of the Stop Dangerous Sanctuary Cities Act.''.

(B) in section 104 (42 U.S.C. 5304)—

(i) in subsection (b)—

(I) in paragraph (5), by striking ''and'' at the end;

(II) by redesignating paragraph (6) as paragraph (7); and

(III) by inserting after paragraph (5) the following:

''(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title; and''.

(ii) by adding at the end the following:

''(n) PROTECTION OF INDIVIDUALS AGAINST CRIME.—

''(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended for any State or unit of general local government that is a sanctuary jurisdiction.

''(2) RETURNED AMOUNTS.—

''(A) STATE.—If a State is a sanctuary jurisdiction during the period for which it receives amounts under this title, the Secretary—

''(i) shall direct the State to immediately return to the Secretary any such amounts that the State received for that period; and

''(ii) shall reallocate amounts returned under clause (i) for grants under this title to other States that are not sanctuary jurisdictions.

''(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which it receives amounts under this title, any such amounts that the unit of general local government received for that period—

''(i) in the case of a unit of general local government that is not in a nonentitlement area, shall be returned to the Secretary for grants under this title to States and other units of general local government that are not sanctuary jurisdictions; and

''(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State for grants under this title to other units of general local government in the State that are not sanctuary jurisdictions.

''(C) REALLOCATION RULES.—In reallocating amounts under subparagraphs (A) and (B), the Secretary shall—

''(i) apply the relevant allocation formula under subsection (b), with all sanctuary jurisdictions excluded; and

''(ii) shall not be subject to the rules for reallocation under subsection (c).''.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on October 1, 2018.

The ACTING PRESIDENT pro tempore. The Democratic leader.

AMENDMENT NO. 1958

(Purpose: In the nature of a substitute.)

Mr. SCHUMER. Mr. President, I call up amendment No. 1958 to the language proposed to be stricken.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1958 to the language proposed to be stricken by amendment No. 1959.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

AMENDMENT NO. 1955 TO AMENDMENT NO. 1958

(Purpose: To provide relief from removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States before reaching the age of 18, improve border security, foster United States engagement in Central America, and for other purposes.)

Mr. DURBIN. Mr. President, I call up the Coons amendment No. 1955 to the Schumer amendment No. 1958.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. COONS, proposes an amendment numbered 1955 to amendment No. 1958.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, February 13, 2018, under ''Text of Amendments.'')

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, as we enter the second day of the debate on immigration, everyone should be focused on finding a bill to protect the Dreamers and address border security that can get 60 votes. That is the ball game.

The majority leader's desire to vote on an unrelated, partisan immigration bill—legislation that is not only silent on Dreamers but is silent on border security as well—is not a productive way to begin debate.

Let's get to the crux of the issue. Let Republicans offer whatever they want on DACA and border security, and we will do the same. The leader supports the proposal by Senator GRASSLEY, which is, essentially, the President's plan. Let's vote on that first. We will have several bipartisan bills to offer. We should vote on those too.

Democrats are focused like a laser on finding a bipartisan bill that can pass the Senate to protect the Dreamers. Several moderate Republicans are working toward that as well. The one person who seems most intent on not getting a deal is President Trump.

President Trump's contribution to this debate has been to put forward a proposal that contains a vast curtailment of legal immigration, far outside the scope of DACA and border security, and has demanded that the Democrats support it. Instead of making a proposal in good faith or working with Democrats on a compromise, President Trump is trying to force his unpopular, hard-line immigration agenda down the throats of the American people by calling it a DACA bill.

The President's proposal, now the Grassley bill, is so extreme on legal immigration that several Republicans have been critical of it, including my friends from South Carolina and Arizona. Yet President Trump somehow thinks that Democrats would be to blame for not getting a deal on DACA because we didn't go blindly along with his partisan plan—extreme as it is and with no input from Democrats.

That will not happen.

Only in a Kafkaesque, 1984 world could the Democrats be blamed for the current predicament on DACA. As much as the President wants to turn the world upside down, as much as he wants everyone to just accept what he is saying, the American people know better. Everyone here knows that President Trump has stood in the way of a bipartisan solution to DACA from the very beginning. Let's take a quick look at the history.

First, it was President Trump who terminated the DACA Program last August, not the Democrats and not the Republicans here. Unilaterally, we are in this pickle—worse than a pickle—in this bad situation because President Trump chose to end the DACA Program last August. That stands out above anything else.

Then President Trump turned his back on not one but two bipartisan immigration proposals. I went so far as to put the wall—the President's signature campaign issue—on the table for discussion. That still did not drive him to a deal.

Finally, now that we are working hard in the Senate to come up with a bipartisan proposal, President Trump is just trying to gum up the works. According to reports, President Trump may threaten to veto legislation that doesn't match his hard-line demands—''my way or no way'' and with no Democratic input. A statement this morning from the White House said the President would oppose even a short-term bill to protect the Dreamers.

So who is intent on kicking out these people who know no country but America, who work in our factories and offices, who go to our schools, who serve in our military? Who is intent on kicking them out? It is not the American people, as 90 percent want to support the Dreamers. It is not any Democrat and not a good number of Republicans on that side of the aisle. It is just the President.

On three separate occasions, President Trump has stood in the way of a bipartisan solution to DACA—a problem he created in the first place. Yet the President is in this dream world. He thinks: Oh, I can blame the Democrats for the impasse.

As I said, only in a 1984 world where up is down and black is white could this be true. Only in a 1984 world where up is down and black is white would the American public blame the Democrats for this. They know where Trump stands. They know it. The American people know what is going on. They know that this President not only created the problem but seems to be against every solution that might pass because it is not 100 percent of what he wants.

If, at the end of this week, we are unable to find a bill that can pass—I sincerely hope that is not the case, due to the good efforts of so many people on both sides of the aisle—the responsibility will fall on the President's shoulders and on those in this body who went along with him.

Bipartisan negotiations are ongoing and are, perhaps, very close to a conclusion. Nothing is ever certain given the contentious nature of this debate, but I am hopeful that Senators can put the President's hard-line demands to the side and come up with a deal that works for both parties. If we want to go beyond border security and the DACA kids, let's do comprehensive reform. We did it once. It worked pretty well in the Senate, but the House blocked it. Let's go back to it. First, the issues at hand are the DACA kids and border security. That is the only thing that can pass this Chamber—the only thing.

We need to push through to the finish line. There are only 2 days of debate remaining this week. Everyone has to make a final effort to reach consensus. That doesn't mean adding new demands or drawing lines in the sand. It means being willing to compromise and take yes for an answer. If we pass something, it might not be everything that either the Democrats want or everything that the Republicans want, but it may get the job done for the Dreamers and the overwhelming majority of Americans who would like to see them stay in the country.

REPUBLICAN TAX BILL

Mr. President, on another matter—taxes—our Republican friends argued that their massive corporate tax cut was not such a huge giveaway to corporate America. They predicted that corporations would spend the tax savings on benefits for workers. The evidence is already mounting that those predictions were wrong. Since the passage of the Republican tax bill, corporations have been pouring billions of dollars into stock repurchasing programs, not into significant wage increases or other meaningful investments in workers.

These stock buybacks—this stock repurchasing—which benefit, primarily, the people at the top have reached a significant milestone. Since the passage of the Republican tax bill, there have been over $100 billion in stock buybacks. As of last week, corporations had announced twice the number of corporate share buybacks as during a similar period last year. Let me repeat that. The number of corporate share buybacks has doubled since the Republican tax bill passed.

Why is that so significant?

It is that share buybacks don't help the average worker. They inflate the value of a company's stock, which primarily benefits shareholders, not workers. It benefits corporate executives, who are compensated with corporate stock, not workers, who are paid by wages and benefits. The money corporations spend on repurchasing their stock is money that is not being reinvested in worker training, equipment, research, new hires, or higher salaries.

According to analysts at Morgan Stanley, companies that were surveyed said they will pass only 13 percent of the Trump tax cut savings on to workers in comparison to 43 percent that they will spend on share buybacks. For manufacturers, it is even worse: 9 percent to go to workers, 47 percent to share buybacks.

The Republicans made a conscious decision to give corporations and the wealthiest Americans the lion's share

of the tax cuts and promised it would trickle down to everyone else. Unfortunately, trickle-down never works, and it is not what is happening now. Corporate America is doing what is best for corporate America, and working America is getting left behind. It goes to show you just who President Trump and the Republicans were working for when they crafted their tax bill. They gave corporations and the wealthiest Americans a huge tax cut and cut out everybody else.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, this is immigration week in the U.S. Senate, and we are preparing today's procedural moves to bring bills to the floor for consideration as early as today, perhaps tomorrow at the latest. It is an unusual time when the Senate is focused on such an issue and actual bipartisan amendments and substitutes are being offered.

We are at this point at this moment in time because of a decision by President Trump on September 5 of last year when he announced he was ending the DACA Program. DACA was a program created by President Obama by Executive order, which allowed those who had been brought to the United States as children, infants, and toddlers to be able to stay legally in the United States on a temporary visa renewable every 2 years. It was called DACA, and 780,000 young people stepped up and paid the filing fee of almost $500, went through a criminal background check and an interview and received DACA protection. They then went on with their lives, with 90 percent of them going to work or to school, enlisting in the military—undocumented in America, willing to hold up their hands and take an oath that they would die for America. That is how much they love this country. Twenty thousand of them went to work as school teachers across the United States of America. Perhaps they are teaching your children or grandchildren today. They are doing important things in this country. But President Trump announced last September 5 that the program that protects them and allows them to work will end.

Then he challenged us. He said to the Senate and the House: Do something about it. Pass a law. Isn't that what you are there for? The President is right. That is our job.

This week we are going to try to pass a law to end this crisis, which is going to reach a head on March 5 of this year when the DACA Program officially ends and 1,000 young people a day lose their protection. We have less than 3 weeks. So we are going to move today, I hope, or tomorrow or this week, at some point to consider some alternatives to solve this problem.

I am sorry to say that there is no plan in the U.S. House of Representatives to even address the problem—none. I don't understand it. They know that lives hang in the balance, and they know that overwhelmingly the American people want to give DACA and the Dreamers a chance. The numbers come rolling in; 75, 80, 85 percent of Americans agree that these young people should be given a chance to earn their way to legal status and citizenship. Even 60 percent of those who voted for President Trump agree with what I just said. It is a popular political issue on both sides, and it also is the right thing to do.

What the President has proposed as his alternative, from my point of view, is unacceptable. Let me tell you why. Two weeks ago the White House released a one-page framework on immigration reform and border security. The White House claimed that this is a compromise because it includes a path to citizenship for Dreamers—some of them. That, of course, as I mentioned, is supported by a majority of Americans. The reality is that the Trump plan would put the administration's entire hard-line immigration agenda on the backs of these young people. These young, DACA-protected people are being held as political hostages for President Trump's hard-line immigration agenda.

For example, the White House wants to dramatically reduce legal immigration by prohibiting American citizens from sponsoring their parents, siblings, and children as immigrants. We are talking about literally millions of relatives of American citizens who entered this system legally and are following our immigration laws. Some have been waiting for as long as 20 years to immigrate to the United States.

The conservative Cato Institute says the following about President Trump's proposal:

> In the most likely scenario, the new plan [from the Trump administration] would cut the number of legal immigrants by up to 44 percent or a half million immigrants annually—the largest policy-driven immigration cut since the 1920s. Compared to current law, it would exclude nearly 22 million people from the opportunity to immigrate legally to the United States over the next five decades.

You have to go back in history to a time when there was a proposal that passed on the floor of this Chamber that cut as many legal immigrants to the United States. The year was 1924. Calvin Coolidge was President of the United States. We had just seen the end of World War I. There was a growing fear that because of all of the damage that was done in Europe, Europeans would come to the United States. There was also a concern that the wrong people were coming to the United States, in the eyes of some of the Members of Congress.

The Immigration Act of 1924 passed, and it set quotas for countries, and it set quotas for people. It was expressly designed to exclude certain people from around the world from entering the United States of America. It was a notorious piece of legislation. Those who were to be excluded from America included people from Italy, Eastern Europe, Japan, Asia, and Jewish people. That was the immigration policy of the United States of America because of that bill in 1924. That is the last time this Chamber has made such a dramatic cut in legal immigration to America. It was a source of embarrassment for decades. The United States established quotas and said: We want America to look a lot different than it would look if other immigrants came to this country.

Thankfully, in 1965, it was changed. Thankfully, we gave up the quotas that had been criticized roundly as being insensitive to the realities of the world population and the reality of the population of America.

Now the Trump administration wants to cut legal immigration to the United States again, by 44 percent, the biggest cut—as the Cato Institute tells us—since that horrible bill was passed in 1924.

Let me tell you what else the Trump immigration proposal would do. It would create an unaccountable slush fund of $25 billion of American taxpayers' money for a border wall that, as I remember correctly, Mexico was supposed to pay for—$25 billion. I have to double check, but I think that is almost the annual appropriation for the National Institutes of Health. The President wants $25 billion and wants no strings attached. He wants to be able to spend it where, when, and how he wants. That is an invitation for fraud and waste. It is an invitation for money to be spent for something other than its purpose. It is an invitation for taxpayers to be the ultimate losers with this slush fund for President Trump's famous Mexican wall.

The President's proposal on immigration, in the midst of the worst refugee crisis on record in the world, is now calling for fast-track deportations without due process of women and children fleeing gang and sexual violence. I can't tell you how many times we have had this conversation with members of the Trump administration. They create a scenario. The scenario is of a 6-year-old child who is swooped up in some Central American country. The parents give thousands of dollars, their life savings, to a smuggler who says: I will get this child to the border of the United States. The child is then taken off by the smuggler in a car or truck or bus to the border. The child then comes out of the car, is pointed toward one of our Federal employees with the Border Patrol, and the child walks up and hands a piece of paper to the Border Patrol agent with the name of someone in the United States. That process then unfolds, and the child ultimately, in many cases, ends up with that relative while a decision is made about the status of the child.

Is there exploitation in this system? You bet there is. Is there abuse in this system? For sure. Is there actual human trafficking taking place? Yes.

Are atrocities committed against these children in the course of this journey? All true. Should we be dedicated to cleaning this up? Sign me up, on a bipartisan basis.

Let me tell you another scenario, another story that has a different origin than turning over a child to a smuggler. Let me tell you about cases we know of in Honduras, El Salvador, and Guatemala where, because of the rampant crime, gang activity, and violence that takes place, parents, desperate to save their children—some of whom have daughters who have been victims of rape by these gangs—send them to the United States in the hope that they can save their lives. They show up at the border, having lived in fear of this violence in their countries, and they are accepted into the United States to determine whether that fear can be established in a hearing.

These are two different cases—a little child being exploited by a smuggler, a young girl escaping violence and perhaps death because her parents have nowhere to turn to save her life. Should we treat them both the same? I don't think so. Historically, we have said that when it comes to asylum seekers, who come to this country with a credible fear for their own lives, the United States has given them a chance to be protected. We have said that over and over again. We said it to the Cubans who were escaping Fidel Castro. We have said it to the Soviet Jews who wanted to have freedom of religion and came to the United States, believing this was the only chance they had in the world.

The Trump immigration proposal does not make a clear distinction on those two cases. In fact, what it does is end up with fast-track deportations without due process. Accepting the Trump approach will literally return many of these folks who have come to our border to harm and in some cases death.

There are fast-track deportations in the Trump proposal without due process for millions who have overstayed their visas. An estimated 40 percent of the 11 million undocumented fit in this category. So even if they have no criminal record, without considering their legal claims to remain in the United States, they would be deported. It dramatically cuts immigration from sub-Saharan African countries.

We have a diversity visa program. It is far from perfect, but it is a program that was created years ago, so countries that do not have an opportunity to send people to the United States for legal immigration would have a chance. Immigrants who come from these countries are limited in number. They have to go through the background checks, criminal background checks, biometric investigations—all of the investigations and interviews that we would expect in order to make sure we do everything humanly possible to cull out those who would be any danger to the United States. They face that same scrutiny, and they should. Many of them are rejected. They can't make the case for their lives and what they have done with them, and they are not given a chance to come. The President wants to eliminate the diversity visa program. For those living in sub-Saharan African countries, huge countries, about 12,000 to 15,000 come to the United States each year through this program. By eliminating this program, the Trump administration sadly is going to deny those immigrants from Africa even a chance to apply for this opportunity.

In the past, many Democrats have been willing to support some of the President's proposals, changes in our immigration system, eliminating the diversity visa lottery, but when we made that offer 5 years ago, it was part of comprehensive immigration reform with give and take and compromise that tried to make sense out of senseless immigration laws.

In 2013, a Democratic-led Senate passed a comprehensive immigration reform bill with a strong bipartisan vote of 68 to 32. The bill was a product of months of negotiations, with committee and floor debate. Unfortunately, the Republican leadership in the House of Representatives refused to even consider the bill. Now we are being asked to accept the administration's proposal with no conditions, no compromise, no give and take; rather, take it or leave it.

Democrats have shown they want to comprehensively fix our broken immigration system, but right now we have to fix our focus on the DACA crisis created by President Trump with his announcement of September 5. That has to be our priority.

In the next day or two, we expect the so-called Grassley proposal, which is the Trump immigration plan, to come to the floor. I want to say for the record, Democrats support comprehensive immigration reform, but we will not stand by and allow Dreamers to be held political hostage to the administration's entire immigration agenda.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I come to the floor out of great concern for America's Dreamers, whose futures hinge on the ability of this body to keep its word and get something done. I want to be clear whom we are talking about when we talk about Dreamers. We aren't talking about criminals. We aren't talking about terrorists. We aren't talking about ''bad hombres.'' We are talking about kids as American as apple pie. As I often say, the only country they call home is the United States. The only flag they pledge allegiance to is that of the American flag. The only national anthem they know how to sing is the ''Star-Spangled Banner.''

We are talking about 800,000 young people who were brought to this country as children and were able to obtain legal protection under the Deferred Action for Childhood Arrivals Program, known as DACA. These kids put enormous faith in our government. They came out of the shadows, they passed background checks, and they registered with our government—all to get a 2-year renewable work permit and protection from deportation.

Even the Cato Institute, which is a conservative think tank, says that deporting Dreamers—91 percent of whom are gainfully employed—would hurt America's economy. At the same time, we are also talking about thousands of additional Dreamers who were eligible for DACA but didn't apply. Some couldn't afford the cost and others were still working through the lengthy application process. These are the Dreamers the White House Chief of Staff John Kelly called lazy asses. Well, Mr. Kelly, here is what you don't understand: The reason they didn't apply is not because they were lazy. In fact, in many cases, they didn't apply because they were afraid—afraid of people like you. They were afraid that if they came out of the shadows and registered with the government, they would end up on a short list for deportation. What is depressing is that this administration's actions have proven them right. Now DACA recipients and undocumented Dreamers alike fear they have a target on their back, and that is because President Trump put an expiration date on their dreams when he decided to end DACA.

Now, let me be clear, DACA was never perfect, and it was never a replacement for truly comprehensive immigration reform. Make no mistake, we still need comprehensive immigration reform, and I am committed as ever to that cause—a cause I have spent the better part of my congressional career trying to achieve. I was a member of the Gang of 8 in the Senate back in 2013 when a bipartisan supermajority in the Senate passed the most historic reforms to our immigration system since the days of President Ronald Reagan, only to die in the House of Representatives without even a vote, but that debate is for another day. That debate is for what President Trump called phase 2.

This week, we are not here to debate comprehensive immigration reform. We are not here to debate the numerous types of visas that exist under U.S. law. We are not here to debate how mayors run their cities or how police officers do their jobs. We are here to protect Dreamers. We are here to address a crisis that President Trump started last September when he ended DACA. That is what this week's debate

is all about—it is about protecting hard-working, upstanding Dreamers across America from being deported to countries they haven't stepped foot in since they were in diapers.

Now, many of my colleagues have met Dreamers from their States in recent years, and they know the lion's share of these kids can't even remember coming here—only growing up here. For the Dreamers who do remember arriving here, they certainly didn't arrive through any decision of their own. They were babies, toddlers, and very young children, and I challenge my colleagues to think of any decision of consequence they made when they were babies, toddlers, and very young children. I bet you didn't decide what town you lived in, where your parents worked, or what kind of status you had.

When we talk about Dreamers, we are talking about kids who have grown up American in every sense of the word. We are talking about 22,000 New Jerseyans like Parthiv Patel, who came to New Jersey from India when he was 5 years old. He gained DACA status in 2012. He graduated from Drexel Law School in 2016, and he became the first Dreamer admitted to the New Jersey Bar in 2018.

We are also talking about students like Christopher Rios Martine, a constituent of mine who came here from Colombia at the age of 2. Today he is a junior at Rutgers University with a 3.74 GPA. He is president of the Management Information Systems Association, and he is interning at Colgate-Palmolive. Christopher said: ''I am proud to be a DACA recipient and I plan on contributing as much to this country as I possibly can.''

As another Dreamer from New Jersey, Sara Mora, recently wrote: Without DACA her life has become ''one big question mark''—the question of whether this Congress will act. Will we protect Dreamers who have become integral to our communities, many who are teaching in our schools, who are treating our patients, who are serving proudly in the military of the United States—many are wearing the uniform of the United States, risking their lives on behalf of our country, and yet we talk about deporting them—and many who are starting families of their own? That is right. Nearly one-quarter of DACA recipients are the parents of U.S.-born American children.

That is whom we are talking about this week. We are not talking about criminals. We are not talking about terrorists. We are not talking about gangbangers or drug dealers. We are talking about Dreamers. They are not undocumented immigrants, from my perspective; they are undocumented Americans who have proven themselves worthy of the American dream. Yet the administration slapped an arbitrary expiration date on their dream, creating a crisis that Congress needs to solve.

I took President Trump at his word when he said he wanted to treat Dreamers with heart, just as I took Leader MCCONNELL at his word when he said this week would be about protecting them from deportation.

Now, as I listen to many of my Republican colleagues on the Senate floor, I am hearing less and less about Dreamers and more and more about spending tens of billions of taxpayer dollars on a wall President Trump promised Mexico would pay for. Considering the Trump administration's own report noting that illegal border crossings from Mexico have dropped to their lowest level in nearly 50 years, you have to question the wisdom of a multibillion-dollar wall—a wall between the United States and a country that serves as our second largest export market in the world for American goods and services, as Mexican consumers and businesses buy American goods and services that support jobs created here at home.

Likewise, I am hearing a whole lot about politically loaded terms like ''merit-based immigration'' and ''chain migration.'' These aren't terms you find in our laws. They are political catchphrases designed to incite fear and push policies that forever change how legal immigration works in the United States. The more insidious, of course, is the term ''chain migration.'' I am appalled when I hear my colleagues talking about chain migration, just like I am appalled that the media—even the so-called liberal media—has adopted this phrase as if it is actually a legitimate term, and I can't be the only one who thinks the term ''chain migration'' is downright insulting to the millions of Americans whose ancestors were actually brought to this country in chains.

Now, I have heard a lot about family values from my Republican colleagues throughout my time in Congress. The Republican Party has long claimed to be the party of so-called family values. Well, ''chain migration'' is a term that dehumanizes families. When we want to dehumanize something, we create an inanimate object, but this chain is about a mother and a father and a son and a daughter. It is not an inanimate object, but it is a dehumanizing term.

It is a term designed to make our system of legal immigration and family reunification sound threatening and illogical, but there is nothing threatening about uniting mothers and fathers, and there is nothing more common sense than uniting brothers and sisters and sons and daughters. They are not linked by chains. They are bound by blood and held together by love.

Families are the essence of American values in our society. Families are the glue that builds strong communities—the foundation of our country. Yet some of my Republican colleagues act as if the nuclear family is a concept that has an expiration date. Well, I loved my daughter since the day she was born and the day she turned 21 and the day she turned 30, the same as I do my son. I didn't love them less with each passing year. I don't love them any less now that they have gotten married; in fact, I love them more.

So Americans need to know that when Republicans speak of ending chain migration, they are talking about ending the legal right of U.S. citizens to legally sponsor family members in our immigration system. It is not chain migration; it is family reunification. That is what America is all about. That is what immigration policy for the past century has been about—keeping families together, not tearing them apart.

The reality is, most Americans are, in some ways, the beneficiary of family reunification. Without it, our country would be a very different place. End family reunification, and we would never have seen the leadership of individuals like Colin Powell, a general and Secretary of State. That is right. His parents wouldn't have been able to come here without the big bad chain migration that my colleagues in the majority decry today.

End family reunification and suddenly billion-dollar American technology companies like Kingston Technology would have never existed. Before John Tu was a billion-dollar businessman, he was a self-described mediocre student from China. He would have never come to America if it were not for the sponsorship of his U.S. citizen sister. He wasn't skilled when he got here, and yet he built a groundbreaking company.

So let's get real. When President Trump professes his support for merit-based immigration, he doesn't have a real plan for allowing a million engineers and inventors from around the world to come to the United States. He is talking about cutting legal immigration by nearly 50 percent. That is a policy with disastrous implications for the future of this country when you consider basic economic facts.

Any credible economist will tell you that without steady immigration, America's global competitiveness will suffer, and we will fall far behind much larger countries like China, Pakistan, and India. According to a Forbes magazine article, even President Donald Trump is a product of chain migration. That is right. Friedrich Trump, Donald Trump's grandfather, was able to come to the United States from Germany, with no English-speaking ability and no merit-based skills. Why? Because his sister was already in the United States and claimed him as part of family reunification. You get to be President of the United States because of chain migration.

If Republicans were being honest, they would call their term of ''chain migration'' what it really is. They would call it family reunification, but they don't want to call it family reunification because they don't want to own up to their intention, which is to strip U.S. citizens of the right to sponsor their brothers and sisters, mothers

and fathers, and adult children as immigrants.

I ask my colleagues to please give it a rest. If you want to have a debate about the merits of our immigration system, we can have that debate, but that debate over comprehensive immigration reform is not the debate we should have this week. This debate is about whether we will do right by American Dreamers, about whether we will listen to the voices of the American people who overwhelmingly want us to solve this crisis.

According to the latest polls out this week from Quinnipiac University, 81 percent of Americans support giving Dreamers a path to citizenship. Yet, week after week, month after month, Dreamers have languished in uncertainty. Republicans didn't let us protect them in September or October or November or December or January. Yet, throughout all this time wasted, I hear my colleagues in the majority say such nice things about Dreamers—how talented they are, how hopeful they are, how important they are.

I say to them today that it is getting harder and harder to take your commitment to Dreamers seriously when, at every opportunity you have to do something, you do nothing. Instead, it is beginning to look like President Trump—the person responsible for ending DACA—has enablers in Congress who have been intent on deporting Dreamers from day one. If that is not the case, now is the time to prove it because March 5 is just around the corner. Come March, America's Dreamers will see their dreams extinguished, replaced with deportation orders to nations they have never called home. So far, there are 19,000 already out of status, and after March 5, there will be 1,000 a day.

If my colleagues want to have a debate about comprehensive immigration reform, we can have that debate some other time but not today, not this week, not until we protect Dreamers living in fear of deportation due to President Trump's reckless decisions—a President who once said about Dreamers that ''we're going to work something out that is going to make people happy and proud.'' Well, the polls show deporting Dreamers will not make Americans happy and proud.

The time for talk is over. The time for kind words is over. The time for excuses is over. So, this week, Congress needs to take action. It is time we let America see who stands with Dreamers and who is complicit in their potential deportation. These young men and women have shown incredible courage and strength in the face of adversity and uncertainty. They were handed a crisis, and they created a movement. They shared their stories and their dreams, and, in doing so, they have captured the hearts of the American people.

I urge my colleagues in the Senate not to break America's heart because our hearts are bigger as a country and our future is brighter when Dreamers in this country stay right where they belong.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from North Carolina.

VALENTINE'S DAY

Mr. TILLIS. Mr. President, in a moment, I am going to talk about the immigration debate we are going to have here.

Before I do that, though, I want to recognize that this is Valentine's Day. I happen to be several hundred miles away from my sweetheart, but I want to wish my wife a happy Valentine's Day. I made her a little card. I am sure I probably just violated a rule, but I don't think anybody can fire me. I want my wife to know I love her and wish I was with her.

Now, Mr. President, I want to talk a little about immigration reform. We just heard a discussion. I tell you, sometimes I think I teleport from this Chamber to the Kennedy Center because there are more theatrics going on here than you can find down there on any given day.

Let me give you one example of that. The whole indignant position that the Member from New Jersey just had on ''chain migration'' and somehow that mean Republicans came up with this term because we wanted to make a point. Demographers came up with this term decades ago. People on the other side of the aisle even have references to chain migration in bills they proposed. End the theatrics. Solve this problem.

Let's talk about the President's framework. I was presiding just before I got up here. I heard the word ''hard-line'' used—the hard-line demand of President Trump. I don't agree with everything President Trump has done. In fact, I said a year and a half ago—and I got criticized for it—that when you sit down and talk border patrol and talk homeland security, you are going to find out you don't need a large, monolithic wall from the Pacific Ocean to the Gulf of Mexico.

After the President was elected and after he got into office, he listened to homeland security and border patrol, and he came up with a plan that isn't a long, monolithic wall across the southern border. It is a strategic plan that actually lets us improve the security of the homeland along the northern and southern borders. It is a plan that tries to confiscate tons of drugs that are poisoning Americans in the tens of thousands of every year. It is a plan that makes sure gang members are more likely to be incarcerated when they cross the border illegally and less likely to go into the very communities that many of the people who immigrate to this country go into. It is a plan to make those communities safer.

It is a plan to make sure we know the thousands of people that cross the border illegally are not carrying illicit drugs in a truck or car or a wheel well, the way they do it today, because it is using technology to be able to search more vehicles to make sure our homeland is safe.

It is also a plan that shows more compassion than President Obama's DACA plan. Right now, they are saying: Let's keep DACA going. Well, there are 690,000 people who are in DACA. Their future is uncertain because it is an Executive order. It doesn't have the force of law. It could possibly be challenged by the court. The President decided on September 15 of last year, Congress do your job. You have been talking about immigration reform for two decades. We have an arguably illegal Executive order by President Obama that President Trump kept in place for about a year, and then he said: I am going to give you all 6 months to do your job and come up with something that has enduring value.

The DACA proposal only provided the illegally present persons who came to this country—through the decisions of an adult—some certainty that they wouldn't be deported. It doesn't give them any certainty in terms of a path to citizenship. People said the President has a hard-line plan. DACA allows 690,000 people who signed up for it to be here and, hopefully, not have that decision thrown out by the courts or have the President rescind it.

What we just heard from three or four Members on the other side of the aisle is that the President's hard-line plan is to have nearly three times as many people with a path to citizenship, not a piece of paper that hopefully will be in place for the time you spend in the United States but citizenship. So the President's hard-line plan actually legalizes about two and a half times as many people, not to just let them be here present, to have legal status but have a path to citizenship. That is hard-line?

I am not sure the President was there when he was running for office, but he listened. He recognizes he wants to be the President who gets something done, and he is willing to accept the criticism from people on my side of the aisle who may not support a path to citizenship. I do, and the President does.

I find it remarkable that somebody would say a President, who has endorsed a bill to provide a path to citizenship to 1.8 million people—two and a half times more than President Obama provided a temporary and passing status to—is hard-line.

Border security. Why is border security important? Is it just purely a hard-line deportation force sending people out? No. I already talked about, No. 1, hundreds of millions of doses of heroin, fentanyl, and other illicit drugs come across our border every year. We simply do not have the people, technology, and infrastructure to interdict them. Of the $25 billion, about $18 billion of it would be spent for border security. About 10 percent to 15 percent

of that is on the northern border. The remainder is on the southern border. Some of that will be spent on wall structures.

When all is said and done, less than half of the 2,300 miles will have a wall structure. The rest will be spent on training additional personnel. If you have ever gone to a border crossing, you know the long lines they have there. This is actually creating technology that has low-intensity x rays where you could drive a vehicle through. The Border Patrol folks can identify human smugglers, human traffickers, and drug smugglers without ever having the person get out of the car. That is what the border security plan is focused on as well. There are wall structures where they make sense. They don't make sense along about half of the border.

Let me tell you about the humanitarian case for this, which I find remarkable no one on the other side of the aisle will bring up. I went to Texas last year. I went along the southern border. I was on the Rio Grande, on the Border Patrol boats, on horseback, and at night I took ATVs around. I heard a lot of stories by a lot of people, including property owners. Over the last 20 years, 10,000 people have died trying to cross our border on U.S. soil. We have no earthly idea how many tens of thousands of people die just trying to get there. So 10,000 people died over the last 20 years because we didn't know where they were. They were on American soil, but we didn't know where they were. About 1,000 of them were children. If that is not a case for needing to know who is crossing the border and where they are—even if they may get deported if they don't have a legitimate claim to asylum but have this threat to their safety—then I don't know what else is. I don't see how border security is hard-line when you look at the facts—not the theater but the facts.

I think that second pillar of the President's proposal is balanced. It is less than what he originally wanted, but it makes sense, and it shows a lot of movement on his part. Again, two and a half times the number of people are actually getting a path to citizenship—more than the DACA Executive order proposed—and it has border security that makes sense and is no longer this idea of a monolithic wall.

We heard somebody say there is a dramatic cut to legal immigration; that the promise we made to everybody who is in line because of a family relationship is going to be broken. That is utter nonsense. There is no proposal like that on the table. The fact is, there are about 3.9 million people in the backlog who, if the President's proposal is accepted, will get to this country in half the time it takes today. There are about 3.9 million people waiting to come to this country because of a family relationship who we have proposed—that the President has proposed—should be able to get here sooner.

The diversity lottery is also something, I think, people have been misled or they are trying to mislead you. I will leave it to you to decide. The diversity lottery is not ending. This actually comes up with a reasonable way to use those 50,000 green cards in a way that lets us draw down the backlog sooner—instead of having somebody wait 17 years or 20 years to get into the country, maybe 8 or 9, but then it is also with a focus on the underrepresented countries. There are many countries in Africa—about 15,000—that we would like to make sure they have an opportunity every year to come to this country. They are from an underrepresented country. We have already made proposals that said we are open to other proposals to make that be a part of how the diversity lottery gets settled. So 50,000 will continue to come. When we say we are ending the diversity lottery, we are not saying we will end the entry of 50,000 people; we are talking about modernizing it.

The last time we did any major immigration bill, I was 5 years old. I think it is about time to look at how the world has changed and maybe open your eyes and open your hearts to a better way to do it that benefits the person trying to come to this country and benefits our country as a result of their entry. I think it can be a win-win.

The last thing on chain migration is, I want to go back and find everybody who voted for bills in the past, and they voted for a bill with legislative language in it that referred to chain migration. I am sick of that kind of garbage on the Senate floor. That is just misleading. Chain migration is just a process that has been used in the past—not only by our country but other countries—to kind of link people together.

I am absolutely sympathetic with some of the things the gentleman from New Jersey said, but to say that this is some hateful, divisive term is not paying a whole lot of attention to your job. I have only been here 3 years. Many of these people who are here voted for language that had chain migration in it, and now they are saying it is something the hateful folks in our marketing departments created to be divisive. That is just untrue.

Now the last thing. When we are talking about legal immigration in this country—we immigrate about 1 million to 1.1 million people a year to this country. I don't have a problem with that number. If I had Members on the other side of the aisle, some of my colleagues, say, ''Thom, we want to try to maintain that same amount of immigration over time,'' I would say that I am open to it. Some of my colleagues I have worked with on this bill may not be. But the way we go about doing it needs to be modernized.

How many times have I heard that when we have a foreign national here who graduates with an engineering degree or some degree in STEM, that we should just staple a green card to the back of their diploma—how many times have we heard that?—because we need high-end workers. We need welders. We need carpenters. We need plumbers. We need people to come to this country to fill jobs, or at some point, our economic growth is going to be limited by the number of resources we have for those jobs. Our unemployment is going down. The demand for the workers is there. But we have an immigration system where about three-fourths of everybody who comes to this country comes purely because of a family relationship. I bet that if we dig into it, many of them actually could qualify on the basis of merit, but right now, it is just a random selection that doesn't really tie to our needs as a nation and for our economic growth or for our economic security.

I believe that if we get the immigration policy right, over the next 10 years, we will be building a case to have more legal immigration here, more than the 1 million or 1.1 million, but if we don't fix this, we are not going to fix the underlying problem with our immigration system.

I actually didn't plan on speaking. I just grabbed a couple of these slides so that I could talk about it. But it is very important to me for us to—I don't like being a part of an organization that talks a lot and doesn't get anything done, and over the last 17 years, that is all these folks have been doing. They say: Reelect me. I promise you that next year, I will get immigration reform done. Next year, I will file the Dream Act, and we will get it done.

Well, guess what. It hasn't gotten done under a Republican administration. President Bush was sympathetic to this issue. He couldn't get it done. Congress couldn't get it done.

President Obama comes in and says: I am going to fix immigration. President Obama had the votes to pass ObamaCare. There was a time in this Chamber when not a single Republican vote was necessary to pass a bill out of here, right? So if you don't need a single Republican vote in Congress, on the House or the Senate side, why didn't you get it done? Because I don't think you have taken the time to construct something that makes sense, that is compassionate, that is responsible, and that will have the enduring value of law. So now is the time to get it done, and the only way we are going to get it done is with bipartisan cooperation.

If you don't like some of the elements of the President's framework and you set a hammer to it, fold your hands, and say: If you will not vote on mine, I will not vote on yours—look at this and tell us how we can improve it. Tell us what we need to do to get a vote. Tell us what we can do to moderate this. To call this a hardline bill is absurd. It is theatrics. It is the kind of stuff that has prevented us from getting things done for the last 17 years.

I hope people will have an honest discussion and debate. I hope people will come down here, offer all the amendments they want to, and I hope they

will be mature enough, if they fail, to move on to the next one because I, for one, want to provide certainty to the DACA population.

I say to the Presiding Officer, you know better than I because you are in the Marine Reserves. There are 900 people serving in the military today—that is more than a battalion, right? We have more than 900 DACA recipients serving in the military. I want to file this bill. I want to get this bill to the President's desk and say to them: Welcome to this country. Thank you for your service. I can't wait to go to your ceremony where you swear the oath as an American citizen.

That is what we can do this week. But I guarantee you, anybody who sits here and says that the President's proposal is unfair and insincere and hardline is playing politics. It makes me wonder if some of them would just as soon have this be the ''if you elect me next year, I promise I will fix this problem'' campaign speech versus take this off the table, provide them certainty, and do something different for a change.

Finally, I started by wishing my wife a happy Valentine's Day. When I get into these speeches—I worked in business most of my career. I haven't been in politics very long. I get very frustrated with the lack of production and with the lack of results. But, Sweetie, I am not mad. I just get a little bit intense when I talk about an issue where the solution is within reach. I am not mad. I am frustrated with the Members of the U.S. Senate who don't see the opportunity to seize this moment and get it done.

Mr. President, thank you for the opportunity. I probably went long, and I apologize to anybody else who may be waiting to speak. But this is the week to get it done. This is the Congress to get it done. This is the President who has given us a historic opportunity. I hope we seize the day.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the Senate is debating the fate of our Nation's Dreamers this week. Everywhere I go, people recognize the uncontestable truth that underpins our discussion: We are all a nation of immigrants. Unless you are Native American, you come from a line of people who come from somewhere else. More than in any other country on Earth, this simple fact is a defining characteristic of our national identity. Throughout our history, immigrant communities have greatly enriched our Nation; their individual stories have become the American story. Out of many, we have become one.

My maternal grandparents emigrated from Italy, began a business, hired a lot of people, and were pillars of the community. My wife's parents emigrated from French-speaking Canada and also owned a business. She was born in Vermont. Yesterday, we buried my wife's uncle, an immigrant from Canada who started off as an $8-a-week clerk at a shoe store. He was buried with honors at the age of 100 yesterday, and people talked about the $20 million or $30 million he has given to philanthropic causes in Vermont—this $8-a-week immigrant clerk at a shoe store.

I think sometimes we forget who we are. In the late 1800s we passed laws excluding Chinese immigrants. During World War II, we turned away Jewish refugees fleeing the Holocaust—turned them away at the shores of our country—and many went back to die in the gas chambers. We know today that these were tragic mistakes, fueled by our own ill-informed, xenophobic rhetoric. Mistakes were made, but they must never be repeated.

Yet now, in 2018, I am concerned that we are hearing echoes of past mistakes. Anti-immigrant voices, armed with the same shameful fearmongering, are attempting a comeback in our country. In recent months, Dreamers have been regularly disparaged. Some have even suggested that Dreamers pose a risk of terrorism or have links to international drug trafficking.

These absurd depictions would be laughable if they weren't so damaging, especially to those of us who remember one of the biggest terrorist attacks on our country, in Oklahoma City by Timothy McVeigh, who was not an immigrant; he grew up there and was born there. Thankfully, most Americans know better. Dreamers are not threats to our national security; not a single one—not a single one—has been suspected of terrorist activities. Nor do Dreamers present a threat to public safety. Far from it. By definition, Dreamers are law-abiding strivers who seek only to contribute to our country. Brought here as children, Dreamers are now our neighbors, our first responders, our teachers, our medical personnel. Nearly 1,000 have served in our Armed Forces, risking their lives to defend the only country they have ever known as home.

I will never forget one Dreamer who wrote to me last year. Dr. Juan Conde is a DACA recipient. He is a resident of Vermont. He was born in Mexico and brought to the United States as a young child by his mother. In 2007, tragically, his mother died of cancer. Showing remarkable courage and determination for a young man, Dr. Conde was motivated by this personal tragedy to help cancer patients like his mother. He ultimately obtained a Ph.D. in cancer research from the University of Texas.

But as accomplished as he already was, Dr. Conde was not satisfied with just studying cancer. He wanted to treat the people suffering with and battling the disease. Every one of us in this Chamber knows somebody who has suffered from and battled cancer, and many have died.

But only after he enrolled in DACA was Dr. Conde able to attend medical school, and he is currently doing that. He is studying oncology at the University of Vermont's Larner College of Medicine. Dr. Conde hopes to spend his life in the United States treating cancer patients and researching to find a cure for the disease. This Vermonter—and I think all Americans would agree—believes that America is a better place with Dr. Conde in it.

There are hundreds of thousands of Dreamers just like Dr. Conde, all with the potential to contribute to our communities and to our country. To deny them these opportunities because they were brought here as children would be as senseless as it is cruel.

We are better than that. And this week, we have an opportunity to prove it. I am proud of those in the Senate, both Democrats and Republicans, who are engaged in good-faith negotiations over proposals to protect our Dreamers and improve our border security. I sincerely believe that we can find a path to 60 votes, and I hope the Republican leadership will let us.

The Majority Leader's decision yesterday to seek to open up the debate with a vote on a poison pill amendment about so-called sanctuary cities—which has nothing to do with either Dreamers or border security—was less than a helpful start. These kinds of attempts to score political points stand in stark contrast to the bipartisan search done by leading Republicans and Democrats behind the scenes for a solution. As the most senior Member of this body, it is my hope that all Senators will focus on a bipartisan solution, not on just divisive distractions.

I respect this institution as much as anybody. For 43 years, I have been here and I have seen—and I hope contributed to—the good that can be accomplished. I have often said that at its best the Senate can and should serve as the conscience of the Nation. But it can only do so when we put aside our own self-interest, and we work across the aisle in the spirit of compromise. I know we are capable of meeting this challenge today. We have done it before.

Five years ago, when I was chairman of the Senate Judiciary Committee, we brought together 68 Senators, Democrats and Republicans, and we voted for an immigration bill that provided protection for Dreamers, including an expedited pathway to citizenship. Unfortunately, the House, even though they had the votes to pass it, would not bring it up. Well, it is time now for the Senate to do so again and, this time, for the House to follow suit.

President Trump claims he will treat Dreamers with great ''heart.'' If he meant what he said, he will certainly sign our bipartisan compromise that emerges. So let's get to work. The future of Dreamers—and the fate of the

American dream itself—lies in our hands.

As I left that funeral yesterday in Vermont, I thought of my wife's uncle and her parents coming from Canada to make a better life, my grandparents coming from Italy, and my great grandparents coming from Ireland, all to make such a mark on our little State of Vermont, all for the better. As a member of that family, how proud I am to stand here on the floor of the U.S. Senate, but I want to do more than just stand here. I want to vote for a bill to help more people like those who come to our country and to make our country better.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, today a group led by Chairman GRASSLEY of the Senate Judiciary Committee formally introduced a bill to address the DACA issue—the Deferred Action for Childhood Arrivals issue—that we have heard so much about, as well as border security. I think it is a good starting point, and I am proud to be a cosponsor of the legislation, which is called the Secure and Succeed Act.

Perhaps the most important thing about this bill is that it actually has a good chance of becoming law. That is because the President supports it. It encompasses the four pillars the President has laid out for us in any solution to the DACA challenge.

The Secure and Succeed Act provides legal status and a pathway to citizenship for an estimated 1.8 million people who meet the specific criteria of DACA. This is a far larger number than the number of individuals covered by President Obama's Executive order. The fact is, this President has not only said to the 690,000 DACA recipients ''You are going to have a better, brighter future and a pathway to American citizenship''; this President has also offered all of the young people eligible but who might not have previously signed up that same opportunity. What an extraordinarily generous offer.

This bill also provides for a real plan to strengthen border security, utilizing the three things that Border Patrol has always told me are essential: more boots on the ground, better technology, and, yes, some infrastructure in hard-to-control locations, along with enhanced ports of entry.

I know there has been some confusion about that. The President likes to talk about the wall. It is true that back in roughly 2006 or 2007, Congress called for something called the Secure Fence Act, which got the support of then-Senator Obama, then-Senator Hillary Clinton, and, of course, current Senator CHUCK SCHUMER. They supported the Secure Fence Act, as did an overwhelming majority of Senators from both parties.

When the President has talked about the wall, he has made pretty clear what he is really talking about is a barrier similar to what was supported on a bipartisan basis. He said that the Border Patrol is going to have to be able to see through it. Indeed, as he has conceded, in many places it doesn't make any sense at all to have a physical barrier. That is why technology and boots on the ground are so important.

This legislation also reallocates visas from the diversity lottery system in a way that is fair and continues the existing, family-based categories until the current backlog is cleared, which would take, probably, about 10 years. I am proud to cosponsor this commonsense solution. But I know other colleagues have been working hard on their ideas, which I look forward to reviewing as the debate continues.

One group I haven't heard from much, though, is our Democratic colleagues, who literally shut down the government to force this debate to occur on their terms and at a time they chose. We are still trying to figure out—OK, you won, in a sense. I think the American people lost when you shut down the government, but you made your point. You wanted a time certain and you wanted a fair process by which to present your ideas, and we have been waiting—here it is Wednesday, with the clock ticking, still waiting—for that Democratic proposal. What is their plan? What is their proposal? Do they even have one? And if they do, why are they leaving the rest of us, as well as the Nation, in the dark?

As the majority leader said yesterday, we need to stop trying to score political points and start making law. The way to get this done is to take a proposal like the President's and get started; people can offer amendments to that. Whatever gets 60 votes in the Senate passes the Senate, and then it is up to the House to pass it, and then it is up to the President to decide whether to sign it. He has pretty much given us the outline of what he would find acceptable. Again, insofar as it grants a pathway to citizenship for 1.8 million people, that is extraordinary in and of itself.

The majority leader made a commitment to hold this debate and to hold it this week. He has lived up to his promise, and now we can't let it all go to waste. As each minute and each hour clicks off the clock, it looks as if it is more and more likely to happen—that all of this will go to waste.

The country is watching. The DACA recipients in my home State—all 124,000 of them—are watching and worrying, understandably anxious about what their status is going to be when this program ends on March 5.

One of those DACA recipients is Julio Ramos, a biology teacher who is getting his master's degree in biomedical informatics. He is from Brownsville, TX, right along the U.S.-Mexico border, and he is a DACA recipient. After his mother was diagnosed with breast cancer, he decided he wanted to be a doctor. He has even been accepted to Texas medical schools, but he wasn't sure whether he would be allowed to attend. He is waiting and watching, worried about his future.

Then there is Miriam Santamaria from Houston, TX. She graduated from high school in Houston with honors. She paid her way through community college, and she works as a manager at a construction company and owns her own photography business. She sounds like quite an entrepreneur to me. Miriam said: ''I am not looking for any kind of recognition or sympathy, [I'm just] looking to make a difference and inspire others.'' She is also looking to live in peace in the only country that she has ever known and calls home. She came to the United States when she was 4 years old.

Finally, there is a man whom I will just call by the first name of Daniel. He, too, lives in Texas. He graduated from the University of North Texas with a degree in advertising and contributes productively to society. Daniel came from Mexico at the age of 2, and he said: ''All the choices I make, I made as an American, because that's what I am.''

We need to listen to these stories as we consider this legislation and as people are perhaps tempted into the political grandstanding and gamesmanship that, unfortunately, sometimes overwhelms our best intentions. These are real human lives hanging in the balance. They are important, and they teach us about the real people behind the policy.

But their stories are not the only ones we need to listen to. We need to listen to the stories of the men and women who have been waiting patiently for years to come here in a legal way through visas and green cards, waiting patiently to join their families here in the United States, doing it the old-fashioned, legal way. They have had to wait, some for years, some for decades.

We should listen to the stories of the border communities, which I am proud to represent in Texas, from men and women, many of whom are of Hispanic origin, who have suffered property damage from illegal immigration.

Illegal immigration is a pretty ugly business when you consider that it is in the hands of drug cartels and transnational criminal organizations. Recently, one of the military leaders who is responsible for Southern Command, which is Central America south, said that these transnational criminal organizations or cartels are ''commodity agnostic.'' That is the phrase he used. He said that they don't care whether it is people, drugs, or other contraband. What they are in it for is the money, and they are willing to do

anything for the money. Unfortunately, victims of human trafficking know exactly what I am talking about.

Despite these hardships, businesses in many of the communities, like those along the border, are thriving. But we need to do everything we can to make sure that continues to be the case.

Sympathy for DACA recipients is right and good because, in America, we do not punish children for the mistakes of their parents, and we are not going to punish these young people who are now adults and have become part of our communities. But Americans who live along the border in my State realize that illegal immigration has caused real, tangible harm in terms of public safety, property damage, and their way of life.

When I talk to people like Manny Padilla, the Border Patrol's sector chief for the Rio Grande Valley, it is hard not to realize just how much is required and how many more resources we need to maintain situational awareness and operational control along the border.

I will say this: The Federal Government has failed over the years to live up to its responsibility to maintain the security of our border, so taxpayers in my State have to step up and fill the gap left by the failure of leadership of the Federal Government. But we have an opportunity to fix that in this legislation, following the parameters the President has laid out for us. That is why, during this week's debate, ensuring additional resources for border security is an essential piece of the puzzle. That includes areas other than between our ports of entry. Mexico is one of our largest trading partners. We have legitimate trade and commerce that flows back and forth across the border with Mexico and supports 5 million American jobs. Unfortunately, the cartels have figured out how to exploit that as well. So, because of antiquated infrastructure and technology at our ports of entry, many of them are vulnerable through the importation of poison—literally, drugs like methamphetamine, cocaine, heroin, and the like—that has taken the lives of so many Americans. We need to do more and better when it comes to maintaining those ports of entry—upgrading the infrastructure, improving the technology—so we can interdict more of that.

Again, the border is as varied as anyplace in the world, with areas that are flat and open, areas that have mountains and rolling hills, rivers, obviously. Technology, as we have come to see, has transformed our way of life, and technology can increasingly be the answer to supplement the boots on the ground and the infrastructure that the Border Patrol thinks are necessary.

There is a big difference between detecting illegal immigration in rural areas and urban ones. In urban areas, the Border Patrol tells us that you might have just a few seconds before someone can cross the border and enter into the United States. In large, open areas, there is more of a lag time, so perhaps a fence or some infrastructure is not as important; technology might be more important, along with the Border Patrol agents themselves.

My basic point is that border security is complex. For those who think it is as easy as one, two, three, I encourage you to do as some of my colleagues have done; that is, travel to the border—we will host you—to see firsthand why it is crucial that we strengthen our personnel, technology, and infrastructure. That has to be one of our priorities, and I am grateful to the President for making this one of his requirements as well.

We have an opportunity to address not only the anxiety and plight of DACA recipients but also to make our country safer and more secure; to reform our legal immigration system in a way that will help us accelerate the reunification of families out of the backlog of people waiting patiently and legally outside of the country to come into the country through legal immigration; and to address the President's concern about the roll of the dice in the diversity lottery that makes little sense, given our need for people with job-based skills, graduate degrees, and other merit-based criteria that would make them valuable to the United States, in addition to winning the lottery.

I hope we will take advantage of this opportunity this week. Time is wasting. It is Wednesday, and we don't have any time to waste at all.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PERDUE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERDUE. Madam President, I rise to talk about the topic of the week.

Although some of us have been working on this for some time, many of us in this body have actually been addressing this for over the last 20 years or so. I am new to this body, as I have only been here a few years, but, last year I got involved in this. We are dealing with the immigration issue today, not just the DACA issue.

Our current immigration system is outdated, threatens our national security, and does not meet the needs of our economy. The issue before the Senate this week is not just about DACA, which is but one manifestation of our broken immigration policies. Rather, President Trump, while offering a generous solution for DACA recipients, has proposed a broader solution to our legal immigration system that will ensure that we are not back here in just a few short years to deal with this same problem again. Over the past 11 years, Congress has failed to fix our broken immigration system three times, primarily because it has attempted to solve the entire situation, the comprehensive problem, which would be the legal situation, the temporary work visa problems, and then the illegal situation.

The Secure and Succeed Act only deals with our legal immigration policy. From the onset of these negotiations, President Trump has been consistent with what he has wanted as part of any immigration deal that deals with the legal immigration system. Months ago, he gave us a clean framework. He said that any plan that didn't fit that framework would never become law. The Secure and Succeed Act, which we are dealing with this week, is the only plan that actually fits that framework. It is the only plan the President has said he will sign into law. The framework that has been laid out by President Trump has four parts.

First, it provides a solution for the DACA situation and ends the program. It does so in a compassionate, responsible way that every Senator on the other side of the aisle should support and has supported at various times. President Trump went out of his way to reach across the aisle to the Democrats when he expanded the population that was being discussed in the DACA situation, and he actually talked about providing long-term certainty for this population group.

Second, this bill secures our borders with additional border security and a wall where required. It puts $25 billion in a trust fund toward border security and a wall system. This money would be spent over the next few years to provide better national security for our country's borders. It ends policies like catch and release, which encourage more illegal immigration. It makes critical changes to the immigration court system to clear out backlogs, expedite court hearings, and give law enforcement the resources it needs to do its job properly.

Third, this bill fixes the flaws in the current immigration system that spurred this DACA problem in the first place and incentivized illegal immigration. It protects the immediate family of the primary worker. Seventy-two percent of Americans believe immigration should include the primary workers, their spouses, and their immediate children, which is exactly what this bill does. In addition, two-thirds of Americans actually believe that the solution here for illegal immigration includes the DACA fix, an end to chain migration, border security, and an end to the diversity lottery—two-thirds. That is from a Harvard poll that was put out several weeks ago, and there are others that actually corroborate that.

This bill also expedites the backlog, which is something that was not even discussed before we brought this bill forward. This bill ensures that the primary family of immediate citizens—

some of them are recent green card recipients and new citizens who are trying to get their families in—will be reunited. But there is a backlog. We have that in this bill and have ensured that the backlog will be taken care of and that these families will be reunited, which is what most Americans want.

Fourth, the Secure and Succeed Act ends the archaic visa lottery program. This failed program is dangerous, filled with fraud, and has proven to be an avenue for terrorists to enter our country. We simply must fix these national security flaws and close the loopholes in our current immigration system that incentivize illegal immigration. If we don't deal with these problems that got us here in the first place, we will be right back here in just a few short years. This is the President's objective. If we are going to deal with it, let's deal with it once and for all on the immigration side and then move on to the temporary work visas and solve that as well.

I don't think anybody in this body wants to be back here in a few short years. Many on the other side and on our side have been trying to find a common solution to this for decades. I believe we have an historic opportunity right now to do something that people in this body have wanted to do for a long time, and that is to solve our legal immigration system in a very compassionate, fair way that will benefit every American. That is why we have to deal with these issues in a responsible and fair way.

Politicians have talked about this for far too long. I have discovered, now having been in this body, that it is easy for some to just kick this down the road. It is a great pandering opportunity for one side or the other to blame this on them. Unfortunately, the American people deserve better than that. We have a clean opportunity here to do what most people in America want us to do.

Other than politics, there is no reason for the Secure and Succeed Act not to have widespread, bipartisan support this week in this body. Each part of the Secure and Succeed Act has been supported by many Democrats at various times over the last 30 years. As a matter of fact, in 1994, Barbara Jordan presented the result of her bipartisan immigration commission report to then-President Bill Clinton. The recommendations at that time were to change our immigration system from our current country caps and chain migration system to more of a skills-based system like those seen in Canada and Australia.

They knew then the flaws that were included in our immigration law that was written in 1965 that actually incentivized illegal immigration. Unfortunately, it seems that because these ideas are now being put forward by President Donald Trump, the Democrats, all of a sudden, disagree with these principles. President Trump has crafted a deal that is tough but more than generous. Nobody asked him to expand the number or to even talk about certainty in the long term. He has brought that forward because he wants this done. He wants this solved. He wants this ended right now.

The Secure and Succeed Act follows the framework that President Trump has crafted. Compromises have been made on both sides of this issue. It deals with the DACA issue, secures the border, and fixes critical flaws in our immigration system that incentivize illegal immigration today. This is to ensure that we are not back here in a few short years to deal with the problem again of a new wave of young people who may be brought here illegally.

Again, the President has said repeatedly that the Secure and Succeed Act is the only bill that he will sign into law. Leadership in the U.S. House of Representatives has also been clear that the only plan it will bring up for a vote in its body is one that will be signed into law. The Secure and Succeed Act is that plan.

We don't have many opportunities in this body for common thought and common positions, but we have one here. I have seen what most people in this body have said about these issues, and it impresses me that there is commonality of thought. At the root, this body wants to solve the DACA issue, but it also wants to solve the problems that caused this issue in the first place.

This President called for a compassionate compromise when he met with Democrats and Republicans several weeks ago at the White House, and we all agreed it was time to do that for the American people. Yet the American people want to be assured that the borders will be secure. They want to be assured that the policies that are embedded in our immigration system will not create another wave of illegal immigrants. They also want this archaic diversity lottery to end, which has never worked as was originally intended and is nothing but a loophole for terrorists today.

I think there is too much talk about this bill cutting immigration. That is not the intent here. The intent is long term. We have a bill in here called the RAISE Act that would actually move us to a merit-based system like those in Canada and Australia. That is not included in the Secure and Succeed Act. What is included here is a first step toward a long-term solution not only on our legal immigration side, but it sets us up to then deal with the temporary work visas and, ultimately, with the illegal population.

I believe, as I know the Presiding Officer does, that it is time for those in this body to put our self-interests and our partisan interests aside, as we say so many times, and to do what the American people want us to do, for which we now have hard evidence.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING CHLOE KIM ON WINNING A GOLD MEDAL AT THE WINTER OLYMPICS

Mr. SANDERS. Madam President, let me begin by congratulating Chloe Kim, a first-generation American who won an Olympic Gold Medal for the United States in the women's halfpipe snowboarding event this week.

Her father, Jong Jin Kim emigrated from South Korea to the United States in 1982, became a dishwasher at a fast-food restaurant, studied engineering at El Camino College after working those low-skilled jobs, and then became an engineer. He left his engineering job to support his daughter's snowboarding ambitions so he could drive her 5½ hours to the mountain for training.

Congratulations to Chloe and to her entire family. You make the United States proud.

Madam President, the whole debate we are now undertaking over immigration and the Dreamers has become somewhat personal for me because it has reminded me, in a very strong way, that I and my brother are first-generation Americans. We are the sons of an immigrant who came to this country at the age of 17 without a nickel in his pocket, a young man who was a high school dropout, who did not know one word of English, and who had no particular trade.

A few years ago, my brother and I and our families went to the small town where he came from, and it just stunned me, the kind of courage he showed and millions of other people show leaving their homeland to come to a very different world, in many cases, without money, without knowledge of the language.

My father immigrated to this country because the town where he lived in Poland was incredibly poor. There was no economic opportunity for him. People there struggled to put food on the table for their families. Hunger was a real issue in that area. My father came to this country to avoid the violence and bloodshed of World War I, which came to his part of the world in a ferocious manner, and he came to this country to escape the religious bigotry that existed then because he was Jewish. My father lived in this country until his death in 1962. He never made a lot of money. He was a paint salesman.

My father was not a political person, but it turned out that without talking much about it, he was the proudest American you ever saw, and he was so proud of this country because he was deeply grateful that the United States had welcomed him in and allowed him opportunities that would have been absolutely unthinkable from where he came.

The truth is, immigration is not just my story. It is not just the story of one

young man coming from Poland who managed to see two of his kids go to college and one of his sons become a U.S. Senator. It is not just my family's story. It is the story of my wife's family who came from Ireland, and it is the story of tens of millions of American families who came from every single part of this world.

In September of 2017, President Trump precipitated the current crisis we are dealing with by revoking President Obama's DACA Executive order. If President Trump believed that Executive order was unconstitutional and it needed legislation, he could have come to Congress for a legislative solution without holding 800,000 young people hostage by revoking their DACA status. President Trump chose not to do that. He chose to provoke the crisis we are experiencing today. That is a crisis we have to deal with in the Senate, and we have to deal with it now.

Let us be very clear about the nature of this crisis because some people say: Well, it is really not imminent. It is not something we have to worry about now. Those people are wrong. As a result of Trump's decision, 122 people every day are now losing their legal status, and within a couple of years, hundreds of thousands of these young people will have lost their legal protection and be subject to deportation. The situation we are in right now, as a result of Trump's action, means, if we do not immediately protect the legal status of some 800,000 Dreamers—young people who were brought to this country at the age of 1 or 3 or 6—young people who have known no other home but the United States of America—let us be clear that if we do not act and act soon, these hundreds of thousands of young people could be subject to deportation.

That means they could be arrested outside their home, where they have lived for virtually their entire life, and suddenly be placed in a jail. They could be pulled out of a classroom where they are teaching, and there are some 20,000 DACA recipients who are now teaching in schools all over this country. If we do not act and act now, there could be agents going into those schools, pulling those teachers right out and arresting them and subjecting them to deportation. Insane as it may sound, I suppose the 900 DACA recipients who now serve in the U.S. military today could find themselves in the position of being arrested and deported from the country they are putting their lives on the line to defend. Some people say: Well, that is far-fetched. Well, I am not so sure. It could happen. How insane is that? That is where we are today, and that is what could happen if we do not do the right thing and this week pass legislation in the Senate to protect the Dreamers.

We have a moral responsibility to stand up for the Dreamers and their families and to prevent what will be an indelible moral stain on our country if we fail to act. I do not want to see what the history books will be saying about this Congress if we allow 800,000 young people to be subjected to deportation, to live in incredible fear and anxiety.

Here is the very good news for the Dreamers. It is actually news that a couple of years ago, I would not have believed to be possible. The overwhelming majority of American people—Democrats, Republicans, Independents—absolutely agree we must provide legal protection for the Dreamers and that we should provide them with a path toward citizenship. That is not BERNIE SANDERS talking, that is what the American people are saying in poll after poll.

Just recently, a January 20 CBS News poll found that nearly 9 out of 10 Americans, 87 percent, favor allowing young immigrants who entered the United States illegally as children to remain in the United States—87 percent in Iowa, in Vermont, and in every State in this country. There is strong support for legal status for the Dreamers and a path toward citizenship.

On January 11, a Quinnipiac poll found that 86 percent of American voters, including 76 percent of Republicans, say they want the Dreamers to remain in this country.

On February 5, in a Monmouth poll, when asked about Dreamers' status, nearly three out of four Americans support allowing these young people to automatically become U.S. citizens as long as they don't have a criminal record. In other words, the votes that are going to be cast hopefully today, maybe tomorrow, are not profiles in courage. They are not Members of the Senate coming up and saying: Against all the odds, I believe I am going to vote for what is right. This is what the overwhelming majority of the American people want.

Maybe, just maybe, it might be appropriate to do what the American people want rather than what a handful of xenophobic extremists want. Maybe we should listen to the American people—Democrats, Republicans, and Independents—who understand it would be a morally atrocious thing to allow these young people to be deported. When I think, from a political perspective, about 80, 85, 90 percent of the American people supporting anything in a nation which is as divided as we are today, this is really extraordinary. You can't get 80 percent of the American people to agree on what their favorite ice cream is, but we have 80 percent of the American people who are saying, do not turn your back on these young people who have lived in this country for virtually their entire lives.

We have to act and act soon in the Senate, and there is good legislation that would allow us to do that. In the House, the good news is, there is now bipartisan legislation, sponsored by Congressman HURD and Congressman AGUILAR, which will provide protection for Dreamers and a path toward citizenship. My understanding is, bipartisan legislation now has majority support.

I urge, in the strongest terms possible, that Speaker RYAN allow democracy to prevail in the House, allow the vote to take place. If you have a majority of Members of the House, in a bipartisan way, who support legislation, allow that legislation to come to the floor. Let the Members vote their will, and if that occurs, I think the Dreamers legislation will prevail.

Madam President, we all understand that there is a need for serious debate and legislation regarding comprehensive immigration reform. This is a difficult issue, an issue where there are differences of opinion. There are a whole lot of aspects to it. How do we provide a path toward citizenship for the 11 million people in this country who are currently undocumented but who are working hard, who are raising their kids, who are obeying the law? What should the overall immigration policy of our country be? How many people should be allowed to enter this country every year? Where should they come from?

All of this is very, very important and needs to be seriously debated, but that debate and that legislation is not going to be taking place in a 2-day period. It is going to need some serious time, some hearings, some committee work before the Congress is prepared to vote on comprehensive immigration reform, and it will not and cannot happen today, tomorrow, or this week.

Our focus now, as a result of Trump's decision in September, must be on protecting the Dreamers and their families and on the issue of border security.

There will be important legislation coming to the floor of the Senate today or maybe tomorrow, and I would hope that we could do the right thing, do the moral thing, and do something that history will look back on as very positive legislation. Let's go forward. Let's pass the Dreamers bill. Let's deal with border security, and then, in the near future, let us deal with comprehensive immigration reform.

I yield the floor.

(The Acting President pro tempore assumed the Chair.)

The PRESIDING OFFICER (Mr. SASSE). The Senator from Oregon.

Mr. MERKLEY. Mr. President, our Constitution begins with three very simple and very powerful words: ''We the People.'' It is the mission statement for our Nation, for our Constitution. It is a vision in which decisions are made of, by, and for the people, not for the privileged and not for the powerful.

Who wrote those words? Well, it happened to be a group of White, wealthy landowners—the powerful and the privileged. They didn't choose to build a nation that would make laws for their benefit but laws that would be designed for the entire populous to thrive.

They were descended from immigrants. In our country, unless you are 100 percent Native American, unless you have just arrived as a new immigrant, you are descended from immigrants yourself. It is part of the fabric

of our Nation. It is what makes us a combination of powerful talents and abilities from around the world.

George Washington himself once said: ''America is open to receive not only the Opulent and respected Stranger, but the oppressed and persecuted of all Nations and Religions.'' On another occasion, he wrote to a friend: ''I had always hoped that this land might become a safe and agreeable asylum to the virtuous and persecuted part of mankind, to whatever nation they might belong.'' True to Washington's wishes and to his vision, that is the land we have been. It has been that land of opportunity, that land that welcomes others to our shores and gives them the chance to pursue the vision of opportunity, to help participate in the making of our great Nation, and to do so, each generation brings together a variety of languages and cultures and backgrounds. That is America.

That is why, a century after our Nation's founding, the French gave to the United States the Statue of Liberty. The Statue of Liberty has stood as a beacon of hope, welcoming those from other lands. Inscribed in the pedestal of that statue are these words:

Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!

Those are the welcoming words for hundreds of thousands arriving here in the United States.

As I speak at this moment, 800,000 young men and women right here in America are yearning to breathe free as full participants in the Nation that they have grown up in. These are our Dreamers—Dreamers like this group of Oregonians who visited my office in December, who came to this country as very young children, who went to elementary school here, who went to high school here, who are our neighbors, our community members, who have gone on to college, who have taken jobs, and who are contributing in every possible way to our community, studying in their schools, practicing and working in our industry. They are now young adults who are striving to support their families, building to strengthen this economy, and building a future for themselves. They are paramedics saving lives.

If you stand on a street corner in Oregon and look around, there is a pretty good chance you will see a Dreamer. You may not know it because they are full members of our community, and you will see them contributing. But they have overcome a lot of obstacles, which creates a grit of character. It also helps to build the future of our Nation, just as it did for those of our forefathers and foremothers who arrived 1 or 2 or 3 or 10 generations ago.

We provided a program, the DACA Program, which struck a deal that said: If you give us all of your information, we will make sure that you are legally protected. President Trump has broken that promise. He has broken that deal, that commitment made by our executive branch to these Dreamers. So it puts them in a terrible spot of uncertainty and stress and limbo. Now it is time to set that right. It could be set right by the President in a moment.

Several of the courts have weighed in and said that the President has acted unconstitutionally in attacking our young immigrants, our Dreamers. But let's not wait for the courts to remedy this. Let's take care of it ourselves in this Chamber, the Senate Chamber. After months and months of inaction, after broken promises by President Trump, let's finally protect these men and women who do so much to embody the American spirit.

As we move forward in this debate, we must look again to what our Founding Fathers intended for the Nation they created and ensure that the ''golden door'' that the poet Emma Lazarus wrote about in her poem remains an open door, open to all those who dream to become an American and to contribute to this Nation. We must remain, in President Washington's words, ''open to receive not only the Opulent and Respected, but the oppressed and persecuted of all Nations.''

Yet, looking at the plan that President Trump has put forward and similar plans offered in this Chamber, there is a real interest in slamming the door shut by those who have already arrived as immigrants, who have fled persecution, who have pursued freedom, who have pursued opportunity, and who have escaped from famine to come in and slam the door on everyone else. It is not very American to do that, and it is not a strength to undermine the future success of our economy by draining away the extraordinary talents of our Dreamer community.

President Johnson made the point. He said: ''The land flourished because it was fed from so many sources—because it was nourished by so many cultures and traditions and peoples.''

President Ronald Reagan made the point. He said: ''More than any other country, our strength comes from our own immigrant heritage and our capacity to welcome those from other lands.''

The founding President of our country, a respected Democratic President of our country, and a respected Republican President of our country have said the same thing: The strength of our country is in the contributions that have been made by our immigrants.

The Founding Fathers wrote those words, that mission statement, that this would be a nation of, by, and for the people, not one to make laws by and for the powerful and the privileged. That is the vision we need to continue to hold on to—to understand that the strength of this Nation comes from weaving together the many cultural threads of the people of the United States of America.

Let's get this Dream Act to this floor. There is a bipartisan understanding around restoring legal status. There is a bipartisan foundation for border security. Let's not give in to those far-right Breitbart voices that are so out of sync with the traditions, the strength, the culture, and the vision of our Nation. Let's restore the legal status for our Dreamers, enhance our border security, and do the work that this Chamber should have done long ago.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am pleased to come and talk today.

This is a week where we had all anticipated a return to the Senate, where ideas are widely debated. I was standing by the majority leader last week when he was talking about this, and he said that we will let a thousand flowers bloom. It didn't sound like something Senator MCCONNELL would normally use as a reference, but he did, and I am thinking, well, that would be a good thing, to see a thousand different ideas widely debated on the Senate floor.

So far this week, there has not been any debate because we can't seem to agree on who votes on what first. I think that is a particular level of dysfunction that we should all be concerned about. For the Senate to do its work, we have to be willing to vote and we have to be willing to take some hard votes. My sense of politics today is, whether you have taken the vote or not, someone is going to accuse you of taking that vote. So you might as well not worry about the vote you take; just worry about the work we get done and whatever votes are necessary to be taken to get that done.

On this topic, it does seem to me that we have two issues here that should be solved, two issues on which there is broad agreement. I have said for a long time that there are really three questions in the immigration debate that need to be answered: No. 1, how do we secure the border; No. 2, what are the legitimate workforce needs of the country; and No. 3, what do we do with people who came and stayed illegally?

As we think about securing the border, by the way, half the people who are in the country illegally came legally and just stayed. So it is not all a border issue, but it clearly is partly and significantly a border issue.

One of the things that people expect a government to be able to do is to secure its own borders. Often, when we hear a story of a country somewhere in the world in which the government has disintegrated and is no longer in control of the country, one of the first things that are mentioned by people talking about that dysfunctional government is that they don't control their own borders. It truly is a legitimate expectation of a functioning government that you control your own borders. It is also a legitimate expectation of government that you look at

your economy and you look at what workforce needs you have that aren't being met and figure out the best way to meet those workforce needs.

In this debate, because we haven't controlled our borders and because we haven't kept track of people who legally crossed our borders and as a result, we have some number of people—usually the estimate is about 11 million people in the country—who are not here legally, what do we do with those people?

My view has always been that if the government met its primary responsibility, which is an immigration system that works, the American people would be very forward-leaning about those other two issues, because nobody really argues that if we don't have people here to do the work that needs to be done, whether it is highly skilled or not highly skilled, we ought to be thinking about what we need to do to get people here who can do that work. Also, what do we need to do to keep people here who came here to get training to do highly skilled jobs and graduated from colleges and universities or other skill-enhancing things that happened while they were here. If they want to stay, my view is that if they didn't do anything that got them in trouble while they were here, we should almost always want them to stay. If we don't have that skill set in our economy, why wouldn't we come up with ways to reach out and get it?

Those who are not here legally, generally, I think if people thought the problem was solved, if they thought that the government had truly met its responsibility to operationally control the borders and that the government had met its responsibility to keep track of who comes in legally and know if they have left or not—I mean, there is no retail store in America that doesn't have a better sense of its inventory than we do of whether people who have legally come into the country and checked in with a Customs officer—we don't know if they have left. We couldn't tell you in weeks, perhaps, whether somebody is still here, even if they did everything exactly the way they were supposed to do it.

This debate is largely driven by the most sympathetic of all of those groups: that group of people who came here and were brought here by someone else who entered the country illegally—often by their own parents—but have grown up in America.

My first response, and I think the response of most Americans when they think about that, is that kids who grew up here, kids who went to school here, kids who haven't gotten in bad trouble while they were here, kids who have no real memory or connection with the country they were brought from—of course we want them to stay; of course we want them to be part of our economy. Because they are an even younger society than we would be without them, why wouldn't we want that to happen?

In some respects, we have two separate issues here. People who were raised here, who have done everything that anybody else would do to acclimate as an American in all ways, who went to school here, who did everything else here—70 or 80 percent of the American people, and I occasionally see a number even higher than that, believe they should be allowed to stay.

More and more, as people think about that, they also believe that after they have been here, like any other immigrant who came to the country legally, they would eventually be able to take the test and go through the process to become a citizen. That is a widely accepted premise that this debate should be built on.

Another widely accepted premise that this debate should be built on is that 70 percent or so of the American people—and it would be a higher percentage if people really knew the facts—believe the government has not met its responsibility to secure our own borders.

Let's assume that number is 70. We have two 70 percent issues. We would assume that a working Congress could take two 70 percent issues and come up with a solution that makes its way to the President's desk and solves both of these problems.

We are not going to solve these problems by saying: OK, we are going to solve the problem for people who are already here, but we are not going to do anything to make it harder for others to be brought here illegally by someone who has control of them. We are not going to solve that? Of course that is not going to work.

I don't think whether you signed up for DACA should be a determiner, and apparently the President agrees. If you are here and in the category of those who were brought here and grew up here, whether you signed up as a DACA kid, you could still be part of that overall discussion of how to stay, and you still get to stay if we can come up with a solution for you to do that.

But we are not going to solve that problem and say: We will have a study of the other problem to see what is wrong. If by now we largely don't know what is wrong with the other problem, we are never going to figure out what is wrong with the other problem.

In 1986, long before the Presiding Officer or I came to Congress and maybe long before some of us graduated from high school, we were going to solve this problem. Everybody who was here illegally could stay if they wanted to, and the borders would be made secure. Here we are, over three decades later, still debating the same thing.

We need to solve both of these problems. If we can solve other problems while we are doing it, that is fine, too, but we need to come up with a solution. There are a number of ideas out there as to how the Senate should move forward.

On the DACA issue, it is important to remember that President Trump said: I am going to give the Congress 6 more months to solve this problem—until March 5. It is also important to know that the courts have allowed people to continue to sign up, so really the deadline is somewhere beyond March 5. But the President said: I am going to give Congress 6 more months.

President Obama didn't do anything about this for years—not because he didn't want to, I believe, but because he said he didn't have the ability to. President Obama repeatedly said: The President cannot solve this problem; Congress has to solve the problem. In spite of 6 or 7 years of saying that he couldn't solve this problem on his own, he ultimately decided to try to do it with an Executive order.

The truth is, that Executive order was never going to do the job. I think President Obama knew that. When President Trump did his own order, he probably also knew he didn't have the ability to do that any more than President Obama had to do what he did. But both of these Presidents in their own way have tried to drive the Congress toward making a decision that comes up with a plan that works—a plan that works for kids who were brought here with no choice in the matter and a plan for seeing to it that kids can't still be easily brought here with no choice. We need to let young people come here because we need them here as part of our workforce, as part of our country.

Legal immigration is what made America great. The rule of law is also what makes our country what it is. We can't continue to let immigration be an area where we have decided there are laws that we will not enforce.

The challenge for the Congress right now is to come up with a solution so that this problem is not going to continue to be the same problem it is today, but as far as the problem today, we are going to solve it. We are going to solve it in a way that lets kids who grew up here become part of the solution.

I continue to be committed to strengthening our borders. I continue to be committed to stemming the tide of illegal immigration. Frankly, I continue to be committed to the idea of legal immigration as part of continually reinforcing and re-enthusing who we are. But I am also committed to finding a permanent solution for young people in that category who were brought here, grew up here, haven't gotten in trouble while here, and have every reason to want to be part of the American dream and part of the American people whom they have been part of up until now.

I hope we can find common ground on a bill that does that. I hope we can pass a bill from the Senate that the House will also pass. If Senators think they have done their job by passing a bill that can't possibly pass the House, that is just kicking the can down the road. We need to find a solution that really resolves this problem, and we solve this problem by putting a bill on the President's desk. To do that, we are going to

have to vote. We can't do that by just having a quorum call or a vacancy here on the Senate floor. We have to be willing to vote.

There are some things that I will enthusiastically vote for and some things I will reluctantly not be able to vote for. But that doesn't mean that I should say: If I can't be for whatever is brought to the Senate floor, then I don't want to vote on it or debate it.

We can't continue to tune in to a vacant screen of the Senate floor. This is the week that we have all committed to having a real debate about solving as many problems as we can that relate to kids who were brought here and grew up here and solving that problem so other kids in these numbers are not likely to face that problem in the future.

As I yield, I hope the floor is filled over the next couple of days with a vigorous debate about the best way to solve the problem before us in a way that the people we work for will feel good about it and the people who are most impacted by our decision will feel equally the concern, the warmth, and the desire of our country to have a vibrant economy that has people who want to be part of it, able to be part of it, and particularly people who grew up in the United States of America to be part of it.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Wyoming.

TAX REFORM

Mr. BARRASSO. Mr. President, it seems as though just about every day we get more good news about the tax relief law that Republicans passed. This week, the news is getting even better for a lot of people all across the country.

By the end of this month, 90 percent of workers across the country will see more money in their take-home paychecks. It doesn't matter where they are. They can be in Meeteetse, WY, and they will see an increase in their paychecks this week. That is because this Thursday, February 15, is the deadline for employers to start using the new IRS tax withholding tables. The IRS tells employers how much money to withhold from people's paychecks so that their taxes work out pretty close at the end of the year. That is the way it is set up. Well, the IRS looked at the new tax law and saw that people are going to be paying lower taxes at the end of the year, so they put out the new tax tables. They told businesses to adjust how much money to withhold from a person's paycheck and to do it by February 15, tomorrow. For 90 percent of Americans, this tax amount is going to be lower, which means their paychecks are going to be larger. A tax cut is the same as a raise. That is what we are seeing all across the country—people getting a raise in their pay.

Some people have already gotten a paycheck with the new, higher wages. Others are going to get it very soon. The website Yahoo Finance crunched the numbers. They found that a typical worker making $60,000 a year will get an extra $112 in their paychecks every month because of the tax law. That is over $1,300 for the year. To me, that is very good news for American workers.

I was at home in Wyoming this past weekend, traveling around the State, and I am hearing about it in all the different communities I go to. People are saying: This has been better for me and my family personally.

On top of this, a lot of workers are getting special bonuses and raises because of the tax law. So not only are they getting more money because of the fact that the tax rates have been lowered, additionally, they are getting more money because they have gotten a raise or a bonus. It seems there are about 4 million hard-working Americans who are getting bonuses of hundreds or even thousands of dollars as a result of the new tax reform law. They are also getting extra money in their retirement plans. They are getting higher starting wages. We are seeing many places increasing the starting wages, some up to $15 an hour. More than 300 companies have said they are increasing all of these kinds of compensations as a direct result of the tax law.

In my home State of Wyoming, people across the State are getting bonuses—bonuses. These are people who work at Home Depot, Lowe's, Walmart, Starbucks, Wells Fargo, and other businesses that have familiar names to people across the country. They are also people who are working in smaller businesses, like the Jonah Bank in Wyoming. It has branches in Casper and in Cheyenne. It is not a nationally known bank, but it is very important in our State and in our communities. Every employee of this bank is getting a $1,000 bonus. The bank is also increasing its giving in the communities in which it has branches. Workers benefit, and the community benefits.

That is what happens when we change the tax law so Washington gets less and taxpayers get to keep more. That is why I voted for this tax law—to give the kind of tax relief that made these bonuses and these pay raises possible. It is good for Wyoming, and it is good for people all across the country.

It is interesting—it is even good for people in States whose Senators voted against the tax law. Ninety percent of people across the country are seeing the benefits no matter which State they are from.

There is a business in Grand Rapids, MI, called the Mill Steel Company. They said last week that they are giving an extra $1,000 to their workers because of the tax law that every Republican voted for and every Democrat voted against. Now, 400 people at that company are getting a bonus.

Michigan has two Democratic Senators. They both voted against the tax relief law. It still led to $1,000 bonuses for these 400 workers. What do the Senators have to say about it now? Are they proud that they voted against the tax law? Are they glad they said no to these sorts of raises that made it possible for people in their home States to get the bonuses?

We know what NANCY PELOSI thinks. She went out and first she talked about how the tax law was Armageddon, and then she said it was the end of the world. Most recently, she said all the benefits people are getting under the tax law, in her words, are just ''crumbs.'' ''Crumbs,'' she said. For her, it may be different, but for a lot of Americans, a $1,000 bonus—certainly for the people in my home State of Wyoming—is much more than crumbs. An extra $1,300—I talked about the worker earlier—in that paycheck is much more than crumbs. For a person with a starting wage of $15 an hour, that is more than crumbs.

It is bad enough Democrats tried to keep people from getting the extra money—Democrats voted against it because they didn't want people to get the extra money, it seems to me. It is hard to believe they would continue this way and take pride in voting against it, but they did. Now it seems like Democrats want to insult people by saying what they are seeing and what their benefits are, are resulting in crumbs. It is completely unfair, and I think it is disrespectful to the American people.

These are just some of the cash benefits workers are getting from the tax law. Republicans predicted, during the debate over this law, there would be other benefits as well. We said businesses would pay less in taxes, and some of them would be able to additionally cut prices for consumers—let people buy things more cheaply.

Americans are starting to see this prediction come true as well. One of the first places they are seeing it is in their utility bills. Gas, electric, and water utilities are cutting their rates because their taxes are going down under the law. In Vermont, the State's only natural gas utility company is cutting rates by more than 5 percent because of the tax law. Both of the Senators from Vermont voted against the law, but it is the law Republicans passed that caused these rates to go down. In fact, people living in at least 23 States and the District of Columbia are going to be paying lower utility bills because of the tax relief law. Another 26 States are looking into cutting rates. Rates are going down in California, Maryland, New York, Massachusetts, Connecticut—States where every Democratic Senator voted against the tax law.

What do these Democratic Senators have to say now? Are they proud of the fact they voted against the tax cuts that made it possible for people to have lower utility bills in their States? When people's monthly bills get cut, it is like a pay hike—more money in their own pockets. They have more money to either save or to spend on other things or to invest.

The owner of a gym in Cincinnati, OH, spoke with his local television station about what tax relief means for him. He said:

When people have that extra money to spend, they spend it.

Some save it.

They go out to eat. They buy gym memberships. And they enjoy themselves.

People have that extra money to spend now, today, because of the tax law Republicans passed. They have the extra money despite every Democrat in this body voting against tax relief. Every one of them said no. They all voted no. Democrats who voted no to tax relief for American families essentially voted yes to keep the extra money in Washington so they can decide how to spend it.

I have much more faith in people at home in Wyoming deciding how to spend their money than any faith I have in Washington, DC. For so many Americans, every dollar helps, and they are not crumbs. Democrats may not know the difference, but the American families do. People in every State of this country know the difference.

The American people understand what Republicans did with this tax law. They are seeing more money in their paychecks, more take-home pay, more money to decide what to spend and what to invest and what to save. They know Republicans promised to cut people's taxes. People know Republicans delivered on the promise. They know the benefits they have gotten already, and they are confident the economy will continue to grow stronger day by day.

People across the country also know the fact that every Democrat voted against this law, voted against giving them a tax break, voted against allowing them to keep more of their hard-earned money. The American people know who took their side, who voted for the American public versus who said no. Hard-working Americans asked us to do a job for them. Republicans are doing the job; Democrats in Washington certainly are not. Republicans are going to keep doing that job for the American people—a job we have promised and a job which we have delivered.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HIRONO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HIRONO. Mr. President, it is time for the Senate to do its job as a separate branch of government.

This week, we can come together on a bipartisan basis to resolve the crisis Donald Trump created when he canceled DACA. We can provide hundreds of thousands of young people in our country their shot at pursuing the American dream without fear of deportation. Right now, these young people who were brought to this country as children are terrified they will be separated from their families and the lives they have built here, in the only country they know and love.

I have met and spoken with so many Dreamers in the Halls of Congress these past months. Their focus, determination, and commitment in this fight continues to be extraordinary and inspiring. Each Dreamer has a different story to tell, but they all share a profoundly simple aspiration—to live, work, and study in the only country they have ever called home.

When you sit and listen to their stories, it is not difficult to understand why between 80 and 90 percent of Americans support protecting these Dreamers—people like Karen, Maleni, and Beatrice, who can attend the University of Hawaii because of DACA; people like Victor, from Houston, who aspires to become a counselor for LGBTQ youth like him; and people like Getsi, from Oregon, who works three jobs so she can pursue her dream of becoming a nurse practitioner to care for our seniors. These inspiring young people don't need to hear any more promises. They need Members of Congress to put their votes where their mouths have been and do the right thing.

Like many of my colleagues, I strongly support passing a clean Dream Act—legislation that already has bipartisan support—but it is critical that we get to the 60 votes we need to pass a bill. I am open to discussing different provisions, including some funding for border security to help us get there. We can and should have a debate on comprehensive immigration reform but only after we pass legislation this week to protect the Dreamers. We cannot and should not use this debate to provide cover for efforts to dismantle the family-based immigration system or to make massive cuts to legal immigration.

The President and a number of colleagues have made it clear they would like to eliminate family-based immigration in favor of a system that is designed only to recruit immigrants with advanced degrees and specialized skills. It is important for the United States to recruit highly skilled immigrants, and we have a number of immigration programs that are designed specifically for this purpose, but when you restrict immigration only to people with highly specialized skills or advanced degrees, you lose out on a lot of human potential that has historically contributed so much to our country. We don't have to look far back into history to prove why this statement is true.

Over the past week, the Olympics has captured the excitement and imagination of people across the country—in fact, the world. Many of the people we have been cheering for are either the children of immigrants or are immigrants themselves.

Over the weekend, we saw Mirai Nagasu, whose parents emigrated from Japan, become the first American woman to land a triple axel in the Olympics during her appearance in the team figure skating competition. Yesterday, we saw Maame Biney, who immigrated to the United States from Ghana, take to the ice to compete in the short track speed skating.

Two nights ago, I watched Chloe Kim throw down a near perfect score in the women's snowboard halfpipe to win the Olympic Gold Medal. After completing her history-making run, the cameras panned to her father Jong Jin Kim, who proudly waved his ''Go Chloe'' sign in the audience.

Jong arrived in California in 1982 with $800 in his pocket. He worked for years at minimum wage jobs to save for college. While studying at El Camino College, he worked as a heavy machinery operator at night. Jong encouraged Chloe to begin snowboarding when she was 4. They would jump off the lifts together, but because he didn't know how to snowboard, they would tumble to the ground. Jong bought Chloe her first snowboard on eBay for $25. When Chloe was 8, Jong quit his job as an engineer to support her snowboarding career. He would often wake up at 2 a.m. in the morning to drive Chloe over 300 miles to her practices.

After watching his daughter win the Olympic Gold, Jong said in Korean, ''When I came to the United States, this was my American hope. Now, this is my American dream.''

In reflecting on her father's sacrifice, Chloe said, ''My dad has definitely sacrificed a lot for me, and I don't know if I could do it if I was in his shoes, leaving your life behind and chasing your dream because your kid is passionate about this sport. I think today I did it for my family, and I am so grateful to them.''

Chloe's story of winning the Olympic Gold is extraordinary, but her father's story speaks to a deep and abiding foundation of America and to my personal experience as an immigrant.

My mom also came to this country—poor and without skills to escape an abusive marriage—to give her three children, of which I am one, a chance at a better life. Like Jong and Chloe, one generation after my mom came to this country, I am standing on the floor of the U.S. Senate, fighting for humane immigration policies.

These stories speak to the broader immigrant experience in our country. We work hard and embrace the opportunities this country provides, and we often see the result of this hard work within a single generation.

I would ask my colleagues: Do you think the United States would be better off if we prevented immigrants like Jong and me from coming to this country? Targeting immigrants for discriminatory and harsh treatment is denying our country's history. With the exception of our original peoples, everyone came to our country from somewhere else. We are fighting to preserve

the spirit of our country—that shining city on a hill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CORTEZ MASTO. Mr. President, like my colleagues from whom we are hearing today, I also rise to talk about the importance of protecting the Dreamers, not just in the State of Nevada but across this country.

I want to talk specifically about a term that I constantly hear during this debate on how we need to protect Dreamers and at the same time address this issue of ''chain migration.'' I call on my colleagues and President Trump to really stop using that term and to abandon the offensive and misleading term of ''chain migration'' because it paints a picture that does not reflect reality.

Immigrants cannot sponsor their entire families to come here. Our system of family-based immigration allows American citizens and green card holders to petition for some of their immediate family members to join them in the United States. There are numerous steps families must take to legally immigrate to the United States. It is a long and arduous process that leaves husbands, wives, parents, brothers, and sisters waiting for decades. This system is so broken and slow that many people die before they ever have the chance to be reunited with their loved ones again.

So this image of immigrants coming in endless chains across our borders couldn't be further from the truth. For instance, the U.S. Citizenship and Immigration Services is currently processing visa applications for the siblings of U.S. citizens from 1994. That is 24 years ago. This backlog is painful for many American families, like Fely. Fely is an immigrant from the Philippines who arrived in the United States with her husband and her youngest son back in 1989. Her father was a veteran who served in World War II, earned his citizenship, and petitioned to have Fely join him in the U.S.

In the almost three decades since then, Fely has worked tirelessly to reunite with her other children. Now at 80 years old, she is still waiting and hoping that three of her children will make it through the backlog to join her at home. Her story shows us that sponsoring even your closest family members is a lengthy and difficult process. Tragically, Fely's struggle is not uncommon. Thousands of Filipino veterans all across this country are in the same situation.

As a daughter and granddaughter of veterans, I know firsthand that when someone answers the call of duty, family members make sacrifices too. I support Senator HIRONO's Filipino Veterans Family Reunification Act, a bill that would expedite the visa process for Filipino World War II veterans' immediate relatives. We should honor the sacrifices that veterans and their families make by passing this bill, not by forcing them to wait in perpetual limbo.

Our immigration system reflects our national commitment to the strength and importance of the family unit. Families are support systems. They pull each other up when someone is in need and pull together their resources. Strong families build strong communities.

Karl is a 20-year-old Filipino-American community organizer born and raised in North Las Vegas. Karl's whole family is committed to community service. While attending high school, Karl's brother volunteers at an organization that serves the homeless. Karl's mother teaches special education in North Las Vegas to low-income children. Karl's dad is a mechanic and a military veteran, having served this country in multiple branches of the armed services. None of them would be here if not for our family-based, legal immigration system.

Some of my Republican colleagues claim to be champions of strong, nuclear families and family values. Yet here we are today, considering a measure that would tear apart families like Karl's, that would leave parents without children, sisters without brothers, and husbands without wives. Why does the party of family values think that is acceptable?

The problem is that the party of Donald Trump is not the party of family values. Donald Trump doesn't care about families. He wants to be able to pick and choose which families get to come in and which have to stay out. The White House immigration plan we are considering would cut legal immigration by up to 44 percent. That is half a million more immigrants who would be banned each year. This is one of the largest xenophobic-driven cuts to legal immigration since the 1920s. It would affect nearly 22 million people over the next five decades. What is going on here? What are they so afraid of?

I recently sat down with immigrant workers in the Senate and the Pentagon who are about to lose their protections from deportation. One of them told me that she left El Salvador after seeing her husband brutally murdered in front of her and her son. She has been working for the Federal Government for the past two decades, serving the very men and women who are preparing to vote to send her back to the country she fled with her children.

I also spoke with a Dreamer who works right here in the Senate cafeteria. She is the sole provider for her three American-citizen children, and she, too, is afraid that under Donald Trump's deportation policy, she is going to be ripped apart from her children and sent back to a country that she fled.

These are the people Donald Trump wants to throw out of their homes. They are not asking for special treatment or handouts or giveaways. They just want to be allowed to stay and work hard and provide for their families. They don't want to have to go back to a place where they will have to live every day in fear for their lives and for their children's lives.

This President will tell you that immigrants are taking jobs. That is a myth. It is a lie that has been spread about every immigrant group in American history, and it has been repeatedly debunked by economic research. According to the National Academy of Sciences National Research Council, a typical immigrant family will pay an estimated $80,000 more in taxes than they receive in public benefits over their lifetime.

Immigrant families bring long-term economic benefits to our country by starting businesses, purchasing property, and supporting the education and achievement of their children. Research shows that immigrants drive growth. They generate new patents at twice the rate of native-born Americans. In 2014, they earned $1.3 trillion and contributed $105 billion in State and local taxes and nearly $224 billion in Federal taxes. Immigrants are 30 percent more likely to start a business in the United States than nonimmigrants, and 18 percent of small business owners in the United States are immigrants. They create jobs right here in the United States. Jobs are not the problem here.

The problem is the color of immigrants' skin. We have a President of the United States who has wondered out loud why we can't have more Whites come to this country. President Trump denies being a racist. For a nonracist, he has done a shockingly good job of cultivating support among White supremacists.

This is not about the color of people's skin, but this is about family. This is about strong nuclear families and family values. I am proud of who I am, where I came from, and I am a descendant of immigrants. But I also learned and believe in strong values and strong family values, and we lead with those values. So our immigration system should reflect our national commitment to the strength and the importance of that family unit and those family values.

It makes no sense to me that we are fighting today to protect these kids and keep them in this country and then take their parents and rip them out of their homes and send them back to a country that they do not want to go to, that they do not call home, and where their safety is called into question. I don't understand that as a family value or as an American value.

So I ask my colleagues, when we are talking about the immigration system

and protecting Dreamers, let's implement commonsense immigration reform. Let's make sure that when we are protecting Dreamers, we are also protecting their family unit and those family values. This is not about pitting parents against their kids or having kids decide whether they should stay here or their parents should.

No child should have to go to school concerned that when they come home, their parents may not be there. I don't know about you, but I went through the public school system in the State of Nevada, and I was always, always comforted with the thought that when I walked through that door, my mother and father would be there. Any other way to treat these children and their families, to me, is inhumane. They are not values that we stand for as Americans, and they are not values that we lead with when we are talking about commonsense reforms to immigration.

So I ask my colleagues: Please, as we go through this debate, remember who we are talking about. There are faces, there are families, there are people behind the very decisions that we make this week.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINRICH. Mr. President, as the Senate takes to the floor to debate a long-overdue, bipartisan solution for Dreamers—young immigrants who came to our country as children—I would like to tell you a story about one Dreamer in my home State of New Mexico to illustrate what is at stake here this week.

Immigrants have long helped to write the economic, social, and cultural story of my home State of New Mexico and, for that matter, our entire Nation. We are, after all, a nation of immigrants. Over the last centuries, our Nation's foundation and the enduring American spirit were built by the hard work and the dreams of so many striving young immigrants.

When President Trump made the outrageous decision last fall to end the Deferred Action for Childhood Arrivals Program—DACA—he threw hundreds of thousands of Dreamers deep into fear and uncertainty. Two weeks ago, I was proud to welcome Ivonne Orozco-Acosta, one of the estimated 7,000 Dreamers from New Mexico, as my guest at the State of the Union Address.

Ivonne's family immigrated to the United States when she was 12 years old. She learned English through middle school and graduated from high school in Estancia, NM. It was during these challenging years of learning that Ivonne was encouraged by her teachers to grow and to learn. Ivonne knows the power that educators hold to create positive change in students' perspective of themselves.

Ivonne attended the University of New Mexico, where she earned her BA in secondary education with a concentration in Spanish. It is estimated that somewhere between 500 and 1,000 students at the University of New Mexico right now are Dreamers like Ivonne. These are some of our brightest students, and they are our future leaders. Since she graduated from UNM 4 years ago, Ivonne has been teaching Spanish at the Public Academy for Performing Arts, a charter school in Albuquerque, NM.

Ivonne told me what DACA has meant for her. DACA allowed her to get a work permit, to follow her passion for education. It made it possible for her to buy a home and her first car. It has also given her an opportunity to impact the lives of her students each day and to contribute to our State's economy as a teacher and as a taxpayer. DACA gave Ivonne, in her words, ''a sliver of hope''—hope that she will finally be able to have a permanent home and a place in the only country that she knows how to call home.

Because of her excellent teaching in the classroom and her incredible passion for her students, Ivonne was just selected as the 2018 New Mexico Teacher of the Year by the New Mexico Public Education Department. That is right; Ivonne has been recognized as the teacher of the year for our entire State.

Ivonne's commitment to education and to giving back to her community is truly inspiring, and it reminds us just how much is at stake for New Mexico and our country in this debate. Our State already struggles to keep schools filled with teachers and has one of the highest teacher turnover rates in the Nation. Dreamers across the country, like Ivonne, are stepping up to serve our communities, to teach our students.

Nearly 9,000 of the Dreamers who received temporary legal status and work permits through the DACA Program are teachers like Ivonne. Many more are firefighters; they are police officers; they are scientists; they are doctors; they are members of our military. These inspiring young people are Americans in every sense of the word, except for a piece of paper, and they want nothing more than to be productive members of their communities. But until Congress passes the Dream Act, these young people like Ivonne will continue to worry about whether they will be able to stay in school, keep working, contributing to our economy, or remain even in their homes and their neighborhoods.

I have to ask: Why would we even consider threatening to deport the teacher of the year from my State? I simply cannot accept that as living up to all that our Nation stands for.

The Santa Fe New Mexican covered Ivonne's visit to Washington. The New Mexican's editorial board said: ''It is no exaggeration to state that as the immigration debate goes, so does her future.''

They went on to call the immigration debate we are engaging here in Congress as a fight ''for the soul of this country, founded and strengthened by immigrants throughout our history.''

I, for one, hope that we can learn from the best and most challenging parts of our Nation's history of immigration and understand that Dreamers like Ivonne are part of the immigration story that has always made our Nation great. Deporting these young people who grew up in America and want to contribute to their Nation is not what the America that I know and love would do. Dreamers deserve commonsense, compassionate, and responsible policy.

Two weeks ago, while President Trump was taking cheap shots at immigrants during his State of the Union Address and insinuating that all immigrants and asylum seekers pose an existential danger to our children and our families, I couldn't help but think of the impacts of his words on Ivonne as she sat in the Gallery. There are hundreds of thousands of Dreamers like her. They are truly bright spots and rising stars in our communities and in our country, and the time has come for us to stop playing politics with their lives. Let's stop stirring up fear and division when we should be working to find a real path forward.

This week, I believe we have a path forward here in the Senate in this debate, and we must pass a bipartisan immigration bill that includes the Dream Act in the Senate and in the House. I will do everything I can to pass a solution for Dreamers, to create rational border security policies, and to make the investments that our border region and its communities actually need.

I will stand with New Mexicans against President Trump's fear-based and un-American views, frankly, on immigration and his offensive and wasteful border wall that have no place in this debate.

I hope that each of us in this body recognizes our moral responsibility and our obligation to live up to our Nation's ideals and its values. We must act with a sense of urgency to find a way forward for these Dreamers. Every day that passes without our passing the Dream Act is another day of desperation and limbo for young people like Ivonne who only know America as their home. Now is the time to give these young Americans a permanent place and an earned path to citizenship in our Nation. I will do everything I can every step of the way to make that happen.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Connecticut.

SOUTH FLORIDA SCHOOL SHOOTING

Mr. MURPHY. Mr. President, as we speak, there is a horrific scene playing

out in a high school in South Florida. Turn on your television right now, and you will see scenes of children running for their lives—what looks to be the 19th school shooting in this country, and we have not even hit March.

I am coming to the floor to talk about something else, but let me note once again for my colleagues that this happens nowhere else other than the United States of America, this epidemic of mass slaughter, this scourge of school shooting after school shooting. It only happens here, not because of coincidence, not because of bad luck, but as a consequence of our inaction. We are responsible for the level of mass atrocity that happens in this country with zero parallel anywhere else.

As a parent, it scares me to death that this body doesn't take seriously the safety of my children, and it seems as though a lot of parents in South Florida are going to be asking that same question later today.

We pray for the families and for the victims. We hope for the best.

Mr. President, I came to the floor today to talk about immigration. I want to make a specific case to you today, but before I do, I want to talk a little about process.

I heard a lot of my friends on the Republican side of the aisle say on this floor and in the Halls of Congress that President Trump has made an immigration proposal and Democrats have been asking for an immigration proposal, so we should just accept his first and only offer. What is the big deal? President Trump gave you something that says ''immigration'' on it. Why aren't you accepting it?

It is a terrible proposal. It is bad for America. To his credit, President Trump does attempt to try to deal with these Dreamer kids, but there are 3 million potentially eligible individuals in this country, and it only allows about 1.8 million of them to get through the process.

But that is really not the worst part. The worst part is that it cuts legal immigration by 40 percent. It basically abandons this country's commitment to family-based immigration. I wouldn't be here if we only had skills-based immigration. Most Members of this body wouldn't be here if the only way that your parents or grandparents or great-grandparents could have come here is because of a Ph.D. or a degree or a certificate. Most of the people in this Chamber, I would imagine, are here because their parents or great-grandparents or great-great-grandparents came here because they had friends or family here. Let's not reimagine the history of this country.

Democrats aren't obligated to accept the first offer from this President if it is not good for America. Negotiation still has to be part of the legislative process, and I am glad there are Members of the Republican and Democratic caucuses who have been trying to do that. We will see where that goes.

The President has put this proposal on the table that dramatically cuts immigration into this country because he sees immigration as a core weakness of this country. He views new entrants to America as an economic drain. That is why he wants to potentially kick out 3 million Dreamer kids next month if we don't act. That is why he wants to dramatically cut down the number of people who are allowed to legally immigrate to America. He views immigrants as a problem that needs to be dealt with. And he is not alone. Many Americans agree. I, frankly, hear from them regularly in Connecticut.

Frankly, one could also argue that there is nothing more American than being scared of immigrants. Every single new wave of immigrants to our shores has been met with some degree of fear and derision and prejudice. Like clockwork, every generation or two, American politicians denounce immigrants as a threat to the American-born worker.

In the 1850s, growing numbers of Catholic immigrants from Ireland—as the Murphys came—and from Germany led to an anti-immigrant party arising in this country that elected more than 100 Congressmen, eight Governors, and thousands of local politicians. They claimed that Catholics could never be Americans because they owed allegiance to the Pope.

Starting in the 1880s, hundreds of thousands of Chinese immigrants began to immigrate to the west coast, causing a spike in anti-Chinese sentiment that eventually resulted in the passage of something called the Chinese Exclusion Act.

Fearing those who are different from us in skin color or religion or national origin or language is an unmistakable facet of American history, but over and over again, we have overcome these base instincts because our better angels prevail but also because of this bright, straight line that connects America's liberal immigration policy with our economic greatness.

I want to take just a couple of minutes to make for you a compact but irrefutable case for the correlation between economic power and American immigrants.

From 1870 to 1910, it is no coincidence that America's transformation into a global economic powerhouse occurred during a period of massive influx of human capital. During that time, nearly 15 percent of all Americans were foreign-born. That is a share that our country has never reached since then. This period of unprecedented growth forever dispelled the myth that we still labor under today that the number of American jobs is fixed. Immigrants increase demand, and that increased demand creates jobs.

Organizations from the National Academy of Sciences to the conservative Cato Institute have done their own studies on this question and have come to the same conclusion.

Cato recently said this:

Immigrants add jobs, in part by raising consumer demand. So getting rid of immigrants, such as by deporting unauthorized workers, would most likely destroy jobs and raise native unemployment.

That makes sense, right? But if you don't believe that immigrants create growth, there is another, even simpler explanation as to why we need robust immigration. At present birth rates, we don't have enough people born here to fill all the jobs that are going to be created in the next 20 years. It is estimated that, accounting for growth, America is going to need 83 million new workers to enter the workforce in the next 20 years. But here is the problem. Only 51 million new workers will be native-born. That leaves us 32 million short. Unless folks start churning out a lot more babies, immigration is the only way to fix that deficit.

Not convinced? Well, think about how the Federal budget works. Most of our budget is social insurance—working-age Americans paying into accounts that pay benefits to older, nonworking Americans. You need a balance between the two in order to not go bankrupt. Many of our competitor nations around the world are spiraling toward this demographic cataclysm. By 2030, the median age in Japan, with strict immigration policies, is going to be over 50. It is extraordinary. Do you want to know why Germany is so interested in bringing refugees into their country? Because without them, their median age in 2030 will be 48. Budgets simply can't work with that many retirees and that few workers. Because of America's liberal immigration policy, our average age, which today is 38, will increase in 2030 to just 39. During that time, China—another country that doesn't really allow immigration—will go from having a median age that is 2 years younger than that of the United States to 3 years older.

In 2010, undocumented immigrants and their employers sent $13 billion to Social Security. Without them, the trust fund would be out of money today.

You are not there yet? Let's talk jobs. Just ask your farmers in your State how important lower skilled immigration is to keeping their farms afloat. But let's talk about high-skilled jobs. Would it shock you to know that 31 percent of Ph.D. holders in this country are immigrants? It is amazing. And more than one-quarter of all high-quality patents in the United States are being granted to immigrants.

How about a study from 3 years ago that Senator CORTEZ MASTO referred to that found that immigrants are twice as likely as native-born Americans to start a business. That is not good enough for you? Here is a mind blower: 43 percent of Fortune 500 companies in the United States were founded or cofounded by an immigrant or a child of an immigrant. You know who they are. The founder of eBay came to the United States from France, where he was born to Iranian parents. Google's cofounder, Sergey Brin, emigrated with his family from Russia when he was 6.

Elon Musk, who started SpaceX, which has 4,000 employees, came from South Africa. Daniel Aaron, who cofounded Comcast, was a refugee of Nazi Germany. Henry Ford was an Irish immigrant. Estee Lauder's family was Hungarian. Herman Hollerith, one of the founders of IBM, had German parents. You don't want Ford or IBM or Google to be part of the American story? Then keep saying immigrants are an economic drain.

Margaret Thatcher once marveled of America: ''No other nation has so successfully combined people of different races and nations within a single culture.'' This combination is our definition as a nation, but it is also the story of our economic greatness, of our sprawling leap in under two short centuries from an idea to the biggest, most dynamic economy on the face of the planet. To deny that history or to misremember it would be perhaps an irreversible error.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, some of what I just heard, I can readily agree to. Certain things, such as that we are a nation of immigrants—no doubt about that. We need immigrants. We take roughly 800,000 to 1 million legal immigrants a year. They are welcomed. We also, though, are a nation of laws, and as a nation of laws, we want people to come here according to our laws and abide by the laws.

We are working with a group of people. If you call them DACAs, it would be about 800,000. If you refer to them as Dreamers, it is maybe 1.8 million. We obviously have sympathy for them because as a baby brought here in diapers by a person or family who crossed our border without papers, hence entering our country illegally—we don't attribute the sin and the unlawfulness of the parent to the baby. A lot of that has happened.

There is a general agreement—maybe not everybody in my political party agrees with this, but I think 80 percent of them do—that we need to deal with people who are here through no fault of their own and give them legal status. That is the compassion we are showing for people who broke our laws by their parents doing it but not the kids doing it.

I also didn't ever think we would be here today debating this because I went through the 2013 debate on immigration. The Senate passed a bill; the House of Representatives didn't take it up. I was in the minority at that time, both in the caucus that was in the minority as well as in the minority that voted against that bill, because I didn't think it did things the way I would do them. Everything died in the House of Representatives. Then, 2 years later, I became chairman of the Judiciary Committee. We have jurisdiction over immigration legislation. I could have spent 3 months on immigration during 2015 or 2016 and sent a bill to the House of Representatives that probably would have died, but I made up my mind early in my chairmanship that I wanted to do things that we could get passed. So over the period of the last Congress, my committee voted out 31 bills, all bipartisan, and 18 of them got to a Democratic President. In 2015 and 2016, I felt, why go through that process if it is going to die in the House of Representatives?

Now, a year later, after the election of a President who campaigned so much against anything dealing with immigration and legalization of people who are here—even young people, whom he has now come to the conclusion we ought to legalize—I didn't think we would be having this debate, and somehow I think Members of the Democratic Party didn't think we would be having this debate. I think they probably were shocked 2 or 3 weeks ago when the government shut down and when the majority leader decided to make an agreement to bring up this issue. But here we are, debating an immigration bill that, quite frankly, I didn't think we would be debating. Here we are.

Then, of course, we didn't do anything Monday. We didn't do anything on this issue Tuesday. I don't know whether we are going to have any votes today, but here we are debating immigration. We have a chance to do what Members of the other political party, as advocates for Dreamers and DACA kids—and we have them on this side but maybe not as vocal or as loyal as Democrats are on this issue. Somehow, we are now having a difficult time getting the issue up and getting something passed.

I offer to my 99 colleagues something the President said he would sign. Maybe you don't like exactly what is in that proposal. Then get it up and amend it, and let's see what sort of compromise we can accomplish. But we are here because the leader said that we are going to work on this issue. It was something that the minority demanded. We ought to reach a conclusion on it and get something to the President of the United States.

Once we knew that this issue was going to come up—and we knew that on September 5 when the President said that he was not going to continue the illegal approach to the DACA kids that President Obama did. We have reason to believe this from court decisions on older people where they ruled that the President didn't have the authority to do what he did with the DACA kids. In fact, at least a dozen times before he made that decision, he was telling the entire country he didn't have the authority to do it, and then he went ahead and did it.

So this President comes in, takes an oath to uphold the Constitution and the laws of this country, and he decides that he can't continue what was considered illegal activity by the previous President. This is a congressional decision that needs to be made, and Congress ought to make it. We were told on September 5 to do something by March 5, and here we are.

I heard from the previous speaker—and maybe a lot of speakers—that this is the President's plan. Yes, this is something that the President said that he is going to support and will sign, but I want to say to you that the work that a group of us Senators have put into this issue over a period of the last 3 months, with about 18 meetings, 4 meetings with the President of the United States to discuss the issue—most of what is in the proposal that is put before you are things that a group of Senators put together. I would say that as our group met, we probably had subgroups of three who had different views, and some of them felt strongly about their positions, but everyone came together in a compromise that you see here before us in my amendment.

In some of those meetings, we discussed these things with the President, and I want to give the President credit. In a January 9 meeting that he had where he called together 23 of us—bipartisan and bicameral—we were able to dial down all the things that we would be discussing on immigration, and we came to the conclusion that there were four main points that we ought to be dealing with. You have heard of these as the four pillars, but let me repeat them.

No. 1 was legalization of these children who were brought here by their parents; No. 2 was border security; No. 3 was chain migration; and No. 4, diversity visa. We discussed these things with the President, and I suppose the President probably emphasized citizenship to a greater extent than maybe we did in our deliberations, but we have something that has been put together by Members of this body who have compromised, with none of us getting everything we wanted. We are fortunate enough to have the President's backing on this.

So I hope that you see this, not as we have heard from the other side as the President's plan—as if seven of us who introduced this proposal somehow just took something from the White House and put our names on it, and it is here before the U.S. Senate—because that isn't how it worked.

I want to address some of the issues that have been put before us by people on the other side. I want to express—as you probably have seen me expressing already in my remarks so far—my frustration with the current status of the immigration debate here in the U.S. Senate. It amazes me that my colleagues on the other side of the aisle simply aren't ready to have a serious immigration debate. They have been demanding to have this debate for months. They have even shut the government down to get to this point, and now we are actually on this issue that they have been demanding that we debate for months during this Congress—some on the other side of the aisle for

years—and now when it is time to put up or shut up, they have come up emptyhanded. Despite having weeks to prepare, Senate Democrats are still rushing to put some plan together.

Let that sink in. Think about this just for a moment. The Senate Democrats recklessly shut down the Federal Government over immigration, and they did it over plans that they still largely haven't drafted. That should be very frustrating, not only to this Senator but to most of my colleagues, and it is exactly why the American people seem to have less faith in this process in Washington, DC. Even more frustrating is that for 2 valuable days, they have refused to allow the Senate to debate immigration measures.

I do understand why the Democrats are afraid to vote on ending sanctuary cities. Those policies of sanctuary cities are massively unpopular with the American people. In other words, the American people feel that when the Constitution says that immigration law is one of the 18 powers of the United States, then no local or State government should be able to interfere with what the Constitution says is the supreme law of the land.

I can't understand why, for 2 days, Democrats have refused to allow us a debate on an issue like sanctuary cities. That amendment would help us keep our communities safe from dangerous criminals, besides carrying out the intent of the Constitution that the Federal Government has complete authority over immigration.

Who could be against an approach to send a signal that sanctuary cities aren't justified when that is how to protect the American people from the criminal elements that some sanctuary cities protect? Apparently, the Democrats are, since they don't seem to be for outlawing sanctuary cities.

I guess another way to say it is that they could do more to protect hardworking Americans from the criminal element that is, albeit, a small part of the immigration community we are talking about, but it still creates havoc for people like the Steinle family, for example, where Kate was murdered by an alien who was a felon who had returned to this country not once but five times.

In other words, I have to ask my colleagues whether enforcement issues are legitimately a part of the immigration debate, and that is what the sanctuary city situation is all about. Isn't border security more than just throwing money at infrastructure? Shouldn't we be discussing how to reform our Nation's laws so that dangerous criminal elements can't inflict harm on innocent families?

I am pretty sure—I am actually 100 percent confident—the answer to those questions is yes. Those are important issues to the American people. Those issues used to be discussed here.

I have already mentioned the name of Kate Steinle, who was murdered by one of these people. I could add the names of Sarah Root and Jamel Shaw. These people all had dreams, too, but they had their lives ended by felons who had been deported but had come back into this country.

If my colleagues were actually serious about debating this issue, we would be discussing border enforcement. Sadly, it seems as though the plans that I have seen so far from my colleagues fall short of that goal.

Legalizing Dreamers—yes, who is going to argue with that? A little bit of money for border security—there is a lot to argue about there. But not doing something about criminal aliens who are a threat to law enforcement in this country and to the safety of our country—it seems to me that ought to be a part of it.

So we get all the people in this room who say they want to do something about border security by throwing money at it; yet they refuse to actually give our law enforcement the legal tools that they need to protect Americans. Just a wall or whatever you want to call it—electric surveillance, more border patrol—it is all border security, but it is more than a wall. It takes more than just those things to protect the American people.

I am here to tell you that it is a tragedy that some people in this body just want to legalize some people for 1 year, 2 years, or 3 years and put maybe a little bit of money into border security with no commitment to the future. Then all we have done is kick the can down the road.

Worse still, none of my colleagues' proposals are being developed in a way that they can actually become law. Maybe for them, simply passing a partisan bill is enough. Leader SCHUMER said that this morning, and I was here listening to him. But that is not enough for this Senator. This Senator actually wants to see something passed into law that will provide real protection for DACA kids.

That is why I have offered an amendment that could actually pass the House of Representatives, and we know the President would sign it. Polls show that the framework a number of us developed, along with the President's input, is overwhelmingly popular. A Harvard Harris poll showed that 65 percent of the voters agreed with our plan, including 64 percent of Democratic voters. So despite the hyperbole we hear from our colleagues, the plan that the President said he would sign is not only popular, but, again, it is the only plan that has any chance of becoming law.

It is time for all of my colleagues to get serious about fixing DACA. It is time to stop posturing, to stop showboating, and to stop simply trying to pass a bill out of the Senate that will not get considered in the other body and will not be signed by the President of the United States.

The focus ought to be on making actual law. If all of us here in the Senate, particularly those who are in the Democratic Caucus, focus on those things, then the choice for them will be very clear. They will vote for the amendment that the seven of us have put before the Senate called the Grassley amendment, they will back the President, and they will provide real security and real certainty to the DACA recipients and the American people.

In fact, it is so simple for some on the other side who have been promising DACA certainty for years and some for a few months, but, more importantly, really strongly over the last three or four months. It is an opportunity for everything you have told those kids, including that you are going to get them legal and even give them a path to citizenship that you can deliver.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to speak about the issue that we are dealing with on the floor, and I am grateful for this opportunity.

I wanted to first of all stress the critical urgency that we act to protect America's Dreamers. The United States is a proud Nation of immigrants. Yet in September the administration insulted our values by announcing a decision to end the Deferred Action for Childhood Arrivals Program, which we know by the acronym DACA.

Dreamers are young people who have lived in our country since they were children. They are law-abiding residents who have learned English. They have paid taxes, and they have secured jobs to support themselves and their families. Our government promised them that they would be protected if they came forward, and now the administration, at least so far, has broken that promise.

Democrats have been fighting for something on the Dream Act since the administration first announced its decision on DACA more than 5 months ago. We have yet to vote on a single piece of bipartisan legislation to protect Dreamers. I do, however, commend the bipartisan work of a number of my colleagues in both parties who have come to the table to draft legislation that protects Dreamers and secures our border.

With hundreds—soon to be thousands—of Dreamers losing protection every day, it is critical that we come together to pass bipartisan legislation that will provide permanent protections for these remarkable young people. Dreamers are deeply integrated into communities across Pennsylvania, as well as in a lot of other States and across our country, of course. Dreamers work as nurses, caring for our families. They work as teachers, educating our children, and as servicemen and servicewomen in our military, working to keep us safe.

Take a young Pennsylvania Dreamer whom I met a few months ago—way back, I guess, in September. She was

studying to be a nurse. Talking about her own life, she said:

All I want to do is heal people. All I want to do is be a nurse.

Then she became very upset thinking about whether or not she might have that opportunity because of what had not happened in Washington—no legislation passed to protect her.

Another Dreamer from Lancaster, PA—the Presiding Officer knows that part of our State well—is Audrey Lopez. Audrey was brought to the United States from Peru when she was just 11 years old. Audrey spent most of her childhood in Pennsylvania, and her parents instilled in her the value of hard work and education. Like so many Dreamers, Audrey only learned that she was undocumented when she was applying to college and learned that she did not have a Social Security number. Despite not having access to financial aid, Audrey worked hard, and she graduated from college.

After graduation, she took a job in public service working at Church World Services, assisting refugees with resettlement. This past fall, Audrey accepted a nearly full scholarship to American University, where she will obtain a master's degree in international development.

Audrey is an American in every way but not on paper. She is continuing to work hard, despite not knowing if she will have a future in the country she calls home.

We should be supporting young, hard-working people like Audrey who want to work in the service of others and our Nation. Instead, some, but not all—not all—Republicans are threatening her future—not only her future, but our Nation's future—by making us less safe and, frankly, damaging our economy. Protecting Dreamers is not only the right thing to do, but it is also good for the American economy, and it is in our national security interests.

DACA has enabled almost 800,000 young people to grow and thrive in America, including about 5,900 in Pennsylvania. As part of the fabric of our community, these impressive young people, like Audrey, provide an enormous contribution to our society, including paying an estimated $2 billion each year in State and local taxes.

By contrast, repealing DACA would amount to a loss of $460.3 billion from the national GDP over the next decade. So if you want to do it by year, it is roughly $46 billion a year for each of the 10 years.

In Pennsylvania, ending DACA would result in an annual loss of $357.1 million to the State GDP, according to the Center for American Progress.

Currently, about 900 Dreamers are serving in the U.S. military and more than one out of every seven DACA-eligible immigrants has language skills that are currently in short supply in the U.S. military. It makes no sense to remove these Dreamers from a country they call home. I believe it is both wrong and dangerous.

The American people overwhelmingly support allowing Dreamers to stay in the United States. It is about time Congress listened to the nearly 80 percent of Americans who want to pass protections for Dreamers, along with increased border security so we can prevent this situation in the future.

So it is time for action. We need a real compromise solution that will get 60 votes in the Senate and, of course, 218 votes in the House, and a signature from the President of the United States.

While I have advocated in the past for a clean vote on the bipartisan Dream Act, which is what I would prefer, compromise will be critical to ensuring we get something done and sent to the President's desk.

In 2013, I and many others—67 other Senators—voted for a bipartisan immigration bill that would have doubled the number of Border Patrol agents. That bill also would have mandated 24-hour surveillance of the border using advanced technology, like drones, and it would have provided a pathway to citizenship for law-abiding immigrants.

There are a number of bipartisan proposals to pair Dreamer protections with data-driven, sensible border security that focuses on public safety.

I look forward to finally voting on these issues, and I hope my Republican colleagues will continue to work with us to secure our border and ensure that Dreamers like Audrey Lopez have a future they can count on.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, I want to speak about our immigration debate and my amendment in particular, but first let me say we are going to find out just how serious our colleagues are about granting not just legal status to the Dreamers—people who came to this country or were brought here illegally when they were children and couldn't and shouldn't be held accountable for that action. The proposal that will be available for a vote later this week will not just grant legal status but will actually grant a path to citizenship.

It goes well beyond the illegal Executive order President Obama issued, and it will be available to far more people than those who took up President Obama's illegal Executive order. It is really going to be an extraordinary moment. I hope we are able to reach an agreement on this because I think this needs to get done.

Mr. President, I want to first address an amendment I have offered that is now up and pending—and I think we will be voting on it at some point this week—which is all about keeping our communities safer by addressing the terrible problem of sanctuary cities. This is a problem that one father in particular knows all too well.

On July 1 of 2015, Jim Steinle was walking arm in arm with his daughter Kate on a pier in San Francisco. Suddenly, a gunman sprang out and opened fire, hitting Kate. She pleaded, ''Help me, Dad,'' as she bled to death in her father's arms.

Now, any murder is appalling, but one of the things that makes this even more appalling is that the shooter should never have been on the pier that day. The fact is, he was an illegal immigrant who had been convicted of seven felonies and had been deported five times, but even more galling is, 3 months before the day he murdered Kate Steinle, this murderer was in the custody of the San Francisco Police Department. They had him. He was in custody. They had him on an old warrant for a previous crime.

When the Department of Homeland Security found out that the San Francisco Police Department had this guy in custody, they immediately reached out and said: Hold this guy until we can get someone there to take him into custody. We know he is dangerous, we know he is here illegally, and we want to get him out of this country, but the San Francisco Police couldn't provide that minimal cooperation. Instead, they released this man back onto the streets from which, 3 months later, he murdered young Kate Steinle.

Why would the police of San Francisco do a thing like that? Why in the world would they refuse to provide this minimal cooperation with immigration authorities with respect to a dangerous individual? The reason is because San Francisco is a sanctuary city. That means it has as its explicit legal policy a prohibition that forbids their police from cooperating with Federal immigration officials, even if the police want to. It extends to other law enforcement, like sheriffs and deputy sheriffs.

This is the case even when local law enforcement authorities believe the person is dangerous, and the local law enforcement folks wish to cooperate with the Federal authorities because they know this person is a threat to the security of their community, but local politicians override the police and decide this will be a sanctuary city.

Such is the case with San Francisco, and so the San Francisco Police had no choice. They were required by local laws to release this man onto the streets.

One of the many ironies about sanctuary cities is if Federal officials had called the San Francisco Police about any number of other crimes—robbery, car theft, violating a trademark, counterfeiting—any number of other Federal crimes, then the San Francisco Police would have been allowed to cooperate. They would have been happy

to cooperate. They would have been able to cooperate, but because the crime was committed by an illegal immigrant, the police's hands were tied. The police were forced to release Kate Steinle's killer.

It is just unbelievable to me that we have communities across the country that wish to provide this special privilege—this special protection—for even dangerous criminals because they are here illegally. It is unbelievable, but that is the case.

Sadly, the Steinles are not alone. They are not the only family who has been affected this way because, of course, San Francisco is not our Nation's only sanctuary city. Philadelphia—the fifth largest city in America, the largest city in my home State—has an extreme sanctuary city policy, and it has had appalling consequences already.

Maybe the most heartbreaking of these is the case of Ramon Aguirre-Ochoa. Ochoa was a Honduran national in the United States illegally. He was deported in 2009, but he illegally reentered the United States, which is itself a felony. He found his way to Philadelphia, and in 2015 the Philadelphia Police arrested him on charges of aggravated assault and various other crimes. When the background check went through, the Department of Homeland Security saw that the Philadelphia Police had this guy. They knew who this guy was. They knew he was here illegally, they knew he had been deported, and they believed him to be the dangerous criminal that he was. So they asked the Philadelphia Police: Could you hold this guy for 24, 48 hours, until we can get an agent there to take him into custody and begin deportation proceedings? We know he is a bad guy. We want him out of the country.

Unfortunately, Philadelphia Police had to refuse. Instead, they released him onto the city streets in January 2015. The Philadelphia D.A. didn't feel like he had enough evidence to prosecute the case. He dropped the charges, and rather than cooperate with the Department of Homeland Security, they released Ochoa back onto the streets of Philadelphia.

That was January of 2015. In July of 2016, Ochoa was arrested for raping a child under the age of 13. This brutal attack on the child was only possible because Philadelphia is a sanctuary city. It is these appalling cases—like the Steinle case or this case in Philadelphia—that make it so important that we end these sanctuary cities if it is at all possible to do so.

My amendment is a bipartisan amendment. It is identical to a bill I introduced and the Senate voted to consider in 2016. I reintroduced it in 2017. It does two things: It tackles a legal liability for localities that wish to cooperate with the Department of Homeland Security, and, with that legal liability problem solved, it imposes penalties on communities that choose nevertheless to be sanctuary cities.

We don't have the authority as a Federal Government to dictate the policy that a local community must follow. There is a constitutional separation that gives them the power to do what they will, but we don't have to subsidize their behavior when it endangers all of us, and that is what my legislation goes after. So let me discuss first the legal liability issue.

There are now at least two court decisions that have put pressure on municipalities, localities, to be sanctuary cities. Over a dozen Pennsylvania counties have done so. One is a Third Circuit decision; the second is a Federal district court in Oregon. They have held that if the Department of Homeland Security makes a mistake and they make a detainer request—let's say it is a case of wrongful identity. They ask a local police force to hold someone who, in fact, is an American citizen, should be here and is here legally, and so it is therefore an erroneous detention. If that happens and the local law enforcement folks comply with that request, under these court decisions, the local municipality can be held liable for the ensuing litigation on the part of the person who is wrongly detained.

My bill addresses this problem by simply saying that when a local law enforcement officer complies with an immigration detainer request from DHS that is a duly issued and bona fide request, then the local officer has the same authority as a DHS official. In a way, the officer would be considered an agent of the Department of Homeland Security for this purpose, and the entity the person would then sue in the event that a person is wrongly detained and their civil rights are violated would be the Federal Government. The responsibility should be on the Federal Government, since it was, after all, a request that initiated with the Federal Government.

My legislation does not in any way curb an individual's ability to file a suit if their civil or constitutional rights are violated, whether it is intentional or accidental. There is no curb on an individual's ability to redress that if they were wrongfully detained. It simply transfers the liability from the municipality to the origination of the detainer request, which is the Department of Homeland Security.

So that is the first part: solve the legal liability problem which has some municipalities across America—certainly in my State of Pennsylvania—choosing to be sanctuary cities, even though they would rather not be.

Now, having addressed that, if our legislation is adopted, and we have thereby solved this legal liability problem, if a community nevertheless decides it is going to endanger all the rest of us by conferring this special protection on somebody just because they came here illegally—despite the fact that they may well be a dangerous criminal—in that case, under my amendment, that community will be deemed a sanctuary city, and under my amendment several types of Federal funding would be withheld from it. Specifically, we would withhold from the sanctuary cities community development block grants and certain grants from the Economic Development Administration.

I think this is eminently reasonable. Sanctuary cities impose costs on all of us. They raise the cost to the Federal Government of enforcing immigration law, but by far outweighing that is the cost to the American people of more crime and the unbelievable, staggering cost to families like Jim Steinle and his family, who lost their daughter. I think it is extremely reasonable to have as a policy that if a community chooses to impose those costs on the rest of us, the Federal Government will not be subsidizing it.

Let me debunk some of the misinformation that is occasionally disseminated about my amendment. One is that it is somehow anti-immigrant. This is not anti-immigrant at all; this is pro-immigrant.

The fact is, the vast, overwhelming majority of immigrants in America, legal and illegal, would never commit these terrible crimes; there is no question about that. It is also obviously the case that any very large number of people will include some criminals among them.

There are roughly 11 million people who are here illegally—11 million illegal immigrants in the United States. Some of them are certainly violent criminals. It makes no sense to insulate those violent criminals, however few they may be, from capture by law enforcement. It would be absurd to allege that this is somehow anti-immigrant when quite likely some of their victims will be other immigrants. Immigrants want to live in safe communities too. I am positive of that. They don't want dangerous criminals to be able to walk the streets just because they came here illegally.

The second point I want to stress is that this amendment does not discourage or punish illegal immigrants for coming forward to report a crime. This is important because folks who want to keep sanctuary cities sometimes charge that if my legislation were passed, victims and witnesses to crimes, if they are here illegally, wouldn't come forward. That is not so. My amendment in this underlying law explicitly states that a locality will not be labeled a sanctuary jurisdiction for this purpose, and therefore will not lose any Federal funds, if it has a policy stating that if a person comes forward as a victim or a witness to a crime, local law enforcement will not share information with DHS.

Let me be clear and explicit about this. We have an explicit carve-out in the legislation. If a locality chooses to provide sanctuary status to a victim of a crime or a witness to a crime, such a community would not lose any Federal funds whatsoever. We think that

makes sense because we do want to encourage victims and witnesses of crimes to come forward. We get it. We don't want to create a worry that there would be deportation consequences for them.

A third point which some have alleged and which I want to be very clear about is that the penalties my amendment has for a community that chooses to be a sanctuary city do not include the loss of any funds whatsoever related to law enforcement or security. That is simply not the case. The list of categories that we include in lost funding is economic development in its nature. It is not at all law enforcement.

Another point that some on the other side have made is that somehow this legislation, my amendment, would impose an unmanageable burden on law enforcement. One simple fact to consider is, if that is the case, then why has it been endorsed by law enforcement groups? The National Association of Police Organizations has endorsed my amendment. The International Union of Police Associations, a division of AFL–CIO, has endorsed my amendment. The Federal Law Enforcement Officers Association has endorsed my amendment. Would these groups endorse a bill that imposed an unworkable burden on their own members? I rather doubt it. I think they understand that this amendment encourages local law enforcement to share information with the Department of Homeland Security and in some cases to temporarily and briefly hold people in custody until the Department of Homeland Security can get there.

This is a bipartisan amendment. In 2016, when the Senate voted on this very same amendment in the form of a freestanding bill, it received a majority, and it had bipartisan support. Unfortunately, a minority filibustered it and blocked it. But the fact is, it is a bipartisan piece of legislation with majority support. I don't think it should even be controversial.

I think we will have a vote on this relatively soon, in the coming days. I hope it will have very broad support. This is common sense. It stands for the principle that the safety of the American people matters, that the lives of Kate Steinle and other victims of violent crime matter, and that all of our communities should be as safe as they can be.

The PRESIDING OFFICER. The Senator from Connecticut.

PARKLAND, FLORIDA, SCHOOL SHOOTING

Mr. BLUMENTHAL. Mr. President, watching the pictures today as I came to the floor was deeply moving. Even though there is much that we don't know and a lot of information that we lack about what is happening at Marjory Stoneman Douglas High School in Parkland, FL, the images of emergency vehicles and emergency responders and of young people and children evacuating a school after another tragic incident of gun violence brings back memories that are searing and harrowing. Once again, we feel that churning in our stomach, that sense of gut-punch, and a wrenching of hearts that reminds us of how we felt the day of violence in Newtown. Yet another school is victimized by gun violence.

We are waiting to learn more of the details, but certainly our hearts and prayers go to the victims and their loved ones. Our gratitude goes to the courageous first responders who are on the scene now apprehending the shooter and administering to the victims and survivors. My thoughts and prayers are with those students, emergency responders, parents, loved ones, and the community of Parkland.

Again, gun violence respects no boundaries. It spares no communities. It victimizes all of us, wherever it happens and whenever, including the gun violence that kills people every day individually, often unpublicized and invisible.

My heart breaks to hear that one more school is facing this unthinkable horror, that again this harrowing scene plays before the people of America, literally unfolding in real-time. I know that I and all of the Members of this Chamber share the grief and sympathy and heartbreak that community is experiencing today.

Mr. President, I want to talk about the Connecticut Dreamers and share their stories and call for this Chamber to take narrow and focused action to prevent their draconian mass deportation and protect them from that kind of very unfortunate outcome.

The Dreamers who would be covered under legislation, which I hope will pass in the next 24 hours, came here as children. They grew up as Americans. This country is the only one they know. English is the only language many of them speak. They go to our schools. They serve in our military. They support our economy. They believe in the American dream. All of us believe in the American dream, but so do they. They work hard and give back.

Deporting the Dreamers would be cruel, irrational, and inhumane—unworthy of a great country. It would break our promise to the Dreamers who came forward when they were told they would be given protected status and would be a violation not only of the American dream but of the promise made by a great nation.

Gabriela Valdiglesias came to the United States in 2001 from Lima, Peru. She has lived in Connecticut for 17 years. She works for Connecticut Students for a Dream, advocating for her fellow Dreamers. For those workers, she has been working on securing their right to safety, to higher education, to healthcare, and to live in a country without fear and discrimination.

She shared with me some of the difficulties her family had while she was growing up. She and her five siblings are supported by their parents, who work in minimum-wage jobs. She hopes that if the Dream Act passes, she will be able to take on some of the economic burden her parents now carry. She hopes she will be able to make enough money to support herself and her family.

She is currently in her first year of college, at a community college, where she has faced many financial challenges. Not being able to get a job at 18 years old is frustrating and sometimes devastating. If the Dream Act is passed, she could finish her 2 years at community college and transfer to a 4-year institution, and she could pursue her dream of working as a lawyer or in the field of law.

There are countless other stories of Connecticut Dreamers, some wanting to keep their identities confidential. There is a young man in Bridgeport who was brought to Connecticut at the age of 5. He was educated in the Bridgeport public schools. He majored in chemistry and now attends Fairfield University. He has excelled there. He finished his first degree and was accepted at the University of California, Berkeley's physical chemistry program. He had to live under the threat of deportation because he had no way to apply for permanent lawful status. While he was continuing his studies here, he lived with the threat of deportation.

There is a New Britain woman who was born in Mexico and brought to America when she was 6 years old. The journey was terrifying. She could barely understand what was happening. She had no idea at 6 years old that she was entering America in a way that would affect her for the rest of her life. It was not her choice to come here or to come here in that way, but it has affected her. In fact, despite her attending school and then going to college out of State at Bay Path University and earning a great many leadership positions there, she remains in the limbo of uncertainty and anguish and anxiety created by the threat of deportation. She dreams about helping people, making sure that families with low incomes can have access to occupational therapy. She is pursuing a master's degree in occupational therapy.

Finally, there is a woman I know who came here from Venezuela. She was brought here when she was 11 years old. She remembers her mother telling her that she was going to America to learn English. When they settled in Norwalk, CT, her mother also told her that she could be successful if she were bilingual. She began to go to school right away. Life was difficult at the beginning, and there was a lot to learn. By the time she was a junior in high school, she stopped trying to get perfect grades because she feared colleges would not accept her, and even if they accepted her, she could not be eligible for financial assistance because she was undocumented.

But she persevered, and she attended community college. She went on to Western Connecticut State University, and she overcame obstacles that for many Americans born here would be

insuperable. Now facing deportation, she fears all of those dreams and all of that work will be for naught.

These Dreamers, in fact, have trusted America. They believed in America's promise to them. Coming forward, providing facts about their residence, their family, their job, and Social Security number, they believed in America. It wasn't a dream. America is to be trusted. America is the land of opportunity. America is the greatest Nation in the history of the world. They have a dream that is American, which is that they will have the opportunity to pursue their full potential as human beings to give back, to educate themselves, and to better their lives. That is the American dream.

In Dr. Martin Luther King's ''I Have a Dream'' speech, he said:

When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note . . . a promise that all men—

And he might have added women—

would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness.

The time has long since come for us to help the Dreamers. The time is today for us to protect them against mass draconian deportation, a violation of a promise that would be unworthy of America.

The promissory note of this American dream can be made a reality by this Chamber today and tomorrow.

I understand that some of my colleagues may want to change the immigration system. It is truly a broken system in need of comprehensive reform. That task is for another day. Today, we must make sure that we provide these Dreamers with legal status and a path to citizenship. That is our moral obligation. That is our job. Let's get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, the Senate is probably interested in the status of the debate on immigration. This debate started in September in hallways, committee rooms, and in our offices—opportunities for us to talk about these issues now for months.

Several weeks ago, there was a government shutdown demanding that we actually have a vote on immigration right now or that we don't reopen the government. After 3 days of government shutdown, the government was reopened, demanding that we move the immigration debate earlier to make sure we would get this done earlier. Now it is Wednesday of the week that it was supposed to occur, and the proposals are not out on the table. It has been a frustrating journey.

I can't even begin to count the number of hours I have spent in bipartisan conversations trying to circle around a simple set of issues. How do we resolve a small group of issues related to immigration?

I thought this was resolved in some ways. Back in early January, there was a large bipartisan meeting with the House and Senate to discuss what was widely televised as the scope for immigration and the key issues we were going to address. It came down to four issues, and there was agreement among the leaders, among those in the room, that these are the only four issues we are going to deal with: DACA and those DACA-eligible and how we move them toward citizenship, border security and all the things around border security, diversity visa lottery, and family reunification. All of those have been dealt with in legislation before—in fact, for decades, in one version or another—except for the issue of DACA. That one is new. That is the only one that hasn't been done with legislation before. The others all have.

The Gang of 8 bill in 2013 had border security and all kinds of different issues related to both construction of walls, technology, and legal loopholes. It had diversity lottery. It had chain migration in it. If you want to go back to an immigration study during the Clinton administration, in 1995, there was a proposal put out by Barbara Jordan, the Democratic House Member from Texas, who led that particular study during the Clinton administration dealing with chain migration, dealing with how we transition to merit-based immigration.

This has been dealt with literally in hearings for decades, but what I have heard for the past several months is that there is no time to do any of those things. The only time that we have is to deal with DACA. We can't even discuss anything else. Meeting after meeting after meeting since early November, I have heard the same thing: There is no time. There is no time. There is no time.

Now we are getting down to the day, and there is still a conversation about how we deal with these four simple issues that we have talked about for months, that the House and Senate have debated for decades, and on which we have had an untold number of hearings for decades to try to actually land them, to get legislation ready, and to get this resolved.

Let me just focus on a few things, because a few of us have put out a proposal that covers those four areas that was a middle-ground proposal. It is certainly not everything that I would like to have in border security, and it is certainly not everything that Democrats would like to have, but it is a middle ground between all of those. It is one the White House has already announced that they will certainly sign. It has 1.8 million people moving into naturalization, or citizenship. These are the individuals whose parents brought them illegally, but they were children at the time. Those individuals came into the country. They have now lived here for years. They know no other country, on the whole. Those individuals are offered an opportunity to become citizens of the United States 10 years from now.

Why 10 years from now? That gives a time period of 10 years, which is commonly agreed that it will take to be able to secure the border. In that 10-year time period, the border security could be put in place to make sure we have a secure border. It is not an unreasonable thing. In that same 10-year time period, about 2 million people are going to move, actually, into citizenship.

How does that affect the rest of our process? Well, let me tell you first how it affects it. Right now we have a 20-year backlog to be able to come into the United States legally—20 years to be able to come through that process. Once we add another 2 million people in that process and all the family that will be connected to them, in all likelihood, that backlog moves from 20 years to 25 years. It is ridiculous at 20 years, and it is even worse at 25.

We all know that this issue of family migration and the broad allowance of people coming in, not based on what skills they have but based on being someone's brother-in-law, is not the best way to do immigration, and we are the only country that does it like this. Seventy percent of the people who come into our country legally come through a family connection—being someone's brother, being someone's sister, being a relative in some way that they are able to come into the country.

Canada, just to our north, is exactly the opposite. Sixty-three percent of the people who come into Canada legally through their immigration system come because they are bringing a work skill. Now, I don't want to oppose anyone coming from anywhere in the world. There is a uniqueness to the United States and how we handle immigration, and we allow people from all over the world, from every country, to come. That should remain the same, but we should have one simple requirement: They come to bring something to the Nation. I don't think that is too hard of a hill to climb.

It is not a matter of who you are related to. You certainly should be able to bring in your spouse and your children, but brothers and sisters and other adults and such that would be in your family, maybe, should come based on their own merit, as well, for them to be able to come and be a part of our great culture, as well, or they are able to come visit and come stay long periods of time but not necessarily come for citizenship, unless you are coming to bring them. Again, that doesn't seem too difficult.

The diversity lottery hasn't been the challenging issue. Quite frankly, that has been an issue that was in the 2013 Gang of 8 bill, saying: Why do we have 50,000 visas for individuals from anywhere, from around the world, who can come who don't necessarily bring a skill at all? Why don't we just add a skill requirement or an educational requirement? We could say that you are welcome to come from anywhere, but at least we should know that those who

are coming from anywhere and everywhere bring something to the American economy. Again, that hasn't been controversial nor partisan in the past, and now, suddenly, it has become that.

The border security part of it has been the most confusing part of the debate for me on this thing. Months ago, some of my Democratic colleagues over and over said: The wall will do nothing. There is no benefit in the wall. If you put up a 20-foot wall, there will be a 21-foot ladder. It will do absolutely nothing.

Now, the conversation is this: Well, we will give citizenship to DACA, and we will give you some money to build a wall, and we will call it even. That has never been the request, and everyone knows it.

The request has been border security, not just a wall. I am very aware that the President has talked about a big beautiful wall a lot. I get that. But it has always been about border security, not just about putting up a wall in certain places. There has never been an emphasis to build 2,000 miles of wall. There isn't a need for a wall in certain urban areas, but what is really needed is border security and everyone knows it. I don't understand why border security has suddenly become a controversial issue.

What we have asked for and what we have laid out in a proposal seems to be a very middle-ground proposal. It doesn't do interior enforcement. Quite frankly, our Democratic colleagues have said: Absolutely no additional interior enforcement—we are open to border security, but nothing that secures the interior of the country.

So we have said: OK, that will be a future bill dealing with interior enforcement, but we do feel like border security is very important.

So they have said: OK, we will give you some money to build a wall in sections.

Can I say what they are trying to exclude? Border security, when you lay it out, is also the legal loopholes. So here are just a few of the things that we have laid out, which I don't think should be that controversial, that we have included in our language and said: If we are going to do border security, let's be serious about it. For instance, we have asked for additional penalties for people who do human smuggling. Right now, it is a slap on the wrist if you do human smuggling into the country. So coyotes and others are able to do human smuggling into the country in transit.

There are also people who are individuals in our country watching out for Border Patrol agents, radioing other people saying: Hey, Border Patrol is here. Go a different direction. They are actually helping to divert people away. We think we should increase the penalties. Our Democratic colleagues have pushed back and said no on that. It doesn't seem unreasonable to increase the penalties for human smuggling and the same for drug smuggling. To increase the penalties for those who are spying out and redirecting people who are doing drug smuggling doesn't seem too hard to be able to accomplish.

We would like to allow an individual State and their National Guard to be able to participate with Border Patrol. Now the National Guard is not law enforcement. What does the National Guard bring, though? They bring helicopters that have infrared technology. They are able to fly over sections of the border to be able to see the area below and to help direct Border Patrol to it. To participate with the National Guard and allow them to bring some of those resources those States already have shouldn't be that difficult. That is just a part of border security, but our Democratic colleagues are pushing back on that.

We would like to do an initiative to be able to work with Mexico and provide Mexico some additional funding and support and consultation on their border between Guatemala and Mexico, the southern border of Mexico—what is literally kind of our first border. It is their southern border. We have been pushed back, though, to say that is not border security. It is slowing down people illegally trafficking through Central America into Mexico. We think that is part of it.

How about this one? All along the Rio Grande in Texas, there is Carrizo cane that are there—this large cane that grows in the river in that area. In that area, you are able to hide people, drugs—whatever it may be—in this tall cane because you just disappear in it. It is on both sides of the border. We think we should do an eradication of that cane so that you can actually see through it. It hasn't been controversial in the past, but suddenly it is controversial: No, we don't want to eradicate the cane.

That cane is only there because it is hiding people and contraband. We think we should be able to do that.

We think we should be able to add an electromagnetic spectrum at our border ports of entry so you can look through a vehicle, looking for chemical parts of the spectrum and to be able to see if we can eradicate drugs that are being trafficked into our country. I don't think that should be that controversial.

There is getting secure communications so that our individuals and the Border Patrol can talk to each other and can interact with other law enforcement to make sure no one from a transnational criminal organization is listening in.

We should have license plate readers at the port of entry to be able to help track that and speed it up.

Doing biometrics at the entry and exit is something that has been required since the 9/11 Commission. So we can accelerate that process that as people come in and out of our country we know when they come in legally, but we also know when they depart legally.

There is dealing with what is sometimes called catch and release. Individuals who come into the country and cross illegally into the country are held in detention for a short period of time until they get due process, and every individual gets due process. This is not trying to remove due process from anyone. But as they cross into the country illegally, we are able to pick them up, detain them, and make sure they have due process. Some of them make claims for asylum or make claims of credible fear or other things. Instead of doing a hearing on that, we actually give them a piece of paper that is called a notice to appear and release them into the country and say: We will see you in about 2 years for your hearing date—instead of actually doing the hearing right then. Nothing has changed. No facts have changed. No information has changed. Nothing has changed during that time of delay. We just release them because we don't have enough judges or enough courts or enough attorneys or enough advocates to be able to accomplish that. So they are released for years in the country. You may be surprised to know that most of the individuals never show up for that hearing. They are just released into the country.

There is also a statement saying: Well, what about unaccompanied minors? Again, you might be interested to know that three-fourths of the unaccompanied minors who cross into the country are actually 14 years old or up. These are not 6-year-olds who are crossing in and 5-year-olds who are crossing in. Most of them are older teenagers. Two-thirds of the people who are coming in as unaccompanied minors are actually teenage boys, and most of them come in to be able to work. So the question is this: How do we handle that?

I think we do fair detention. I think we go through the due process and make a decision right then. Again, you will be interested to know that for individuals who actually do show up for their court hearing, which is a small group, about 30 percent of those who go to the court hearing do get asylum once they finally get to the court hearing. But we are not getting to the court hearing for most of those individuals. That shouldn't be that controversial. We should be able to handle how we go through that process in an equitable and fair way.

I would like us to be able to deal with the cost, quite frankly, of detention. We have asked for a simple part of this process on border security, to honor the taxpayer, to say that we will not spend more than $500 a night on housing individuals whom we have in detention. Now, I think most Americans—certainly most Oklahomans—would like to stay in a hotel that costs $500 a night. Putting a cap on how much we spend on that per person per night, I think, is a reasonable thing to be able to put into it, but we have had pushback.

We have asked for emergency immigration judges. Right now there are almost 700,000 people in a backlog in our immigration courts—almost 700,000. We don't think it is unreasonable to ask for emergency judges to come in to help us with the backlog. We are not talking about untrained judges. We are talking about judges who are in the Federal system who are knowledgeable of these issues and to do a surge of judges to help us get caught up.

We should be able to do all of these things. None of these issues should be controversial. This is what it means when you start talking about real border security, not just adding a wall in some places, not just adding a couple of additional agents but actually putting the things around them that they need to actually be able to enforce the law.

I think people lose track of the fact that ICE folks and Customs and Border Patrol are not enemies of our State. They are American law enforcement. They work for our country to keep us safe and to enforce the laws of our Nation. I am appalled at the way they are spoken of on this floor and treated in conversations. They are American law enforcement enforcing American laws. If there is a problem with what they are enforcing, this body should vote on it and fix the law, not beat up on the people who are enforcing the law and doing what we have asked them to do as a Congress.

I hope in the days ahead we can actually get this passed. I hope we can actually move toward citizenship for 1.8 million people, which the President has asked for, and I think it is a reasonable thing to be able to do for those individuals who came into our country as children. But I also hope that this time we don't say that we are going to do citizenship and not do border security. I hope we don't just throw some money and pretend we are doing it. I hope we, as a body, can have a serious conversation and say: Let's actually do border security and help us as a nation to establish a secure border. I hope we actually deal with some of the biggest issues on immigration and can walk through this debate in a reasonable way without the emotion and heat, but thinking this through because this affects the future of our country for a very long time.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Delaware.

Mr. COONS. Mr. President, I come to the floor to talk about an issue that has occupied this floor, this body, this Congress for some time now: the challenge of how to fix our broken immigration system. As many of us have debated and talked and tried to find common ground and a bipartisan path forward, I wanted to speak about why I have optimism that we can find a bipartisan solution to this challenge.

I know I am not alone in my optimism about this. One of my very dearest friends in the Senate, someone I respect and admire deeply, someone who knows more about sacrifice and patriotism than anyone I have ever met, believes the same thing. This friend of mine is not just any Senator. It is Mr. JOHN MCCAIN, the senior Senator from Arizona, who also happens to be an American hero and someone who has literally fought for this country and its values throughout his entire life. He is someone whom our mutual friend, former Vice President Joe Biden, calls a ''man of . . . deep conviction, and unmatched character.''

JOHN MCCAIN is exactly the person the Senate and this country needs in times like this, when the way forward is unclear, when our disagreements seem too wide, when our instincts are to argue rather than listen. This Chamber and this country need someone who is able to show us a way forward and lead us out of our stubborn, sometimes too partisan fights—someone like Senator MCCAIN.

As this debate has progressed in recent days, I have been reminded of something I heard Senator MCCAIN say late last year when he accepted the Liberty Medal from the National Constitution Center in Philadelphia. When speaking about our country and when speaking about the opportunity he has had here, he said:

> What a privilege it is to serve this big, boisterous, brawling, intemperate, striving, daring, beautiful, bountiful, brave, magnificent country. With all our flaws, all our mistakes, with all the frailties of human nature as much on display as our virtues, with all the rancor and anger of our politics, we are blessed. We are living in the land of the free, the land where anything is possible. The land of the immigrants' dream, the land with the storied past forgotten in the rush to an imagined future.

What a country, indeed. Beautiful, brave, and magnificent, as JOHN said, but also challenged by occasional frailty, rancor, and anger that we have seen too much of in this sustained debate over immigration.

The point Senator MCCAIN made that night in Philadelphia—and the point he has made every day serving our Nation for more than six decades—is that working through our disagreements, our divisions is worth it, not just as Senators but as citizens.

The whole point is, we may be boisterous and intemperate, which JOHN has certainly also been accused of being a time or two, but we don't stop striving for our ideals, believing in our future, and respecting one another. That is often difficult—especially here in politics—but it is the challenge that comes with the blessings of living and serving this great country.

So I was honored when Senator MCCAIN reached out to me a week ago to say: Let's work together to introduce in the Senate legislation that could help solve our most pressing immigration issues and keep our country moving forward.

The bipartisan bill we have introduced—the McCain-Coons bill—in the Senate doesn't solve every immigration issue we face, and it doesn't try to. What our bill does is focus on two issues right in front of us that I believe we can address and resolve. It is an attempt to break through what have been messy and divisive political debates and to address, through a compromise, legitimate, substantive issues in front of us.

Our bill would do two things: secure our border and finally give Dreamers the pathway to citizenship they have long awaited for, and they deserve.

First, to address border security, our bill would ensure we gain operational control of the border by 2020 with new technology, new resources for Federal, State, and local law enforcement, and new infrastructure.

It would reduce the existing immigration case backlogs by funding new judges and new attorneys, while also addressing one of the root causes of migration into our country from Central America.

Our legislation would give certainty to 1.8 million Dreamers brought here as children through no fault of their own, who are American in every way but the paperwork. Dreamers who continue to play by the rules by going to school, serving in the military, or being consistently employed can become lawful, permanent residents and, at least 5 years later, U.S. citizens.

Senator MCCAIN and I aren't the only ones who think this bipartisan solution makes sense. In fact, the reason we filed it here was because of the strength of its development in the other Chamber, the people's House, the House of Representatives. This bill was crafted by Republican Congressman WILL HURD of El Paso, TX, whose district has more than 800 miles of the U.S.-Mexico border—more than any district in our country with a U.S.-Mexico border—and his partner, Democratic Congressman PETE AGUILAR, who is from Southern California. The two of them put this bill together after a lot of consultation and meetings with their colleagues in the House. Today, it enjoys 27 Republican cosponsors and 27 Democratic cosponsors. I often hear we shouldn't take up and consider anything that can't pass the House, but a bill that has 54 bipartisan cosponsors in the House is certainly on the right track.

Now, I am clear-eyed about the fact that this McCain-Coons bill is not perfect, and I understand some of my colleagues may want to make changes to it. Some of my Republican friends I have met with and heard from and talked to in recent days have suggested it needs more investments in border security to win their support, and that is fine because our bill is more than just a set of policies. It is a way to provide a framework for us to agree and not let our disagreements prevent us from moving forward.

So my message is simple about this bill: We may not be able to fix our entire immigration system this week—in fact, I am certain we can't—but we can, over the next few days, perhaps

even over the next few hours, take important, even historic steps forward. We can lay the groundwork for securing our border with new investments, new technology, and new manpower. We can help Dreamers succeed in American schools, serve in our American military, and enrich American communities without living in constant fear of imminent deportation.

These are tough issues, but the solution can be fairly simple. I think our legislation offers a real solution for right now. There have been developments in recent days.

I have been proud to participate in a large bipartisan effort by the Common Sense Coalition, and as it has, as a group, tried to hammer out a bipartisan deal, I have been honored to have started this discussion, this debate, with Senator MCCAIN by filing our bill that we brought over from the House. It is a bipartisan bill that I believe is the most bipartisan bill currently before this Chamber on this issue. If we can make more progress, if we can attract more bipartisan support through some amendments or revisions, I welcome that.

I believe this week, this day, this opening on our Senate floor is not only a challenge but an incredible opportunity to do the right thing. We don't have to agree on everything. We just have to agree on some things, and we can find a way forward together.

It is an enormous honor to have the opportunity to partner with Senator MCCAIN in this legislative effort. While he is not with us today, I know he is with us in spirit and watching our deliberations, and he is someone who has shown not just courage on the battlefield but courage in American politics—a determined willingness to compromise and to work tirelessly to advance the interests of the American people. I can only hope my colleagues, when we get a chance to vote on this bill—which I hope we will later today—will join me in supporting it in recognition of his lifetime of service to our Nation and his commitment to bipartisanship.

It is my hope that as this day and tomorrow unfolds, we will have the open and fair process that has been promised, and that all of us, together, can do what we were sent to do: listen to each other, trust each other, work together, and find a path through compromise that can solve these two most important and pressing issues in the field of immigration.

Thank you.

I yield the floor.

(The Acting President pro tempore assumed the Chair.)

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

PARKLAND, FLORIDA, SCHOOL SHOOTING

Mr. DURBIN. Mr. President, every day in America we face the devastating reminder of the toll of gun violence. Today, we are watching the horrific scenes at Marjory Stoneman Douglas High School in Parkland, FL, where yet another school shooting has taken place. It is gut-wrenching. We know that so many families have just had their worlds and lives changed forever by senseless gun violence. Ironically, this is the 10th anniversary of a similar shooting at Northern Illinois University in DeKalb, IL. Our prayers go out to the victims, to the families, to the first responders, and, of course, to the Parkland community.

HONORING COMMANDER PAUL BAUER

Yesterday, Mr. President, in the city of Chicago, which I am honored to represent, we lost one of our finest, Commander Paul Bauer of the Chicago Police Department. He was shot and killed by a gunman in the Chicago Loop.

Commander Bauer was a 31-year veteran of the CPD and the commander of the 18th police district in the Near North Side. He was a pillar of that community. He was well-known in his district. He had been commended by the city council last year for a charity holiday party he helped to host for underprivileged kids.

He was a husband to his wife Erin and a father to a 13-year-old daughter named Grace. Commander Bauer was at a training session yesterday in the Loop, but he didn't hesitate to help out his fellow officers when they were pursuing a fleeing suspect. Commander Bauer was shot several times by the suspect, and he died from his wounds.

Chicago police superintendent Eddie Johnson said this was an extremely difficult day for the Chicago police family. Commander Bauer was a hero in life. He made the ultimate sacrifice to help protect the city he served and the city he loved. His loss is a tragedy.

Our prayers go out to the commander's friends, colleagues, his loved ones, and, of course, his family and daughter.

10TH ANNIVERSARY OF NORTHERN ILLINOIS UNIVERSITY SHOOTING

As I mentioned, Mr. President, today marks the 10th anniversary of one of the most devastating shootings ever to occur on a college campus in America. On February 14, 2008, a gunman with a history of mental instability walked into a lecture hall at Northern Illinois University in DeKalb and opened fire. His bullets killed five students and wounded 17 more. It was a horrific mass murder, and it shocked the entire Nation.

The five young Illinoisans we lost that day all had bright futures ahead of them: Gayle Dubowski, 20 years old, from Carol Stream, who worked as a camp counselor and was a talented singer in her church choir; Catalina Garcia, of Cicero, 20 years old, a smiling, outgoing young woman who planned to be a teacher; Julianna Gehant, of Mendota, 32 years old, who served our country in the U.S. Army and Army Reserve and who went to NIU to study to be a teacher; Ryanne Mace, of Carpentersville, a 19-year-old, who was funny and fun to be with and who aspired to work as a counselor; and Daniel Parmenter, 20 years old, from Westchester, a rugby player, who lost his life because he shielded his girlfriend from the shooter.

It is heartbreaking to think what these five young people could have accomplished in the 10 years since that horrible day. We mourn their loss and, again, our hearts go out to their families.

We remember and honor the wounded who still bear the scars of that terrible day. We renew our thanks over and over to the law enforcement officers and first responders who headed toward the sound of gunfire that day and who treated the victims as they were wounded.

We commend the many members of the NIU community who stepped up in the days that followed, working to persevere through this tragedy, with heavy hearts but unbroken spirits and moving ''forward, together forward,'' in the words of that Northern Illinois University Huskie fight song.

It is devastating to think that in this great country, students and educators could be gunned down in our schools. But it happens so often that I am afraid a numbness is setting in.

Just in the last few months, we have had fatal shootings of students at Aztec High School in Aztec, NM; Wake Forest University in North Carolina; Marshall County High School in Benton, KY; and then, today, in Florida.

Other tragedies have been narrowly averted because of well-trained staff. At Mattoon High School in Illinois, a heroic teacher named Angela McQueen stopped a student gunman from causing a massacre there last September.

The threat of shootings in our schools is ever present. According to a tally kept by the group Everytown, there have been at least 18 incidents so far this year where a gun has been fired on a school or college campus.

Schools and colleges are doing the best they can to prepare and protect their students. I salute the educators and administrators who are working hard, but is Congress doing all that it can to keep our Nation's students safe from gun violence? Not even close.

Of course, there is no single reform that could stop every shooting in America, but we know there are big gaps in our laws that make it easy for criminals, abusers, and mentally unstable people to get their hands on guns that hurt innocent people. Congress has done nothing—nothing—in recent years to close those gaps and make America safer.

Congress hasn't even closed the gun show loophole that the 1999 Columbine, CO, killers used to buy their weapons, and we did nothing in response to the murder of 20 first graders and 6 educators at Sandy Hook Elementary School in Connecticut.

In fact, the only vote taken by the Senate on gun laws in this current

Congress was to weaken gun law safety provisions on the books. That was a vote that Senate Republicans brought up last year that prevented the Social Security Administration from alerting the FBI's gun background check system about people with mental illness.

It is likely that before this year is over, the Republican majority will call up more bills to weaken gun safety laws. That is the wrong response to the epidemic of gun violence in America.

I am not going to give up on trying to close the loopholes in our gun laws. I am going to keep fighting for universal background checks, tougher straw purchasing laws, and better laws to prevent gun theft. I am not going to give up because of people like Patrick Korellis, who was shot in the head 10 years ago at the tragedy at Northern Illinois University. Luckily, Patrick survived, and since that day, he has been a leader in Illinois, fighting for commonsense gun reform. I have come to know and admire him for his efforts.

No one should have to go through what Patrick went through and so many others went through on that day in DeKalb, IL, 10 years ago. We owe it to Patrick, to the other NIU victims and families and community members, and to the hundreds of thousands more across America who have been killed and wounded by guns this past decade to keep trying to reduce the toll of gun violence.

Maybe we can't stop every shooting, but if we do our best to keep guns out of dangerous hands, we will save lives. I intend to keep doing my best to achieve that goal.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1958, AS MODIFIED

Mr. SCHUMER. Mr. President, I modify my amendment No. 1958 with the text at the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment, as modified, is as follows:

In lieu of the matter proposed to be stricken, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Immigration Security and Opportunity Act''.

SEC. 2. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 244A. CANCELLATION OF REMOVAL FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

''(a) DEFINITIONS.—In this section:

''(1) APPLICABLE FEDERAL TAX LIABILITY.—The term 'applicable Federal tax liability' means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest on Federal taxes imposed under that Code.

''(2) ARMED FORCES.—The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101 of title 10, United States Code.

''(3) DACA.—The term 'DACA' means the deferred action for childhood arrivals policy described in the memorandum issued by the Secretary dated June 15, 2012 (rescinded on September 5, 2017).

''(4) DACA RECIPIENT.—The term 'DACA recipient' means an alien who was granted and remained in deferred action status under DACA.

''(5) DISABILITY.—The term 'disability' has the meaning given the term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

''(6) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(7) ELEMENTARY SCHOOL.—The term 'elementary school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(8) FELONY.—

''(A) IN GENERAL.—The term 'felony' means a Federal, State, or local criminal offense punishable by imprisonment for a term that exceeds 1 year.

''(B) EXCLUSION.—The term 'felony' does not include a State or local criminal offense for which an essential element is the immigration status of an alien.

''(9) HIGH SCHOOL.—The term 'high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(10) INSTITUTION OF HIGHER EDUCATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(B) EXCLUSION.—The term 'institution of higher education' does not include an institution of higher education outside the United States.

''(11) MISDEMEANOR.—

''(A) IN GENERAL.—The term 'misdemeanor' means a Federal, State, or local criminal offense for which—

''(i) the maximum term of imprisonment is—

''(I) greater than 5 days; and

''(II) not greater than 1 year; and

''(ii) the individual was sentenced to time in custody of 90 days or less.

''(B) EXCLUSION.—The term 'misdemeanor' does not include a State or local offense for which an essential element is—

''(i) the immigration status of the alien;

''(ii) a significant misdemeanor; or

''(iii) a minor traffic offense.

''(12) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term 'permanent resident status on a conditional basis' means status as an alien lawfully admitted for permanent residence on a conditional basis under this section.

''(13) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

''(14) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(16) SIGNIFICANT MISDEMEANOR.—

''(A) IN GENERAL.—The term 'significant misdemeanor' means a Federal, State, or local criminal offense—

''(i) for which the maximum term of imprisonment is—

''(I) more than 5 days; and

''(II) not more than 1 year; and

''(ii)(I) that, regardless of the sentence imposed, is—

''(aa) a crime of domestic violence (as defined in section 237(a)(2)(E)(i)); or

''(bb) an offense of—

''(AA) sexual abuse or exploitation;

''(BB) burglary;

''(CC) unlawful possession or use of a firearm;

''(DD) drug distribution or trafficking; or

''(EE) driving under the influence, if the applicable State law requires, as elements of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content equal to or greater than .08; or

''(II) that resulted in a sentence of time in custody of more than 90 days.

''(B) EXCLUSION.—The term 'significant misdemeanor' does not include a State or local offense for which an essential element is the immigration status of an alien.

''(17) UNIFORMED SERVICES.—The term 'Uniformed Services' has the meaning given the term 'uniformed services' in section 101(a) of title 10, United States Code.

''(b) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible to, or deportable from, the United States if—

''(1) the alien is a DACA recipient; or

''(2)(A) the alien has been continuously physically present in the United States since June 15, 2012;

''(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

''(C) subject to subsections (c) and (d), the alien—

''(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

''(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

''(iii) has not been convicted of—

''(I) a felony;

''(II) a significant misdemeanor; or

''(III) 3 or more misdemeanors—

''(aa) not occurring on the same date; and

''(bb) not arising out of the same act, omission, or scheme of misconduct;

''(D) the alien—

''(i) has been admitted to an institution of higher education;

''(ii)(I) has earned a high school diploma or a commensurate alternative award from a public or private high school; or

''(II) has obtained—

''(aa) a general education development certificate recognized under State law; or

''(bb) a high school equivalency diploma in the United States;

''(iii) is enrolled in—

''(I) secondary school; or

''(II) an education program assisting student in—

''(aa) obtaining—

''(AA) a regular high school diploma; or

''(BB) the recognized equivalent of a regular high school diploma; or

''(bb) passing—

''(AA) a general educational development exam;

''(BB) a high school equivalence diploma examination; or

''(CC) any other similar State-authorized exam; or

''(iv)(I) has served, is serving, or has enlisted in the Armed Forces; or

''(II) in the case of an alien who has been discharged from the Armed Forces, has received an honorable discharge;

''(E)(i) the alien has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien was authorized to work in the United States; or

''(ii) the alien has entered into an agreement to pay, through a payment installment plan approved by the Commissioner of Internal Revenue, any applicable Federal tax liability incurred by the alien during the entire period for which the alien was authorized to work in the United States; and

''(F) the alien was under the age of 38 years on June 15, 2012.

''(c) WAIVER.—

''(1) IN GENERAL.—With respect to any benefit under this section, the Secretary may, on a case-by-case basis, waive a ground of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a)—

''(A) for humanitarian purposes; or

''(B) if the waiver is otherwise in the public interest.

''(2) QUARTERLY REPORT.—Not later than 180 days after the date of enactment of this section, and quarterly thereafter, the Secretary shall submit to Congress a report that identifies, for the preceding quarter—

''(A) the number of waivers requested by aliens under paragraph (1);

''(B) the number of waiver requests granted by the Secretary under that paragraph; and

''(C) the number of waiver requests denied by the Secretary under that paragraph.

''(d) TREATMENT OF EXPUNGED CONVICTIONS.—

''(1) IN GENERAL.—An expunged conviction shall not automatically be treated as a conviction referred to in subsection (b)(2)(C)(iii), (o)(3)(A)(iii), or (p)(1)(A)(i)(III).

''(2) CASE-BY-CASE EVALUATION.—The Secretary shall evaluate an expunged conviction on a case-by-case basis according to the nature and severity of the offense underlying the expunged conviction, based on the record of conviction, to determine whether, under the particular circumstances, the alien is eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

''(e) DACA RECIPIENTS.—With respect to a DACA recipient, the Secretary shall cancel the removal of the DACA recipient and adjust the status of the DACA recipient to the status of an alien lawfully admitted for permanent residence on a conditional basis unless, since the date on which the DACA recipient was granted deferred action status under DACA, the DACA recipient has engaged in conduct that would render an alien ineligible for deferred action status under DACA.

''(f) APPLICATION FEE.—

''(1) IN GENERAL.—The Secretary may require an alien applying for permanent resident status on a conditional basis to pay a reasonable fee that is commensurate with the cost of processing the application.

''(2) EXEMPTION.—An applicant may be exempted from paying the fee required under paragraph (1) only if the alien—

''(A)(i) is younger than 18 years of age;

''(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

''(iii) is in foster care or otherwise lacking any parental or other familial support;

''(B) is younger than 18 years of age and is homeless;

''(C)(i) cannot care for himself or herself because of a serious, chronic disability; and

''(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

''(D)(i) during the 1-year period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

''(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

''(g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

''(1) IN GENERAL.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

''(2) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any alien who is unable to provide the biometric or biographic data referred to in paragraph (1) due to of a physical impairment.

''(h) BACKGROUND CHECKS.—

''(1) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines appropriate—

''(A) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis; and

''(B) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for permanent resident status on a conditional basis.

''(2) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under paragraph (1) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants the alien permanent resident status on a conditional basis.

''(3) CRIMINAL RECORD REQUESTS.—With respect to an alien seeking permanent resident status on a conditional basis, the Secretary, in cooperation with the Secretary of State, shall seek to obtain from INTERPOL, EUROPOL, or any other international or national law enforcement agency of the country of nationality, country of citizenship, or country of last habitual residence of the alien information about any criminal activity—

''(A) in which the alien engaged in the country of nationality, country of citizenship, or country of last habitual residence of the alien; or

''(B) for which the alien was convicted in the country of nationality, country of citizenship, or country of last habitual residence of the alien.

''(i) MEDICAL EXAMINATION.—

''(1) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis shall undergo a medical examination.

''(2) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under paragraph (1).

''(j) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under that Act.

''(k) DETERMINATION OF CONTINUOUS PRESENCE.—

''(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate on the date on which the alien is served a notice to appear under section 239(a).

''(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States if the alien has departed from the United States for any period greater than 90 days or for any periods, in the aggregate, greater than 180 days.

''(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the control of the alien, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

''(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

''(l) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

''(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

''(2) ALIENS SUBJECT TO REMOVAL.—With respect to an alien who is in removal proceedings, the subject of a final removal order, or the subject of a voluntary departure order, the Attorney General shall provide the alien with a reasonable opportunity to apply for relief under this section.

''(m) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—

''(1) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

''(A) meets all the requirements described in subparagraphs (A) through (C) of subsection (b)(2), subject to subsections (c) and (d);

''(B) is at least 5 years of age; and

''(C) is enrolled in an elementary school, a secondary school, or an early childhood education program.

''(2) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in paragraph (1).

''(3) EMPLOYMENT.—An alien whose removal is stayed pursuant to paragraph (1) or who may not be placed in removal proceedings pursuant to paragraph (2) shall, on application to the Secretary, be granted an employment authorization document.

''(4) LIFT OF STAY.—The Secretary or Attorney General may not lift the stay granted to an alien under paragraph (1) unless the alien ceases to meet the requirements under that paragraph.

''(n) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law applies a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis.

''(o) TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—

''(1) PERIOD OF STATUS.—

''(A) IN GENERAL.—Permanent resident status on a conditional basis is—

''(i) subject to subparagraph (B), valid for a period of 7 years; and

''(ii) subject to termination under paragraph (3).

''(B) EXTENSION AUTHORIZED.—The Secretary may extend the period described in subparagraph (A)(i).

''(2) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this section and the requirements to have the conditional basis of that status removed.

''(3) TERMINATION OF STATUS.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

''(A) subject to subsections (c) and (d), determines that the alien—

''(i) is inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

''(ii) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; or

''(iii) has been convicted of—

''(I) a felony;

''(II) a significant misdemeanor; or

''(III) 3 or more misdemeanors—

''(aa) not occurring on the same date; and

''(bb) not arising out of the same act, omission, or scheme of misconduct; and

''(B) prior to the termination, provides the alien—

''(i) notice of the proposed termination; and

''(ii) the opportunity for a hearing to provide evidence that the alien meets the requirements or otherwise contest the termination.

''(4) RETURN TO PREVIOUS IMMIGRATION STATUS.—The immigration status of an alien whose permanent resident status on a conditional basis expires under paragraph (1)(A)(i) or is terminated under paragraph (3) or whose application for permanent resident status on a conditional basis is denied shall return to the immigration status of the alien on the day before the date on which the alien received permanent resident status on a conditional basis or applied for permanent resident status on a conditional basis, as appropriate.

''(p) REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.—

''(1) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall remove the conditional basis of the permanent resident status of an alien granted under this section and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

''(i) subject to subsections (c) and (d)—

''(I) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

''(II) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

''(III) has not been convicted of—

''(aa) a felony;

''(bb) a significant misdemeanor; or

''(cc) 3 or more misdemeanors—

''(AA) not occurring on the same date; and

''(BB) not arising out of the same act, omission, or scheme of misconduct;

''(ii) has not abandoned the residence of the alien in the United States;

''(iii)(I) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States;

''(II)(aa) has served in the Uniformed Services for at least 2 years; or

''(bb) in the case of an alien who has been discharged from the Uniformed Services, has received an honorable discharge; or

''(III) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in subsection (b)(2)(D)(iii), shall not count toward the time requirements under this clause;

''(iv)(I) has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien has been in permanent resident status on a conditional basis; or

''(II) has entered into an agreement to pay the applicable Federal tax liability through a payment installment plan approved by the Commissioner of Internal Revenue; and

''(v) has demonstrated good moral character during the entire period for which the alien has been in permanent resident status on a conditional basis.

''(B) CITIZENSHIP REQUIREMENT.—The conditional basis of the permanent resident status granted to an alien under this section may not be removed unless the alien demonstrates that the alien satisfies the requirements of section 312(a).

''(C) APPLICATION FEE.—

''(i) IN GENERAL.—The Secretary may require an alien applying for lawful permanent resident status under this subsection to pay a reasonable fee that is commensurate with the cost of processing the application.

''(ii) EXEMPTION.—An applicant may be exempted from paying the fee required under clause (i) only if the alien—

''(I)(aa) is younger than 18 years of age;

''(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

''(cc) is in foster care or otherwise lacking any parental or other familial support;

''(II) is younger than 18 years of age and is homeless;

''(III)(aa) cannot care for himself or herself because of a serious, chronic disability; and

''(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

''(IV)(aa) during the 1-year period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

''(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

''(D) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

''(i) IN GENERAL.—The Secretary may not remove the conditional basis of the permanent resident status of an alien unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

''(ii) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any applicant who is unable to provide the biometric or biographic data referred to in clause (i) due to physical impairment.

''(E) BACKGROUND CHECKS.—

''(i) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines to be appropriate—

''(I) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the permanent resident status of the alien; and

''(II) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of the conditional basis of the permanent resident status of the alien.

''(ii) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under clause (i) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the permanent resident status of the alien.

''(2) NATURALIZATION.—

''(A) IN GENERAL.—For purposes of title III, an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and to be present in the United States, as an alien lawfully admitted for permanent residence.

''(B) LIMITATIONS ON APPLICATION FOR NATURALIZATION.—

''(i) IN GENERAL.—An alien shall not be naturalized—

''(I) on any date on which the alien is in permanent resident status on a conditional basis; or

''(II) subject to clause (iii), before the date that is 12 years after the date on which the alien was granted permanent resident status on a conditional basis.

''(ii) ADVANCED FILING DATE.—Subject to clause (iii), with respect to an alien granted permanent resident status on a conditional basis, the alien may file an application for naturalization not more than 90 days before the date that is 12 years after the date on which the alien was granted permanent resident status on a conditional basis.

''(iii) REDUCTION IN PERIOD.—

''(I) IN GENERAL.—Subject to subclause (II), the 12-year period referred to in clause (i)(II) and clause (ii) may be reduced by the number of days on which the alien was a DACA recipient, if applicable.

''(II) LIMITATION.—Notwithstanding subclause (I), the reduction in the 12-year period referred to in clause (i)(II) and clause (ii) shall be not more than 2 years.

''(3) LIMITATION ON CERTAIN PARENTS.—An alien shall not be eligible to adjust status to that of an alien lawfully admitted for permanent residence based on a petition filed by a child or a son or daughter of the alien if—

''(A) the child or son or daughter was granted permanent resident status on a conditional basis; and

''(B) the alien knowingly assisted the child or son or daughter to enter the United States unlawfully.

''(q) DOCUMENTATION REQUIREMENTS.—

''(1) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

''(A) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

''(B) the alien's birth certificate and an identity card that includes the alien's name and photograph;

''(C) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

''(D) a Uniformed Services identification card issued by the Department of Defense;

''(E) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

''(F) a State-issued identification card bearing the alien's name and photograph.

''(2) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under subsection (b)(2)(A), or to establish that an alien has not abandoned residence in the United States, as required under subsection (p)(1)(A)(ii), the alien may submit documents to the Secretary, including—

''(A) employment records that include the employer's name and contact information;

''(B) records from any educational institution the alien has attended in the United States;

''(C) records of service from the Uniformed Services;

''(D) official records from a religious entity confirming the alien's participation in a religious ceremony;

''(E) passport entries;

''(F) a birth certificate for a child of the alien who was born in the United States;

''(G) automobile license receipts or registration;

''(H) deeds, mortgages, or rental agreement contracts;

''(I) tax receipts;

''(J) insurance policies;

''(K) remittance records;

''(L) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

''(M) copies of money order receipts for money sent in or out of the United States;

''(N) dated bank transactions; or

''(O) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

''(i) the name, address, and telephone number of the affiant; and

''(ii) the nature and duration of the relationship between the affiant and the alien.

''(3) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under subsection (b)(2)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

''(A) an admission stamp on the alien's passport;

''(B) records from any educational institution the alien has attended in the United States;

''(C) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;

''(D) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

''(E) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

''(F) employment records that include the employer's name and contact information;

''(G) official records from a religious entity confirming the alien's participation in a religious ceremony;

''(H) a birth certificate for a child of the alien who was born in the United States;

''(I) automobile license receipts or registration;

''(J) deeds, mortgages, or rental agreement contracts;

''(K) tax receipts;

''(L) travel records;

''(M) copies of money order receipts sent in or out of the country;

''(N) dated bank transactions;

''(O) remittance records; or

''(P) insurance policies.

''(4) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—

''(A) has been admitted to the institution; or

''(B) is currently enrolled in the institution as a student.

''(5) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

''(6) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

''(A) a high school diploma, certificate of completion, or other alternate award;

''(B) a high school equivalency diploma or certificate recognized under State law; or

''(C) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

''(7) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in subsection (b)(2)(D)(iii), (m)(1)(C), or (p)(1)(A)(iii)(III), the alien shall submit school records from the United States school that the alien is currently attending that include—

''(A) the name of the school; and

''(B) the alien's name, periods of attendance, and current grade or educational level.

''(8) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under subsection (f)(2) or (p)(1)(C)(ii), the alien shall submit to the Secretary the following relevant documents:

''(A) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in paragraph (1), that establishes that the alien is younger than 18 years of age.

''(B) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien shall provide—

''(i) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

''(ii) bank records; or

''(iii) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

''(I) the name, address, and telephone number of the affiant; and

''(II) the nature and duration of the relationship between the affiant and the alien.

''(C) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

''(i) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate;

''(ii) the name, address, and telephone number of the affiant; and

''(iii) the nature and duration of the relationship between the affiant and the alien.

''(D) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

''(i) bear the provider's name and address;

''(ii) bear the name of the individual receiving treatment; and

''(iii) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

''(9) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

''(A) a Department of Defense form DD-214;

''(B) a National Guard Report of Separation and Record of Service form 22;

''(C) personnel records for such service from the appropriate Uniformed Service; or

''(D) health records from the appropriate Uniformed Service.

''(10) DOCUMENTS ESTABLISHING EMPLOYMENT.—

''(A) IN GENERAL.—An alien may satisfy the employment requirement under section (p)(1)(A)(iii)(III) by submitting records that—

''(i) establish compliance with such employment requirement; and

''(ii) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

''(B) OTHER DOCUMENTS.—An alien who is unable to submit the records described in subparagraph (A) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

''(i) bank records;

''(ii) business records;

''(iii) employer records;

''(iv) records of a labor union, day labor center, or organization that assists workers in employment;

''(v) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

''(I) the name, address, and telephone number of the affiant; and

''(II) the nature and duration of the relationship between the affiant and the alien; and

''(vi) remittance records.

''(11) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents

does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

''(r) RULEMAKING.—

''(1) INITIAL PUBLICATION.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish in the Federal Register regulations implementing this section.

''(B) AFFIRMATIVE APPLICATION.—The regulations published under subparagraph (A) shall allow any eligible individual to immediately apply affirmatively for the relief available under subsection (b) without being placed in removal proceedings.

''(2) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to paragraph (1)(A) shall be effective, on an interim basis, immediately on publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

''(3) FINAL REGULATIONS.—Not later than 180 days after the date on which interim regulations are published under this subsection, the Secretary shall publish final regulations implementing this section.

''(4) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the 'Paperwork Reduction Act') shall not apply to any action to implement this subsection.

''(s) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—The Secretary may not disclose or use for the purpose of immigration enforcement any information provided in—

''(A) an application filed under this section; or

''(B) a request for deferred action status under DACA.

''(2) REFERRALS PROHIBITED.—The Secretary may not refer to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection any individual who—

''(A) has been granted permanent resident status on a conditional basis; or

''(B) was granted deferred action status under DACA.

''(3) LIMITED EXCEPTION.—Notwithstanding paragraphs (1) and (2), information provided in an application for permanent resident status on a conditional basis or a request for deferred action status under DACA may be shared with a Federal security or law enforcement agency—

''(A) for assistance in the consideration of an application for permanent resident status on a conditional basis;

''(B) to identify or prevent fraudulent claims;

''(C) for national security purposes; or

''(D) for the investigation or prosecution of any felony not related to immigration status.

''(4) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Cancellation of removal for certain long-term residents who entered the United States as children.''.

SEC. 3. REDUCTION OF FAMILY-SPONSORED IMMIGRANT VISAS.

(a) PROHIBITION AGAINST THE SPONSOR OF UNMARRIED CHILDREN OLDER THAN 21 YEARS OF AGE BY LAWFUL PERMANENT RESIDENTS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by striking paragraph (2) and inserting the following:

''(2) SPOUSES AND CHILDREN OF ALIENS LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—

''(A) IN GENERAL.—Qualified immigrants who are the spouse or child of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the sum of—

''(i) 114,200;

''(ii) the number (if any) by which such worldwide level exceeds 226,000; and

''(iii) the number of visas not required for the class described in paragraph (1).

''(B) TRANSITION PERIOD.—

''(i) IN GENERAL.—The Secretary of State shall not allocate a visa based on a petition filed by an alien lawfully admitted for permanent residence on behalf of an unmarried son or daughter under subparagraph (B) (as in effect on the day before the date of enactment of this Act) after December 31, 2018.

''(ii) SAVINGS CLAUSE.—The Secretary of State shall allocate a visa to a principal or derivative beneficiary of an approved petition filed by an alien lawfully admitted for permanent residence on behalf of a spouse or an unmarried son or daughter under subparagraph (B) (as in effect on the day before the date of enactment of this Act) before January 1, 2019, in accordance with that subparagraph (as in effect on the day before the date of enactment of this Act), if the principal or derivative beneficiary is otherwise eligible for the visa.

''(C) RETENTION OF PRIORITY DATE.—In the case of an alien child who is the principal or derivative beneficiary of a petition filed under subparagraph (A) who turns 21 years old before the date on which a visa becomes available, the alien may retain the priority date assigned to the alien under that subparagraph for a petition filed under this subsection.''.

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)), by striking ''section 203(a)(2)(A)'' each place such term appears and inserting ''section 203(a)(2)'';

(2) in section 201(f)(2) (8 U.S.C. 1151(f)(2)), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)'';

(3) in section 202—

(A) in subsection (a)(8 U.S.C. 1152(a))—

(i) in paragraph (2), by striking ''(3), (4), and (5)'' and inserting ''(3) and (4)''

(ii) by striking paragraph (4); and

(iii) by redesignating paragraph (5) as paragraph (4); and

(B) in subsection (e), by striking '', or as limiting the number of visas that may be issued under section 203(a)(2)(A) pursuant to subsection (a)(4)(A)'';

(4) in section 203(h)—

(A) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''; and

(B) by striking ''(a)(2)(A)'' each place such term appears and inserting ''(a)(2)'';

(5) in section 204—

(A) in subsection (a)(1)(B)—

(i) in clause (ii)—

(I) in subclause (I), by striking ''if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and''; and

(II) in subclause (II)(cc), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)''; and

(ii) in clause (iii), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)''; and

(B) in subsection (k)(1)—

(i) by striking ''alien unmarried son or daughter's classification as a family-sponsored immigrant under section 203(a)(2)(B)'' and inserting ''alien child's classification as a family-sponsored immigrant under section 203(a)(2)'';

(ii) by striking ''son or daughter'' and inserting ''child''; and

(iii) by striking ''unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1)'' and inserting ''child as an immediate relative under section 201(b)(2)''; and

(6) in section 214(q)(1)(B)(i), by striking ''(a)(2)(A)'' each place such term appears and inserting ''(a)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which—

(1) the Secretary of Homeland Security has adjudicated each petition that is filed under section 203(a)(2)(B) (as in effect on the day before the date of enactment of this Act) before January 1, 2019; and

(2) the Secretary of State has allocated to each eligible alien a visa based on a petition described in paragraph (1).

SEC. 4. BORDER SECURITY.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of Homeland Security.

(b) APPROPRIATIONS FOR BORDER SECURITY.—The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for U.S. Customs and Border Protection, namely $25,000,000,000 for—

(1) the construction of physical barriers;

(2) border security technologies;

(3) tactical infrastructure;

(4) marine vessels;

(5) aircraft;

(6) unmanned aerial systems;

(7) facilities; and

(8) equipment.

(c) AVAILABILITY FOR FISCAL YEAR 2018.—Of the amount appropriated by subsection (b), amounts shall be available for fiscal year 2018 as follows:

(1) For impedance and denial, $1,571,000,000.

(2) For domain awareness, $658,000,000.

(3) For access and mobility, $143,000,000.

(4) For the retention, recruitment, and relocation of officers of Border Patrol Agents, Customs Officers, and Air and Marine personnel, $148,000,000, including for not fewer than 615 officers of U.S. Customs and Border Protection.

(5) To hire 615 U.S. Customs and Border Protection Officers for deployment to ports of entry, $75,000,000.

(d) AVAILABILITY FOR FISCAL YEARS 2019 THROUGH 2027.—

(1) IN GENERAL.—Subject to subsection (f), of the amount appropriated by subsection (b), the amount available for each of fiscal years 2019 through 2027 shall be $2,500,000,000.

(2) LIMITATION.—Amounts appropriated under subsection (b) for fiscal years 2018 and 2019 shall only be available for operationally effective designs deployed as of the date of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety.

(e) REPORT ON PLAN FOR IMPROVEMENT OF BORDER SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives and the Committees of jurisdiction of the Senate and the House of Representatives a risk-based plan

for improving security along the borders of the United States, including the use of personnel, fencing, other forms of tactical infrastructure, and technology.

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A statement of goals, objectives, activities, and milestones for the plan.

(B) A detailed implementation schedule for the plan with estimates for the planned obligation of funds for fiscal years 2019 through 2027 that are linked to the milestone-based delivery of specific—

(i) capabilities and services;

(ii) mission benefits and outcomes;

(iii) program management capabilities; and

(iv) lifecycle cost estimates.

(C) A description of the manner in which specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs.

(D) An identification of the planned locations, quantities, and types of resources, such as fencing, other physical barriers, or other tactical infrastructure and technology, under the plan.

(E) A description of the methodology and analyses used to select specific resources for deployment to particular locations under the plan that includes—

(i) analyses of alternatives, including comparative costs and benefits;

(ii) an assessment of effects on communities and property owners near areas of infrastructure deployment; and

(iii) a description of other factors critical to the decision-making process.

(F) An identification of staffing requirements under the plan, including full-time equivalents, contractors, and detailed personnel, by activity.

(G) A description of performance metrics for the plan for assessing and reporting on the contributions of border security capabilities realized from current and future investments.

(H) A description of the status of the actions of the Department of Homeland Security to address open recommendations by the Office of Inspector General and the Government Accountability Office relating to border security, including plans, schedules, and associated milestones for fully addressing such recommendations.

(I) A comprehensive plan to consult State and local elected officials on the eminent domain and construction process relating to physical barriers;

(J) A comprehensive analysis, following consultation with the Secretary of Interior and the Administrator of the Environmental Protection Agency, of the environmental impacts of the construction and placement of physical barriers planned along the Southwest border, including barriers in the Santa Ana National Wildlife Refuge;

(K) Certifications by the Under Secretary of Homeland Security for Management, including all documents, memoranda, and a description of the investment review and information technology management oversight and processes supporting such certifications, that—

(i) the plan has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and

(ii) all activities under the plan comply with Federal acquisition rules, requirements, guidelines, and practices.

(f) LIMITATION ON AVAILABILITY FOR FISCAL YEARS 2019 THROUGH 2027.—

(1) LIMITATION.—The amount specified in subsection (d) for each of fiscal years 2019 through 2027 shall not be available for such fiscal year unless—

(A) the Secretary submits to Congress, not later than 60 days before the beginning of such fiscal year, a report setting forth—

(i) a description of every planned expenditure in such fiscal year under the plan required by subsection (e) in an amount in excess of $50,000,000;

(ii) a description of the total number of miles of security fencing or barriers that will be constructed in such fiscal year under the plan;

(iii) a statement of the number of new U.S. Customs and Border Protection Officers to be hired in such fiscal year under the plan and the intended location of deployment;

(iv) a description of the new roads to be installed in such fiscal year under the plan;

(v) a description of the land to be acquired in such fiscal year under the plan, including—

(I) all necessary land acquisitions;

(II) the total number of necessary condemnation actions; and

(III) the precise number of landowners that will be affected by the construction of such physical barriers;

(vi) a description of the amount and types of technology to be acquired for each of the northern border and the southern border in such fiscal year under the plan; and

(vii) a statement of the percentage of each of the northern border and the southern border for which the Department of Homeland Security will obtain full situational awareness in such fiscal year under the plan; and

(B) not later than October 1 of such fiscal year, the Secretary certifies to Congress that the Department of Homeland achieved not less than 75 percent of the goals of the Department under the plan (other than for land acquisition) for the prior fiscal year.

(2) AVAILABILITY WITHOUT CERTIFICATION.—If the Secretary is unable to make the certification described in paragraph (1)(B) with respect to a fiscal year as of October 1 of the succeeding fiscal year, the amount specified in subsection (d) for such succeeding fiscal year shall not be available except pursuant to an Act of Congress specifically making such amount available for such succeeding fiscal year that is enacted into law in such succeeding fiscal year.

(g) AVAILABILITY.—If amounts described in subsection (d) are available for a fiscal year, such amounts shall remain available for 5 years.

(h) LIMITATION.—Notwithstanding any other provision of law, none of the amounts appropriated under this section may be reprogrammed for or transferred to any other component of the Department of Homeland Security.

(i) BUDGET REQUEST.—An expenditure plan for amounts made available pursuant to subsection (b)—

(1) shall be included in each budget for a fiscal year submitted by the President under section 1105 of title 31, United States Code; and

(2) shall describe planned obligations by program, project, and activity in the receiving account at the same level of detail provided for in the request for other appropriations in that account.

(j) BUDGETARY EFFECTS.—

(1) IN GENERAL.—The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H.Con.Res. 71 (115th Congress).

(k) POINT OF ORDER.—

(1) DEFINITION.—In this subsection, the term ''covered appropriation amount'' means the amount appropriated for border security for a fiscal year under subsection (b).

(2) POINT OF ORDER IN THE SENATE.—

(A) POINT OF ORDER.—

(i) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would reduce the covered appropriation amount for a fiscal year.

(ii) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in clause (i), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(C) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subparagraph (A), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(D) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this paragraph may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(l) ENFORCEMENT PRIORITIES.—

(1) DEFINITIONS.—In this subsection:

(A) FELONY.—

(i) IN GENERAL.—The term ''felony'' means a Federal, State, or local criminal offense punishable by imprisonment for a term that exceeds 1 year.

(ii) EXCLUSION.—The term ''felony'' does not include a State or local criminal offense for which an essential element is the immigration status of an alien.

(B) MISDEMEANOR.—

(i) IN GENERAL.—The term ''misdemeanor'' means a Federal, State, or local criminal offense for which—

(I) the maximum term of imprisonment is—

(aa) greater than 5 days; and

(bb) not greater than 1 year; and

(II) the individual was sentenced to time in custody of 90 days or less.

(ii) EXCLUSION.—The term ''misdemeanor'' does not include a State or local offense for which an essential element is—

(I) the immigration status of the alien;

(II) a significant misdemeanor; or

(III) a minor traffic offense.

(C) SIGNIFICANT MISDEMEANOR.—

(i) IN GENERAL.—The term ''significant misdemeanor'' means a Federal, State, or local criminal offense—

(I) for which the maximum term of imprisonment is—

(aa) more than 5 days; and

(bb) not more than 1 year; and

(II)(aa) that, regardless of the sentence imposed, is—

(AA) a crime of domestic violence (as defined in section 237(a)(2)(E)(i)) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)(i)); or

(BB) an offense of—

(CC) sexual abuse or exploitation;

(DD) burglary;

(EE) unlawful possession or use of a firearm;

(FF) drug distribution or trafficking; or

(GG) driving under the influence, if the applicable State law requires, as elements of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content equal to or greater than .08; or

(bb) that resulted in a sentence of time in custody of more than 90 days.

(ii) EXCLUSION.—The term ''significant misdemeanor'' does not include a State or local offense for which an essential element is the immigration status of an alien.

(2) PRIORITIES.—In carrying out immigration enforcement activities, the Secretary shall prioritize available immigration enforcement resources to aliens who—

(A) have been convicted of—

(i) a felony;

(ii) a significant misdemeanor; or

(iii) 3 or more misdemeanor offenses;

(B) pose a threat to national security or public safety; or

(C)(i) are unlawfully present in the United States; and

(ii) arrived in the United States after June 30, 2018.

SEC. 5. OFFICE OF PROFESSIONAL RESPONSIBILITY.

Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient special agents at the Office of Professional Responsibility.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for amendment No. 1955.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 1955 to H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Angus S. King, Jr., Christopher A. Coons, Heidi Heitkamp, Joe Donnelly, Tim Kaine, Mark R. Warner, Sheldon Whitehouse, Debbie Stabenow, Margaret Wood Hassan, Jeanne Shaheen, Jack Reed, Tammy Baldwin, Patty Murray, Edward J. Markey, Amy Klobuchar, Richard J. Durbin, Brian Schatz, Charles E. Schumer.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for amendment No. 1948.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 1948 to H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Mitch McConnell, Thom Tillis, Chuck Grassley, John Cornyn, David Perdue, John Thune, Cory Gardner, Lindsey Graham, Bob Corker, James Lankford, John Hoeven, Rob Portman, Lamar Alexander, Steve Daines, Shelley Moore Capito, Dan Sullivan.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for amendment No. 1958, as modified.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 1958, as modified, to H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Mitch McConnell, Thom Tillis, Chuck Grassley, John Cornyn, David Perdue, John Thune, Cory Gardner, Lindsey Graham, Bob Corker, James Lankford, Lisa Murkowski, John Hoeven, Rob Portman, Lamar Alexander, Steve Daines, Shelley Moore Capito.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture amendment to the desk for amendment No. 1959.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 1959 to H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Mitch McConnell, Thom Tillis, Chuck Grassley, John Cornyn, David Perdue, John Thune, Cory Gardner, Lindsey Graham, Bob Corker, James Lankford, John Hoeven, Rob Portman, Lamar Alexander, Steve Daines, Shelley Moore Capito, Dan Sullivan.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 586.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Margaret Weichert, of Georgia, to be Deputy Director for Management, Office of Management and Budget.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Weichert nomination?

The nomination was confirmed.

NOMINATIONS DISCHARGED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from and the Senate proceed to the consideration of PN474–2; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(d):

To be rear admiral

Rear Adm. (lh) Steven J. Andersen
Rear Adm. (lh) Keith M. Smith

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business,

with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

25TH ANNIVERSARY OF THE FAMILY AND MEDICAL LEAVE ACT

Mr. DURBIN. Mr. President, last week marked the 25th anniversary of the Family and Medical Leave Act, a landmark law that resulted in an important victory for working families in Illinois and across the country. I am proud that I supported this bill in 1993 while serving in the House of Representatives.

Before passage of the Family and Medical Leave Act, being a working parent meant that you might have to choose between keeping your job or taking care of yourself and your family. This is an impossible choice that no hard-working American should have to make. This legislation extended important protections to workers so that they would no longer have to risk losing their job in order to care for a new child or a loved one who is seriously ill or to address their own serious health condition.

But for too many hard-working Americans, taking unpaid leave is still not an option. These workers could be fired for taking time to care for a loved one, meaning they can't buy food, clothes for their kids, or pay medical bills. In Illinois alone, unpaid leave through the Family and Medical Leave Act is inaccessible for 60 percent of working adults. I have heard from many of these constituents. They are worried about the impossible choices they are forced to make in order to take care of themselves and their loved ones.

Additionally, just 15 percent of American workers have access to paid family leave. These gaps cost nearly $21 billion in lost wages annually, making it more difficult for parents and family caregivers to boost their earnings and savings over time.

At the same time, the responsibilities of the American workforce have changed in the past 25 years. As working Americans get older, they are more likely to require medical care and support from their loved ones to recover from illness. At the same time, more and more women are becoming the breadwinner for their families; among women of color in my home State, this trend couldn't be clearer. Eighty-four percent of Black mothers and 49 percent of Latina mothers in Illinois are the breadwinners in their family.

In Congress, we must do more to ensure that family leave is widely accessible and fits the needs of today's workforce. I am proud to be a cosponsor of the FAMILY Act, which would create a national paid family and medical leave policy. Expanding access to paid family leave makes it easier for parents and caregivers to return to their jobs and stay in the workforce. It also means they have more money to spend and put back into their local economies. This policy doesn't just make moral sense, it makes economic sense.

As we mark the 25th anniversary of the Family and Medical Leave Act, I hope that Congress can come together on this issue and expand paid family and medical leave to cover more Americans. I am committed to doing my part to ensure fairer workplaces and better health and financial security for hardworking families across the country.

REMEMBERING GLADYS LLANES

Mr. RUBIO. Mr. President, today I want to commemorate the life of Gladys Llanes, who passed away last week in Miami, FL. As she was in life, in the end, she was surrounded by family and friends who loved and cared for her deeply. Gladys served as a senior constituent services representative in my office specializing in immigration issues.

I was not the first Senator for whom Gladys worked. That honor goes to the senior Senator from New Jersey. Even though she had lived in South Florida for a number of years, Gladys remained a Jersey girl through and through.

I was fortunate to have Gladys in my office, and the people of Florida were fortunate to have Gladys working for them because she was the best at what she did. I do not say that as conjecture; I know she was the best. I heard it from her colleagues, from the constituents she served, from the attorneys she assisted, and from the agency with which she worked daily. Gladys was so good at her job that, when the agency wanted to train their own staff on how to work with congressional offices, they brought Gladys to their training throughout the country to help teach agency staff. That is high praise and an acknowledgment of professional excellence. The stories have come rushing out as people have heard of her passing: families reunited who thought they would never see each other again, daughters able to spend the last moments of their parent's life with them because of a visa issued, family members who needed admittance to this country to donate organs to loved ones, children who are alive today because Gladys helped them get into this country to receive the lifesaving treatment they needed. Repeatedly, Gladys found ways to make the seemingly impossible possible. She lived an impactful and meaningful life and touched thousands of lives for the better.

But there was so much more to Gladys than just her professional success. Gladys was fiercely patriotic and loved America—not the ideals of America or America in theory, she loved America, and she made it her mission to see as much of it as possible. In her 50th year, Gladys met her goal of seeing each of the 50 States. Just driving through a State or transferring in an airport did not count; she actually had to spend time there. She loved to visit lighthouses, national parks, and Major League Baseball stadiums. Thwarted constantly in her goal to see all the ballparks because they kept opening new ones, she had a ready excuse to go back to those cities again and see another game.

Gladys did not just love America; she loved Americans. She could not visit to a town, eat a meal, fly on a plane, or stand in a line without making a friend. Funny and full of life, Gladys attracted friends like few others. She knew someone almost everywhere and stayed in touch constantly. When she would go back through their State, she would go out of her way to visit, share a meal, and stay at their homes. When folks from across the country came to south Florida, they wanted see the ocean and feel the Sun, but they also wanted to catch up with their friend Gladys. Everywhere that Gladys went, she took photos. Family photos, landscape photos, photos of friends—Gladys would tell you, if you did not take a photo, how would you know it happened? I cannot count how many photos I took with Gladys—easily dozens. We took one together almost every time I saw her, and I can trace how being a Senator has aged me just going through my photos with Gladys over the years. Sometimes I would take a photo with her after having taken one a few days before and wonder why we needed to take another one so soon. Nevertheless, Gladys always insisted we take one more photo. What we would not give to have a few more opportunities to take more photos with her.

A photo captures a moment in times, moments that are fleeting and pass instantly, but added up, life is a series of moments and memories. Gladys Llanes captured those moments to live a life full of joy and accomplishment. She is missed by her friends and family, and we will remember her and all the moments she was with us.

ADDITIONAL STATEMENTS

TRIBUTE TO PAUL REEDER

• Mr. TESTER. Mr. President, today I wish to honor Paul Reeder, a retired Billings Police Department chaplain, for his unwavering faith, rock-solid dedication, and compassionate heart.

His words of wisdom have brought comfort, peace, and joy to families all across Billings and the State of Montana.

Paul was born to John and Ella Reeder during the Great Depression, and as a young boy, Paul helped support his family, working in their garden, raising food, and helping to preserve it each fall.

Paul took his first job in the ministry in 1955 in Valier, MT, before moving to Havre in 1958 to pastor at the First Baptist Church.

In 1966, he and his family moved to Great Falls, where he led the Riverview

Baptist Church. After a few years there, he reached out to other community organizations in the area facing administrative challenges.

Finally, he, his wife, Mary, and their three children Doug, Karen, and Barbara moved to Billings, where Paul accepted the directorship of Friendship House of Christian Service. He helped coordinate and expand programs there including early childcare, afterschool programs, and nutrition classes.

Though Paul is retired, he continues to preach one Sunday each month at All Nations Church and still attends morning briefings at the Billings Police Department.

Paul has built a life around helping others and building stronger communities.

He is a role model for Montana, and Billings is a better place because of his work.●

MESSAGE FROM THE HOUSE

At 11:20 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3397. An act to direct the National Science Foundation to support STEM education research focused on early childhood.

H.R. 4376. An act to direct the Secretary of Energy to carry out certain upgrades to research equipment and the construction of a research user facility, and for other purposes.

H.R. 4377. An act to direct the Secretary of Energy to carry out certain upgrades to research equipment and construct research user facilities, and for other purposes.

H.R. 4378. An act to direct the Secretary of Energy to carry out the construction of a versatile reactor-based fast neutron source, and for other purposes.

H.R. 4533. An act to designate the health care system of the Department of Veterans Affairs in Lexington, Kentucky, as the ''Lexington VA Health Care System'' and to make certain other designations.

H.R. 4675. An act to amend the Energy Policy Act of 2005 to provide for a low-dose radiation basic research program.

H.R. 4979. An act to extend the Generalized System of Preferences and to make technical changes to the competitive need limitations provision of the program.

ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) reported that on today, February 14, 2018, he has signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 96. An act to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3397. An act to direct the National Science Foundation to support STEM education research focused on early childhood; to the Committee on Commerce, Science, and Transportation.

H.R. 4376. An act to direct the Secretary of Energy to carry out certain upgrades to research equipment and the construction of a research user facility, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4377. An act to direct the Secretary of Energy to carry out certain upgrades to research equipment and construct research user facilities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4378. An act to direct the Secretary of Energy to carry out the construction of a versatile reactor-based fast neutron source, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4675. An act to amend the Energy Policy Act of 2005 to provide for a low-dose radiation basic research program; to the Committee on Energy and Natural Resources.

H.R. 4979. An act to extend the Generalized System of Preferences and to make technical changes to the competitive need limitations provision of the program; to the Committee on Finance.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 14, 2018, she had presented to the President of the United States the following enrolled bill:

S. 96. An act to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 951. A bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, and for other purposes (Rept. No. 115–208).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

*Michael Rigas, of Massachusetts, to be Deputy Director of the Office of Personnel Management.

*Jeff Tien Han Pon, of Virginia, to be Director of the Office of Personnel Management for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARDIN (for himself, Mr. BROWN, and Ms. WARREN):

S. 2425. A bill to amend the Internal Revenue Code of 1986 to repeal the Internal Revenue Service's private debt collection program; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 2426. A bill to amend the Agricultural Act of 2014 to return premiums paid under the margin protection program for dairy producers to participating dairy operations; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PETERS (for himself and Mr. BURR):

S. 2427. A bill to establish a task force to identify countervailable subsidies and dumping; to the Committee on Finance.

By Mr. HATCH:

S. 2428. A bill to amend the Commodity Exchange Act to exempt certain small entities dealing in foreign exchange that serve small- and medium-sized businesses from certain capital and margin requirements, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself, Mr. CORNYN, Ms. KLOBUCHAR, Mr. NELSON, Mr. PORTMAN, Mr. TILLIS, and Mrs. FEINSTEIN):

S. 2429. A bill to amend chapter 77 of title 18, United States Code, to clarify that using drugs or illegal substances to cause a person to engage in a commercial sex act constitutes coercion and using drugs or illegal substances to provide or obtain the labor or services of a person constitutes forced labor; to the Committee on the Judiciary.

By Mr. COONS (for himself, Mr. ROUNDS, Mr. MORAN, Mr. DONNELLY, Mr. MANCHIN, Mrs. ERNST, Mrs. CAPITO, and Ms. CORTEZ MASTO):

S. 2430. A bill to provide a permanent appropriation of funds for the payment of death gratuities and related benefits for survivors of deceased members of the uniformed services in event of any period of lapsed appropriations; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 406. A resolution to authorize representation by the Senate Legal Counsel in the case of United States v. Ahmed Alahmedalabdaloklah; considered and agreed to.

ADDITIONAL COSPONSORS

S. 266

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. BOOKER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 292

At the request of Mr. REED, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from

Mississippi (Mr. WICKER) were added as cosponsors of S. 292, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 339

At the request of Mr. NELSON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 339, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 424

At the request of Mr. BOOKER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 424, a bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes.

S. 732

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 732, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

At the request of Mr. BOOZMAN, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 732, supra.

S. 751

At the request of Mr. WARNER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 751, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 915

At the request of Mr. BROWN, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 915, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 980

At the request of Mrs. CAPITO, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 980, a bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program.

S. 1027

At the request of Mr. HATCH, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1027, a bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 1050

At the request of Ms. DUCKWORTH, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1215

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 1215, a bill to amend part E of title IV of the Social Security Act to allow States that provide foster care for children up to age 21 to serve former foster youths through age 23 under the John H. Chafee Foster Care Independence Program.

S. 1537

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1537, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 1689

At the request of Mr. BOOKER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1689, a bill to amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes.

S. 1719

At the request of Mr. BLUNT, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1719, a bill to eliminate duties on imports of recreational performance outerwear, to establish the Sustainable Textile and Apparel Research Fund, and for other purposes.

S. 1917

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. YOUNG) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1917, a bill to reform sentencing laws and correctional institutions, and for other purposes.

S. 2032

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2032, a bill to make certain footwear eligible for duty-free treatment under the Generalized System of Preferences, and for other purposes.

S. 2076

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2076, a bill to amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

S. 2147

At the request of Mr. BROWN, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 2147, a bill to amend the Internal Revenue Code of 1986 to create a Pension Rehabilitation Trust Fund to establish a Pension Rehabilitation Administration within the Department of the Treasury to make loans to multiemployer defined benefit plans, and for other purposes.

S. 2270

At the request of Mr. DAINES, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2270, a bill to make improvements to the account for the State response to the opioid abuse crisis to improve tribal health.

S. 2324

At the request of Mr. HELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2324, a bill to amend the Investment Company Act of 1940 to change certain requirements relating to the capital structure of business development companies, to direct the Securities and Exchange Commission to revise certain rules relating to business development companies, and for other purposes.

S. 2345

At the request of Mr. CORNYN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 2345, a bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide additional resources to State and local prosecutors, and for other purposes.

S. 2353

At the request of Mr. COTTON, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2353, a bill to require the Secretary of the Treasury to report on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes.

S. 2354

At the request of Mr. UDALL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2354, a bill to provide for the administration of certain national monuments, to establish a National Monument Enhancement Fund, and to establish certain wilderness areas in the States of New Mexico and Nevada.

S. 2379

At the request of Mr. KAINE, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2379, a bill to improve and expand authorities, programs, services, and benefits for military spouses and military families, and for other purposes.

S. 2421

At the request of Mrs. FISCHER, the name of the Senator from Nebraska

(Mr. SASSE) was added as a cosponsor of S. 2421, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide an exemption from certain notice requirements and penalties for releases of hazardous substances from animal waste at farms.

S. RES. 61

At the request of Mr. DONNELLY, his name was added as a cosponsor of S. Res. 61, a resolution calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States.

S. RES. 368

At the request of Mr. CORKER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. Res. 368, a resolution supporting the right of all Iranian citizens to have their voices heard.

S. RES. 402

At the request of Mr. CARDIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. Res. 402, a resolution calling upon the President to exercise relevant mandatory sanctions authorities under the Countering America's Adversaries Through Sanctions Act in response to the Government of the Russian Federation's continued aggression in Ukraine and illegal occupation of Crimea and assault on democratic institutions around the world, including through cyber attacks.

AMENDMENT NO. 1948

At the request of Mr. TOOMEY, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from West Virginia (Mr. MANCHIN), the Senator from Nevada (Mr. HELLER), the Senator from Louisiana (Mr. KENNEDY) and the Senator from Montana (Mr. DAINES) were added as cosponsors of amendment No. 1948 proposed to H.R. 2579, a bill to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

AMENDMENT NO. 1954

At the request of Mr. HELLER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1954 intended to be proposed to H.R. 2579, a bill to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 406—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF UNITED STATES V. AHMED ALAHMEDALABDALOKLAH

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 406

Whereas, in the case of *United States v. Ahmed Alahmedalabdaloklah*, No. CR–12–01263–001–PHX–ROS, pending in the United States District Court for the District of Arizona, the defendant has issued a subpoena for testimony and documents to Senator Lindsey Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Lindsey Graham in this matter.

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Mr. SCHUMER, I send to the desk a resolution authorizing representation by the Senate Legal Counsel and ask for its immediate consideration.

Mr. MCCONNELL. Mr. President, this resolution concerns a subpoena from the defendant in a criminal case pending in Arizona Federal court. The defendant is charged with various crimes alleging his assistance to an Iraqi insurgent group by supplying parts for use in improvised explosive devices. The defendant issued a trial subpoena to Senator GRAHAM for testimony and documents arising out of his Senate duties. As any information Senator GRAHAM would have in this matter would have been acquired as part of his legislative duties, the information sought would be privileged under the Speech or Debate Clause. This resolution would authorize the Senate Legal Counsel to represent Senator GRAHAM and move to quash the subpoena.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1957. Mr. FLAKE (for himself and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table.

SA 1958. Mr. SCHUMER (for himself, Mr. ROUNDS, Mr. KING, Ms. COLLINS, Mr. MANCHIN, Mr. GRAHAM, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. GARDNER, Ms. HEITKAMP, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. WARNER) proposed an amendment to the bill H.R. 2579, supra.

SA 1959. Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. TILLIS, Mr. LANKFORD, Mr. COTTON, Mr. PERDUE, Mr. CORNYN, Mr. ALEXANDER, and Mr. ISAKSON) proposed an amendment to the bill H.R. 2579, supra.

SA 1960. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1961. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1962. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1963. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1964. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1965. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1966. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1967. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1968. Mr. CARDIN (for himself, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Mr. REED, Mr. KAINE, Mr. MARKEY, Ms. SMITH, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1969. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1970. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1971. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1972. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1973. Mr. GRAHAM (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1974. Ms. SMITH submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1975. Mrs. MCCASKILL (for herself, Mr. TESTER, and Ms. HEITKAMP) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1976. Ms. DUCKWORTH (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1977. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1978. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1979. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1980. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1981. Ms. DUCKWORTH (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1982. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 1959 proposed by Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. TILLIS, Mr. LANKFORD, Mr. COTTON, Mr. PERDUE, Mr. CORNYN, Mr. ALEXANDER, and Mr. ISAKSON) to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1983. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1984. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1985. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1986. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1987. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1988. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1989. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1990. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1991. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1992. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1993. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1994. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1995. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1996. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1997. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1998. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 1999. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2000. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2001. Ms. KLOBUCHAR (for herself and Ms. HEITKAMP) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2002. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2003. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2004. Mrs. SHAHEEN (for herself and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2005. Mrs. SHAHEEN (for herself, Mr. LEAHY, and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2006. Mrs. SHAHEEN (for herself and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2007. Mrs. MURRAY (for herself, Ms. CORTEZ MASTO, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2008. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2009. Ms. CORTEZ MASTO (for herself, Mr. LEAHY, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2010. Mr. ROUNDS (for himself, Mr. KING, Ms. COLLINS, Mr. MANCHIN, Mr. GRAHAM, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. GARDNER, Ms. HEITKAMP, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2011. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2012. Mr. HEINRICH (for himself, Mr. UDALL, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2013. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2014. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2015. Mr. HEINRICH (for himself, Ms. HEITKAMP, and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2016. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2017. Mr. FLAKE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1957. Mr. FLAKE (for himself and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Three-Year DACA Extension Act''.

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

TITLE I—BORDER SECURITY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $5,013,000,000 to the Department of Homeland Security for fiscal years 2018 through 2020 for the purpose of improving border security.

SEC. 102. OPERATIONS AND SUPPORT.

(a) PURPOSE.—It is the purpose of this section to establish a Border Security Enforcement Fund (referred to in this section as the ''Fund''), to be administered through the Department of Homeland Security and, in fiscal year 2018 only, through the Department of State, to provide for costs necessary to implement this Act and other Acts related to border security for activities, including—

(1) constructing, installing, deploying, operating, and maintaining tactical infrastructure and technology in the vicinity of the United States border—

(A) to achieve situational awareness and operational control of the border; and

(B) to deter, impede, and detect illegal activity in high traffic areas; and

(C) to implement other border security provisions under titles I and II;

(2) implementing port of entry provisions under titles I and II;

(3) purchasing new aircraft, vessels, spare parts, and equipment to operate and maintain such craft; and

(4) hiring and recruitment.

(b) FUNDING.—There are authorized to be appropriated, and are appropriated, to the Fund, out of any monies in the Treasury not otherwise appropriated, a total of $7,639,000,000, as follows:

(1) For fiscal year 2018, $2,947,000,000, to remain available through fiscal year 2022.

(2) For fiscal year 2019, $2,225,000,000, to remain available through fiscal year 2023.

(3) For fiscal year 2020, $2,467,000,000, to remain available through fiscal year 2024.

(c) PHYSICAL BARRIERS.—

(1) IN GENERAL.—In each of the following fiscal years, the Secretary of Homeland Security shall transfer, from the Fund to the U.S. Customs and Border Protection—Procurement, Construction and Improvements account, for the purpose of constructing, replacing, or planning physical barriers along the United States land border, a total of $5,013,000,000, as follows:

(A) $1,571,000,000 for fiscal year 2018.

(B) $1,600,000,000 for fiscal year 2019.

(C) $1,842,000,000 for fiscal year 2020.

(2) AVAILABILITY OF FUNDS.—Notwithstanding section 1552(a) of title 31, United States Code, any amounts obligated for the purposes described in this subsection shall remain available for disbursement until expended.

(d) TRANSFER AUTHORITY.—Other than the amounts transferred by the Secretary of

Homeland Security and the Secretary of State pursuant to subsections (b) and (c), the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives may provide for the transfer of amounts in the Fund for each fiscal year to eligible activities under this section, including—

(1) for the purpose of constructing, replacing, or planning for physical barriers along the United States land border; or

(2) for any of the technologies described in subsection (a).

(e) USE OF FUND.—If the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives do not provide for the transfer of funds in a full-year appropriation in any fiscal year in accordance with subsection (d), the Secretary of Homeland Security shall transfer amounts in the Fund to accounts within the Department of Homeland Security for eligible activities under this section, including not less than the amounts specified in subsection (c) for the purpose of constructing, replacing, or planning for physical barriers along the United States land border.

(f) BUDGET REQUEST.—A request for the transfer of amounts in the Fund under this section—

(1) shall be included in each budget for a fiscal year submitted by the President under section 1105 of title 31, United States Code; and

(2) shall detail planned obligations by program, project, and activity in the receiving account at the same level of detail provided for in the request for other appropriations in that account.

(g) REPORTING REQUIREMENT.—At the beginning of fiscal year 2019, and annually thereafter until the funding made available under this title has been expended, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that describes—

(1) the status of border security in the United States; and

(2) the amount planned to be expended on border security during the upcoming fiscal year, broken down by project and activity.

TITLE II—DACA EXTENSION

SEC. 201. PROVISIONAL PROTECTED PRESENCE FOR YOUNG INDIVIDUALS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 244A. PROVISIONAL PROTECTED PRESENCE.

''(a) DEFINITIONS.—In this section:

''(1) DACA RECIPIENT.—- The term 'DACA recipient' means an alien who is in deferred action status on the date of the enactment of this section pursuant to the Deferred Action for Childhood Arrivals ('DACA') Program announced on June 15, 2012.

''(2) FELONY.—The term 'felony' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status) punishable by imprisonment for a term exceeding 1 year.

''(3) MISDEMEANOR.—The term 'misdemeanor' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status, a significant misdemeanor, and a minor traffic offense) for which—

''(A) the maximum term of imprisonment is greater than five days and not greater than 1 year; and

''(B) the individual was sentenced to time in custody of 90 days or less.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(5) SIGNIFICANT MISDEMEANOR.—The term 'significant misdemeanor' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status) for which the maximum term of imprisonment is greater than 5 days and not greater than 1 year that—

''(A) regardless of the sentence imposed, is a crime of domestic violence (as defined in section 237(a)(2)(E)(i)) or an offense of sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence if the State law requires, as an element of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content of .08 or higher; or

''(B) resulted in a sentence of time in custody of more than 90 days, excluding an offense for which the sentence was suspended.

''(6) THREAT TO NATIONAL SECURITY.—An alien is a 'threat to national security' if the alien is—

''(A) inadmissible under section 212(a)(3); or

''(B) deportable under section 237(a)(4).

''(7) THREAT TO PUBLIC SAFETY.—An alien is a 'threat to public safety' if the alien—

''(A) has been convicted of an offense for which an element was participation in a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

''(B) has engaged in a continuing criminal enterprise (as defined in section 408(c) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848(c))).

''(b) AUTHORIZATION.—The Secretary—

''(1) shall grant provisional protected presence to an alien who files an application demonstrating that he or she meets the eligibility criteria under subsection (c) and pays the appropriate application fee;

''(2) may not remove such alien from the United States during the period in which such provisional protected presence is in effect unless such status is rescinded pursuant to subsection (g); and

''(3) shall provide such alien with employment authorization.

''(c) ELIGIBILITY CRITERIA.—An alien is eligible for provisional protected presence under this section and employment authorization if the alien—

''(1) was born after June 15, 1981;

''(2) entered the United States before reaching 16 years of age;

''(3) continuously resided in the United States between June 15, 2007, and the date on which the alien files an application under this section;

''(4) was physically present in the United States on June 15, 2012, and on the date on which the alien files an application under this section;

''(5) was unlawfully present in the United States on June 15, 2012;

''(6) on the date on which the alien files an application for provisional protected presence—

''(A) is enrolled in school or in an education program assisting students in obtaining a regular high school diploma or its recognized equivalent under State law, or in passing a general educational development exam or other State-authorized exam;

''(B) has graduated or obtained a certificate of completion from high school;

''(C) has obtained a general educational development certificate; or

''(D) is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;

''(7) has not been convicted of—

''(A) a felony;

''(B) a significant misdemeanor; or

''(C) 3 or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct; and

''(8) does not otherwise pose a threat to national security or a threat to public safety.

''(d) DURATION OF PROVISIONAL PROTECTED PRESENCE AND EMPLOYMENT AUTHORIZATION.—Provisional protected presence and the employment authorization provided under this section shall be effective until the date that is 3 years after the date of the enactment of this section.

''(e) STATUS DURING PERIOD OF PROVISIONAL PROTECTED PRESENCE.—

''(1) IN GENERAL.—An alien granted provisional protected presence is not considered to be unlawfully present in the United States during the period beginning on the date such status is granted and ending on the date described in subsection (d).

''(2) STATUS OUTSIDE PERIOD.—The granting of provisional protected presence under this section does not excuse previous or subsequent periods of unlawful presence.

''(f) APPLICATION.—

''(1) AGE REQUIREMENT.—

''(A) IN GENERAL.—An alien who has never been in removal proceedings, or whose proceedings have been terminated before making a request for provisional protected presence, shall be at least 15 years old on the date on which the alien submits an application under this section.

''(B) EXCEPTION.—The age requirement set forth in subparagraph (A) shall not apply to an alien who, on the date on which the alien applies for provisional protected presence, is in removal proceedings, has a final removal order, or has a voluntary departure order.

''(2) APPLICATION FEE.—

''(A) IN GENERAL.—The Secretary may require aliens applying for provisional protected presence and employment authorization under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

''(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

''(i)(I) is younger than 18 years of age;

''(II) received total income during the 12-month period immediately preceding the date on which the alien files an application under this section that is less than 150 percent of the United States poverty level; and

''(III) is in foster care or otherwise lacking any parental or other familial support;

''(ii) is younger than 18 years of age and is homeless;

''(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

''(II) received total income during the 12-month period immediately preceding the date on which the alien files an application under this section that is less than 150 percent of the United States poverty level; or

''(iv)(I) as of the date on which the alien files an application under this section, has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

''(II) received total income during the 12-month period immediately preceding the date on which the alien files an application under this section that is less than 150 percent of the United States poverty level.

''(3) REMOVAL STAYED WHILE APPLICATION PENDING.—The Secretary may not remove an alien from the United States who appears prima facie eligible for provisional protected

presence while the alien's application for provisional protected presence is pending.

''(4) ALIENS NOT IN IMMIGRATION DETENTION.—An alien who is not in immigration detention, but who is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order, may apply for provisional protected presence under this section if the alien appears prima facie eligible for provisional protected presence.

''(5) ALIENS IN IMMIGRATION DETENTION.—The Secretary shall provide any alien in immigration detention, including any alien who is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order, who appears prima facie eligible for provisional protected presence, upon request, with a reasonable opportunity to apply for provisional protected presence under this section.

''(6) CONFIDENTIALITY.—

''(A) IN GENERAL.—The Secretary shall protect information provided in applications for provisional protected presence under this section and in requests for consideration of DACA from disclosure to U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection for the purpose of immigration enforcement proceedings.

''(B) REFERRALS PROHIBITED.—The Secretary may not refer individuals whose cases have been deferred pursuant to DACA or who have been granted provisional protected presence under this section to U.S. Immigration and Customs Enforcement.

''(C) LIMITED EXCEPTION.—The information submitted in applications for provisional protected presence under this section and in requests for consideration of DACA may be shared with national security and law enforcement agencies—

''(i) for assistance in the consideration of the application for provisional protected presence;

''(ii) to identify or prevent fraudulent claims;

''(iii) for national security purposes; and

''(iv) for the investigation or prosecution of any felony not related to immigration status.

''(7) ACCEPTANCE OF APPLICATIONS.—Not later than 60 days after the date of the enactment of this section, the Secretary shall begin accepting applications for provisional protected presence and employment authorization.

''(g) RESCISSION OF PROVISIONAL PROTECTED PRESENCE.—The Secretary may not rescind an alien's provisional protected presence or employment authorization granted under this section unless the Secretary determines that the alien—

''(1) has been convicted of—

''(A) a felony;

''(B) a significant misdemeanor; or

''(C) 3 or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct;

''(2) poses a threat to national security or a threat to public safety;

''(3) has traveled outside of the United States without authorization from the Secretary; or

''(4) has ceased to continuously reside in the United States.

''(h) TREATMENT OF BRIEF, CASUAL, AND INNOCENT DEPARTURES AND CERTAIN OTHER ABSENCES.—For purposes of subsections (c)(3) and (g)(4), an alien shall not be considered to have failed to continuously reside in the United States due to—

''(1) brief, casual, and innocent absences from the United States during the period beginning on June 15, 2007, and ending on August 14, 2012; or

''(2) travel outside of the United States on or after August 15, 2012, if such travel was authorized by the Secretary.

''(i) TREATMENT OF EXPUNGED CONVICTIONS.—For purposes of subsections (c)(7) and (g)(1), an expunged conviction shall not automatically be treated as a disqualifying felony, significant misdemeanor, or misdemeanor, but shall be evaluated on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the alien should be eligible for provisional protected presence under this section.

''(j) EFFECT OF DEFERRED ACTION UNDER DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM.—

''(1) PROVISIONAL PROTECTED PRESENCE.—A DACA recipient is deemed to have provisional protected presence under this section through the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application.

''(2) EMPLOYMENT AUTHORIZATION.—If a DACA recipient has been granted employment authorization by the Secretary in addition to deferred action, the employment authorization shall continue through the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application.

''(3) EFFECT OF APPLICATION.—If a DACA recipient files an application for provisional protected presence under this section not later than the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application, the alien's provisional protected presence, and any employment authorization, shall remain in effect pending the adjudication of such application.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Provisional protected presence.''.

SA 1958. Mr. SCHUMER (for himself, Mr. ROUNDS, Mr. KING, Ms. COLLINS, Mr. MANCHIN, Mr. GRAHAM, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. GARDNER, Ms. HEITKAMP, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. WARNER) proposed an amendment to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Immigration Reform Act of 2018''.

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

TITLE I—BORDER SECURITY

Subtitle A—Appropriations for U.S. Customs and Border Protection

SEC. 101. OPERATIONS AND SUPPORT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018, and in addition to any amounts otherwise provided in such fiscal year, $675,000,000 to U.S. Customs and Border Protection for ''Operations and Support'', to remain available until September 30, 2019, which shall be available as follows:

(1) $531,000,000 for—

(A) border security technologies;

(B) facilities;

(C) equipment; and

(D) the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems.

(2) $48,000,000 for retention, recruitment, and relocation of Border Patrol Agents, Customs Officers, and Air and Marine personnel.

(3) $75,000,000 to hire 615 additional U.S. Customs and Border Protection Officers for deployment to ports of entry.

(4) $21,000,000 for data circuits and network bandwidth surveillance and associated personnel.

SEC. 102. PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018, and in addition to any amounts otherwise provided in such fiscal year, $2,030,239,000 for ''Procurement, Construction, and Improvements'', to remain available until September 30, 2022, which shall be available as follows:

(1) $784,000,000 for 32 miles of border bollard fencing in the Rio Grande Valley Sector, Texas.

(2) $498,000,000 for 28 miles of a bollard levee fencing in the Rio Grande Valley Sector, Texas.

(3) $251,000,000 for 14 miles of secondary fencing in the San Diego Sector, California.

(4) $444,000,000 for border security technologies, marine vessels, aircraft unmanned aerial systems, facilities, and equipment.

(5) $38,239,000 to prepare the reports required under subsections (b) and (c) of section 103.

(6) $15,000,000 for chemical screening devices (as defined in section 2 of the INTERDICT Act (Public Law 115–112)).

SEC. 103. ADMINISTRATIVE PROVISIONS.

(a) LIMITATION.—Amounts appropriated under paragraphs (1) through (3) of section 102 shall only be available for operationally effective designs deployed as of the date of the enactment of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety.

(b) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit an interim report to the Committee on Appropriations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States that—

(1) identifies, with respect to the physical barriers described in paragraphs (1) through (3) of section 102—

(A) all necessary land acquisitions;

(B) the total number of necessary condemnation actions; and

(C) the precise number of landowners that will be impacted by the construction of such physical barriers;

(2) contains a comprehensive plan to consult State and local elected officials on the eminent domain and construction process relating to such physical barriers;

(3) provides, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, a comprehensive analysis of the environmental impacts of the construction and placement of such physical barriers along the Southwest border, including barriers in the Santa Ana National Wildlife Refuge; and

(4) includes, for each barrier segment described in paragraphs (1) through (3) of section 102, a thorough analysis and comparison of alternatives to a physical barrier to determine the most cost effective security solution, including—

(A) underground sensors;

(B) infrared or other day/night cameras;

(C) tethered or mobile aerostats;

(D) drones or other airborne assets;

(E) integrated fixed towers; and

(F) the deployment of additional border personnel.

(c) ANNUAL REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report containing all of the information required under paragraphs (1) through (4) of subsection (b) to the Committee on Appropriations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States.

(d) GAO EVALUATION.—Not later than 180 days after the date on which the Secretary of Homeland Security submits each report described in subsections (b) and (c), the Comptroller General of the United States shall submit an evaluation of the strengths and weaknesses of the report to the Committee on Appropriations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Appropriations of the House of Representatives.

(e) RESCISSION.—Notwithstanding any other provision of law, any amounts appropriated under paragraphs (1) through (3) of section 102 that remain available after the completion of the construction projects described in such paragraphs shall be rescinded and returned to the general fund of the Treasury.

(f) PROHIBITION.—Notwithstanding any other provision of law, none of the amounts appropriated under this subtitle may be reprogrammed or transferred for any other activity within the Department of Homeland Security.

Subtitle B—Improving Border Safety and Security

SEC. 111. BORDER ACCESS ROADS.

(a) CONSTRUCTION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct roads along the Southern land border of the United States to facilitate safe and swift access for U.S. Customs and Border Protection personnel to access the border for purposes of patrol and apprehension.

(2) TYPES OF ROADS.—The roads constructed under paragraph (1) shall include—

(A) access roads;

(B) border roads;

(C) patrol roads; and

(D) Federal, State, local, and privately-owned roads.

(b) MAINTENANCE.—The Secretary of Homeland Security, in partnership with local stakeholders, shall maintain roads used for patrol and apprehension.

(c) POLICY GUIDANCE.—The Secretary of Homeland Security shall—

(1) develop such policies and guidance for documenting agreements with landowners relating to the construction of roads under subsection (a) as the Secretary determines to be necessary;

(2) share the policies and guidance developed under paragraph (1) with each Border Patrol Sector of U.S. Customs and Border Protection;

(3) document and communicate the process and criteria for prioritizing funding for operational roads not owned by the Federal Government; and

(4) assess the feasibility of options for addressing the maintenance of non-Federal public roads, including any data needs relating to such maintenance.

SEC. 112. FLEXIBILITY IN EMPLOYMENT AUTHORITIES.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

"§ 9702. U.S. Customs and Border Protection employment authorities

''(a) DEFINITIONS.—In this section—

''(1) the term 'CBP employee' means an employee of U.S. Customs and Border Protection;

''(2) the term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection;

''(3) the term 'Director' means the Director of the Office of Personnel Management;

''(4) the term 'rural or remote area' means an area within the United States that is not within an area defined and designated as an urbanized area by the Bureau of the Census during the most recently completed decennial census; and

''(5) the term 'Secretary' means the Secretary of Homeland Security.

''(b) DEMONSTRATION OF RECRUITMENT AND RETENTION DIFFICULTIES IN RURAL OR REMOTE AREAS.—

''(1) IN GENERAL.—For purposes of subsections (c) and (d), the Secretary shall determine, for a rural or remote area, whether there is—

''(A) a critical hiring need in the area; and

''(B) a direct relationship between—

''(i) the rural or remote nature of the area; and

''(ii) difficulty in the recruitment and retention of CBP employees in the area.

''(2) FACTORS.—To inform the determination of a direct relationship under paragraph (1)(B), the Secretary may consider evidence—

''(A) that the Secretary—

''(i) is unable to efficiently and effectively recruit individuals for positions as CBP employees, which may be demonstrated with various types of evidence, including—

''(I) evidence that multiple positions have been continuously vacant for significantly longer than the national average period for which similar positions in U.S. Customs and Border Protection are vacant; or

''(II) recruitment studies that demonstrate the inability of the Secretary to efficiently and effectively recruit CBP employees for positions in the area; or

''(ii) experiences a consistent inability to retain CBP employees that negatively impacts agency operations at a local or regional level; or

''(B) of any other inability, directly related to recruitment or retention difficulties, that the Secretary determines sufficient.

''(c) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

''(1) DIRECT HIRE AUTHORITY.—

''(A) IN GENERAL.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees, in a rural or remote area, if the Secretary—

''(i) determines that—

''(I) there is a critical hiring need; and

''(II) there exists a severe shortage of qualified candidates because of the direct relationship identified by the Secretary under subsection (b)(1)(B) of this section between—

''(aa) the rural or remote nature of the area; and

''(bb) difficulty in the recruitment and retention of CBP employees in the area; and

''(ii) has given public notice for the positions.

''(B) PRIORITIZATION OF HIRING VETERANS.—If the Secretary uses the direct hiring authority under subparagraph (A), the Secretary shall apply the principles of preference for the hiring of veterans established under subchapter I of chapter 33.

''(2) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a bonus to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

''(A) the Secretary determines that—

''(i) conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to any other provision of that section); and

''(ii) the position to which the individual is appointed or to which the individual moves or must relocate—

''(I) is a position as a CBP employee; and

''(II) is in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(aa) the rural or remote nature of the area; and

''(bb) difficulty in the recruitment and retention of CBP employees in the area; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(3) RETENTION BONUSES.—The Secretary may pay a retention bonus to a CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

''(A) the Secretary determines that—

''(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section);

''(ii) the CBP employee is employed in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(I) the rural or remote nature of the area; and

''(II) difficulty in the recruitment and retention of CBP employees in the area; and

''(iii) in the absence of a retention bonus, the CBP employee would be likely to leave—

''(I) the Federal service; or

''(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(4) RULES FOR BONUSES.—

''(A) MAXIMUM BONUS.—A bonus paid to an employee under—

''(i) paragraph (2) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

''(ii) paragraph (3) may not exceed 50 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period.

''(B) RELATION TO BASIC PAY.—A bonus paid to an employee under paragraph (2) or (3) shall not be considered part of the basic pay of the employee for any purpose.

''(5) OPM OVERSIGHT.—The Director shall, to the extent practicable—

''(A) set aside a determination of the Secretary under this subsection if the Director finds substantial evidence that the Secretary abused the discretion of the Secretary in making the determination; and

''(B) oversee the compliance of the Secretary with this subsection.

''(d) SPECIAL PAY AUTHORITY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section if the Director finds that the recruitment or retention efforts of the Secretary with respect to positions for CBP employees in 1 or more areas or locations are, or are likely to become, significantly handicapped because the positions are located in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(1) the rural or remote nature of the area; and

''(2) difficulty in the recruitment and retention of CBP employees in the area.

''(e) REGULAR CBP REVIEW.—

''(1) ENSURING FLEXIBILITIES MEET CBP NEEDS.—Each year, the Secretary shall review the use of hiring flexibilities under subsections (c) and (d) to fill positions at a location in a rural or remote area to determine—

''(A) the impact of the use of those flexibilities on solving hiring and retention challenges at the location;

''(B) whether hiring and retention challenges still exist at the location; and

''(C) whether the Secretary needs to continue to use those flexibilities at the location.

''(2) CONSIDERATION.—In conducting the review under paragraph (1), the Secretary shall consider—

''(A) whether any CBP employee accepted an employment incentive under subsection (c) or (d) and then transferred to a new location or left U.S. Customs and Border Protection; and

''(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

''(3) DISTRIBUTION.—The Secretary shall submit to Congress a report on each review required under paragraph (1).

''(f) IMPROVING CBP HIRING AND RETENTION.—

''(1) EDUCATION OF CBP HIRING OFFICIALS.—Not later than 180 days after the date of the enactment of the Immigration Reform Act of 2018, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

''(2) ELEMENTS.—Elements of the strategy under paragraph (1) shall include the following:

''(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees.

''(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas.

''(C) The development of pilot programs or other programs, as appropriate, to address identified hiring challenges in rural or remote areas.

''(D) Developing and enhancing strategic recruiting efforts through relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas.

''(E) Examination of existing agency programs on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

''(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families.

''(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families.

''(H) Evaluation of Department of Homeland Security internship programs and the usefulness of those programs in improving hiring by the Secretary in rural or remote areas.

''(3) EVALUATION.—

''(A) IN GENERAL.—Each year, the Secretary shall —

''(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

''(ii) make any appropriate updates to the strategy under paragraph (1).

''(B) INFORMATION.—The evaluation conducted under subparagraph (A) shall include—

''(i) any reduction in the time taken by the Secretary to fill mission-critical positions in rural or remote areas;

''(ii) a general assessment of the impact of the strategy implemented under paragraph (1) on hiring challenges in rural or remote areas; and

''(iii) other information the Secretary determines relevant.

''(g) INSPECTOR GENERAL REVIEW.—Not later than 2 years after the date of the enactment of the Immigration Reform Act of 2018, the Inspector General of the Department of Homeland Security shall review the use of hiring flexibilities by the Secretary under subsections (c) and (d) to determine whether the use of those flexibilities is helping the Secretary meet hiring and retention needs in rural and remote areas.

''(h) EXERCISE OF AUTHORITY.—

''(1) SOLE DISCRETION.—The exercise of authority under subsection (c) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71.

''(2) DELEGATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may delegate any authority under this section to the Commissioner.

''(B) OVERSIGHT.—The Commissioner may not make a determination under subsection (b)(1) unless the Secretary approves the determination.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Secretary or the Director from the applicability of the merit system principles under section 2301.

''(j) SUNSET.—The authorities under subsections (c) and (d) shall terminate on the date that is 5 years after the date of the enactment of the Immigration Reform Act of 2018.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. U.S. Customs and Border Protection employment authorities.''.

SEC. 113. DISTRESS BEACONS.

(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, working through U.S. Border Patrol, shall—

(A) identify areas near the international border between the United States and Canada or the international border between the

United States and Mexico where migrant deaths are occurring due to climatic and environmental conditions; and

(B) deploy up to 1,000 beacon stations in the areas identified pursuant to subparagraph (A).

(2) FEATURES.—Beacon stations deployed pursuant to paragraph (1) should—

(A) include a self-powering mechanism, such as a solar-powered radio button, to signal U.S. Border Patrol personnel or other emergency response personnel that a person at that location is in distress;

(B) include a self-powering cellular phone relay limited to 911 calls to allow persons in distress in the area who are unable to get to the beacon station to signal their location and access emergency personnel; and

(C) be movable to allow U.S. Border Patrol to relocate them as needed—

(i) to mitigate migrant deaths;

(ii) to facilitate access to emergency personnel; and

(iii) to address any use of the beacons for diversion by criminals.

SEC. 114. SOUTHERN BORDER REGION EMERGENCY COMMUNICATIONS GRANTS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the governors of the States located on the international border between the United States and Mexico, shall establish a 2-year grant program to improve emergency communications in the Southern border region.

(b) ELIGIBILITY FOR GRANTS.—An individual is eligible for a grant under this section if the individual demonstrates that he or she—

(1) regularly resides or works in a State that shares a land border with Mexico; and

(2) is at greater risk of border violence due to a lack of cellular and LTE network service at the individual's residence or business and the individual's proximity to the Southern border.

(c) USE OF GRANTS.—Grants awarded under this section may be used to purchase satellite telephone communications systems and services that—

(1) can provide access to 9–1–1 service; and

(2) are equipped with receivers for the Global Positioning System.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 115. OFFICE OF PROFESSIONAL RESPONSIBILITY.

Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient special agents at the Office of Professional Responsibility to maintain an active duty presence of not fewer than 550 full-time equivalent special agents.

Subtitle C—Body-Worn Cameras With Privacy Protections

SEC. 121. SHORT TITLE.

This subtitle may be cited as the ''CBP Body-Worn Camera Act of 2018''.

SEC. 122. PILOT PROGRAM ON USE OF BODY-WORN CAMERAS.

(a) IN GENERAL.—The Secretary of Homeland Security, through the Commissioner of U.S. Customs and Border Protection, shall establish a pilot program to test and evaluate the use of body-worn cameras by officers and agents of U.S. Customs and Border Protection.

(b) REQUIREMENTS FOR PILOT PROGRAM AT U.S. CUSTOMS AND BORDER PROTECTION.—

(1) DURATION.—The pilot program required under subsection (a)—

(A) shall be implemented not later than 60 days after the date of the enactment of this Act; and

(B) shall terminate on the date that is 11 months after such date of enactment.

(2) DEPLOYMENT.—In carrying out the pilot program under this section, the Secretary shall ensure that—

(A) not fewer than 500 body-worn cameras are deployed to officers and agents of U.S. Customs and Border Protection;

(B) not fewer than ½ of such cameras are deployed to agents of U.S. Border Patrol; and

(C) not fewer than ½ of such cameras are deployed along the international border between the United States and Mexico.

(c) REPORT.—Not later than 60 days after the pilot program is terminated pursuant to subsection (b)(1)(B), the Secretary shall submit a report to Congress that includes—

(1) a detailed description of incidences of the use of force recorded using body-worn cameras under the pilot program, disaggregated by the race, ethnicity, gender, and age of the individuals involved;

(2) a detailed description of incidences of the use of force in which a body-worn camera was not used, disaggregated by the race, ethnicity, gender, and age of the individuals involved;

(3) the number of complaints filed against officers or agents relating to the use of body-worn cameras under the pilot program;

(4) the number of complaints filed related to an incident in which a body-worn camera was worn by an officer or agent, but in which the body-worn camera was not activated;

(5) the disposition of complaints described in paragraphs (3) and (4);

(6) an assessment of the effect of the use of body-worn cameras under the pilot program on the accountability and transparency of the use of force, including an assessment of—

(A) the efficacy of body-worn cameras in deterring the use of excessive force by officers and agents; and

(B) the effect of the use of body-worn cameras on responses to and adjudications of complaints;

(7) an assessment of the effect of the use of body-worn cameras under the pilot program on the safety of officers and agents;

(8) an assessment of the effect of the use of body-worn cameras under the pilot program on public safety;

(9) an assessment of the effect of the use of body-worn cameras under the pilot program on the collection of evidence for criminal investigations and civil immigration enforcement, including the number of cases in which data from a body-worn camera was used as evidence;

(10) an assessment of the effect of body-worn cameras on the personal privacy of members of the public and officers and agents of U.S. Customs and Border Protection, and whether the use of pinpoint redaction technology may have assisted in protecting personal privacy;

(11) a description of issues that arose under the pilot program relating to the secure storage and handling of recordings from body-worn cameras;

(12) a description of issues that arose under the pilot program relating to the access of the public to recordings from body-worn cameras, including—

(A) issues that arose in situations in which the use of force by an officer or agent was involved; and

(B) an accounting of any body-worn camera footage released to the public;

(13) best practices for the development of protocols for the safe and effective use of body-worn cameras;

(14) a description of issues that arose under the pilot program relating to violations of policies developed under section 123, including—

(A) the number of violations detected, disaggregated by the type of violation; and

(B) the number of internal affairs cases opened and the disposition of such cases;

(15) the total number of hours body-worn cameras were activated under the pilot program, disaggregated by region;

(16) an accounting of who accessed any body-worn camera recordings, disaggregated by classified position title and region;

(17) an accounting and description of the total number of instances an activity that was required to be recorded by a body-worn camera was not recorded as described in section 123(b)(1)(E); and

(18) any other matters relating to the pilot program that the Secretary considers appropriate.

SEC. 123. DEVELOPMENT OF POLICIES WITH RESPECT TO BODY-WORN CAMERAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop draft policies with respect to the use of body-worn cameras by officers and agents of U.S. Customs and Border Protection.

(b) ELEMENTS.—The draft policies developed under subsection (a) shall—

(1) with respect to when a body-worn camera is activated or deactivated in the course of duty—

(A) specify under what circumstances a body-worn camera is required to be activated, including that such cameras shall be activated, at a minimum, at the inception of any calls for service or law enforcement encounters, including vehicle stops, pedestrian stops, foot pursuits, witness and victim interviews, in-custody transports, and uses of force, except that when an immediate threat to an officer's or agent's life or safety makes activating the camera impossible or dangerous, the officer or agent shall activate the camera at the first reasonable opportunity to do so;

(B) include policies with respect to the use of body-worn cameras in use of force incidents, such as a shooting involving an officer or agent, or in critical incidents, including such an incident that results in an in-custody death;

(C) specify at what point a body-worn camera is required to be deactivated, which may be no earlier than when an encounter described in subparagraph (A) has fully concluded;

(D) ensure that an officer or agent does not have the ability to edit or delete a recording taken by a body-worn camera; and

(E) specify that an officer or agent who is wearing a body-worn camera shall provide an explanation if an activity that is required to be recorded by a body-worn camera is not recorded;

(2) with respect to the storage and maintenance of recordings from body-worn cameras—

(A) define the minimum and maximum lengths of time for which such recordings shall be retained;

(B) provide for the secure storage, handling, and destruction of recordings from body-worn cameras;

(C) prevent and address issues relating to tampering with, or deleting or copying, such recordings; and

(D) establish a system to store recordings collected by body-worn cameras in a manner that—

(i) requires the logging of all viewing, modification, and deletion of such recordings; and

(ii) prevents, to the greatest extent practicable, unauthorized access to and unauthorized disclosure of such recordings;

(3) with respect to privacy protections—

(A) provide for necessary privacy protections for officers and agents wearing body-worn cameras and members of the public with whom such officers and agents interact, including the use of pinpoint redaction technology to protect personal privacy in a manner that does not interfere with the ability

to fully and accurately ascertain the events that transpired;

(B) require the consent of victims of and witnesses to a crime before recording interviews relating to the crime may be recorded;

(C) require that an officer or agent who is wearing a body-worn camera notify an individual that is the subject of a recording that the individual is being recorded as close to the inception of the encounter as reasonably possible;

(D) require that, before entering a residence without a warrant or in nonexigent circumstances, an officer or agent obtain consent from the occupant of the residence to continue the use of a body-worn camera; and

(E) ensure that recordings unrelated to law enforcement purposes are minimized to the greatest extent practicable;

(4) with respect to access to recordings from body-worn cameras—

(A) ensure that any officer or agent wearing a body-worn camera is prohibited from accessing a recording on the camera without an authorized purpose;

(B) clearly describe the circumstances in which officers and agents and their supervisors may view recordings from body-worn cameras;

(C) permit supervisors to view recordings from body-worn cameras only for training purposes (and not for use in any disciplinary action against an agent or officer) or when there is a complaint filed against an agent or officer or a use of force incident; and

(D) establish—

(i) under what circumstances a recording from a body-worn camera will be released to the subject of the recording or to another law enforcement or intelligence agency or to the public; and

(ii) protocols for such release;

(5) establish under what circumstances recordings from body-worn cameras will be used to investigate potential misconduct of officers or agents or for other law enforcement purposes;

(6) establish disciplinary procedures for violations of body-worn camera policies by agency personnel, including agents, officers and supervisors; and

(7) ensure that training—

(A) is required and provided to all officers and agents who use body-worn cameras and any personnel involved in the management, storage, or use of body-worn camera data; and

(B) is provided before the use of any body-worn camera by such an officer or agent or the involvement of such agency personnel in the direct management, storage, or use of body-worn camera data.

SEC. 124. CONSULTATIONS; PUBLIC COMMENT.

In developing the pilot program under section 122 and the draft policies required under section 123, the Secretary of Homeland Security shall—

(1) consult with—

(A) the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security;

(B) the Chief Privacy Officer of the Department of Homeland Security;

(C) the Director of the Office of Privacy and Civil Liberties of the Department of Justice; and

(D) any labor organizations representing employees of the Department of Homeland Security who are involved with the use of body-worn cameras;

(2) provide an opportunity for public comment; and

(3) compile a report, which shall be posted on a publicly available website of the Department of Homeland Security, that—

(A) summarizes the comments received pursuant to paragraph (2); and

(B) describes the final policies adopted under section 123 and the rationale for each such policy.

SEC. 125. IMPLEMENTATION PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a plan to Congress for the permanent implementation of the use of body-worn cameras by officers and agents of U.S. Customs and Border Protection.

(b) ELEMENTS.—The plan required under subsection (a) shall include—

(1) a detailed description of the draft policies developed under section 123;

(2) an identification of—

(A) the number of body-worn cameras to be purchased and deployed;

(B) operational requirements for body-worn cameras, including systems and support staff;

(C) the locations where body-worn cameras will be used;

(D) costs associated with the use of body-worn cameras; and

(E) a description of the cost-benefit analysis used to determine the number, placement, and location of body-worn cameras specified in the plan.

SEC. 126. DEPLOYMENT.

Not later than 6 months after the date on which the implementation plan is submitted under section 125, the Secretary of Homeland Security shall ensure the agency-wide deployment of body-worn cameras for U.S. Customs and Border Protection personnel at the Office of Field Operations, U.S. Border Patrol, and the Office of Air and Marine whose job duties involve or may reasonably be expected to involve law-enforcement contacts with the public.

Subtitle D—GAO Studies

SEC. 131. GAO STUDY ON THE USE OF VISA FEES.

Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on Appropriations of the House of Representatives that—

(1) describes the impact of authorizing—

(A) surcharges on immigration-related fees, including visa application and border crossing fees, to be dedicated to border security; and

(B) the use of currently collected fees for border security; and

(2) addresses the potential impact on U.S. Citizenship and Immigration Services operations of imposing surcharges on immigration-related fees, including the potential impact on processing times and backlogs.

SEC. 132. GAO STUDY ON DEATHS IN CUSTODY.

Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives on the deaths of detainees who were in the custody of the Department of Homeland Security, including, with respect to such deaths—

(1) whether any such deaths could have been prevented by the delivery of medical treatment administered while the detainee was in such custody;

(2) whether the practices and procedures of the Department of Homeland Security were properly followed and obeyed;

(3) whether such practices and procedures are sufficient to protect the health and safety of such detainees; and

(4) whether such deaths were reported through the Deaths in Custody Reporting Program.

SEC. 133. GAO STUDIES ON MIGRANT DEATHS.

Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that includes—

(1) the total number of migrant deaths along the international border between the United States and Mexico during the most recent 5-year period;

(2) the total number of unidentified deceased migrants found along such border during such period;

(3) the level of cooperation between U.S. Customs and Border Protection, local and State law enforcement, foreign diplomatic and consular posts, nongovernmental organizations, and family members to accurately identify deceased individuals;

(4) the use of DNA testing and sharing of such data between U.S. Customs and Border Protection, State and local law enforcement, foreign diplomatic and consular posts, and nongovernmental organizations to accurately identify deceased individuals;

(5) the comparison of DNA data with information on Federal, State, and local missing person registries; and

(6) the procedures and processes used by U.S. Customs and Border Protection for notifying relevant authorities or family members after missing persons are identified through DNA testing.

TITLE II—DREAM ACT AND PROVISIONAL PROTECTED PRESENCE

Subtitle A—Dream Act

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Dream Act of 2018''.

SEC. 202. DEFINITIONS.

In this subtitle:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this subtitle that is used in the immigration laws shall have the meaning given the term in the immigration laws.

(2) APPLICABLE FEDERAL TAX LIABILITY.—The term ''applicable Federal tax liability'' means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest on taxes imposed under the Internal Revenue Code of 1986.

(3) DACA.—The term ''DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals program announced by President Obama on June 15, 2012.

(4) DISABILITY.—The term ''disability'' has the meaning given the term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(5) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(6) ELEMENTARY SCHOOL; HIGH SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'', ''high school'', and ''secondary school'' have the meanings given the terms

in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) FELONY.—The term ''felony'' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status) punishable by imprisonment for a term exceeding 1 year.

(8) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given the term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(9) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) except as provided in subparagraph (B), has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(10) MISDEMEANOR.—

(A) IN GENERAL.—The term ''misdemeanor'' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element is the alien's immigration status, a significant misdemeanor, and a minor traffic offense) for which—

(i) the maximum term of imprisonment is greater than 5 days and not greater than 1 year; and

(ii) the individual was sentenced to time in custody of 90 days or less.

(11) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term ''permanent resident status on a conditional basis'' means status as an alien lawfully admitted for permanent residence on a conditional basis under this subtitle.

(12) POVERTY LINE.—The term ''poverty line'' has the meaning given the term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(13) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(14) SIGNIFICANT MISDEMEANOR.—The term ''significant misdemeanor'' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status) for which the maximum term of imprisonment is greater than 5 days and not greater than 1 year that—

(A) regardless of the sentence imposed, is a crime of domestic violence (as defined in section 237(a)(2)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)(i)) or an offense of sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence if the State law requires, as an element of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content of .08 or higher; or

(B) resulted in a sentence of time in custody of more than 90 days, excluding an offense for which the sentence was suspended.

(15) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. 203. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, an alien who obtains the status of an alien lawfully admitted for permanent residence under this section shall be considered to have obtained that status on a conditional basis as of the date on which the alien obtained the status, subject to this subtitle.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if—

(A) the alien has been continuously physically present in the United States since June 15, 2012;

(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

(C) subject to paragraphs (2) and (3), the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) has not been convicted of—

(I) a felony;

(II) a significant misdemeanor; or

(III) 3 or more misdemeanors—

(aa) not occurring on the same date; and

(bb) not arising out of the same act, omission, or scheme of misconduct;

(D) the alien—

(i) has been admitted to an institution of higher education;

(ii) has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States;

(iii) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a regular high school diploma or the recognized equivalent of a regular high school diploma under State law; or

(II) passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam; or

(iv)(I) has served, is serving, or has enlisted in the Armed Forces; and

(II) in the case of an alien who has been discharged from the Armed Forces, has received an honorable discharge; and

(E)(i) the alien has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien was a DACA recipient; or

(ii) the alien has entered into an agreement to pay any applicable Federal tax liability incurred by the alien during the entire period for which the alien was a DACA recipient through a payment installment plan approved by the Commissioner of Internal Revenue.

(2) WAIVER.—

(A) IN GENERAL.—With respect to any benefit under this subtitle, the Secretary may, on a case-by-case basis, waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a))—

(i) for humanitarian purposes; or

(ii) if the waiver is otherwise in the public interest.

(B) QUARTERLY REPORTS.—Not later than 180 days after the date of enactment of this Act, and quarterly thereafter, the Secretary shall submit to Congress a report that includes, for the preceding quarter—

(i) the number of requests submitted by aliens for a waiver under subparagraph (A);

(ii) the number of waivers granted under that subparagraph; and

(iii) the number of requests for a waiver under that subparagraph denied by the Secretary.

(3) TREATMENT OF EXPUNGED CONVICTIONS.—

(A) IN GENERAL.—An expunged conviction shall not automatically be treated as a conviction referred to in paragraph (1)(C)(iii).

(B) CASE-BY-CASE EVALUATION.—The Secretary shall evaluate an expunged conviction on a case-by-case basis according to the nature and severity of the offense underlying the expunged conviction, based on the record of conviction, to determine whether, under the particular circumstances, the alien is eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

(4) DACA RECIPIENTS.—With respect to an alien granted DACA, the Secretary shall cancel the removal of the alien and adjust the status of the alien to the status of an alien lawfully admitted for permanent residence on a conditional basis unless, since the date on which the alien was granted DACA, the alien has engaged in conduct that would render an alien ineligible for DACA.

(5) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require an alien applying for permanent resident status on a conditional basis to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) only if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 1-year period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

(A) IN GENERAL.—The Secretary may not grant an alien permanent resident status on a conditional basis unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

(B) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any alien who is unable to provide the biometric or biographic data referred to in subparagraph (A) due to a physical impairment.

(7) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines to be appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for permanent resident status on a conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants the alien permanent resident status on a conditional basis.

(C) CRIMINAL RECORDS REQUESTS.—With respect to an alien seeking permanent resident status on a conditional basis, the Secretary, in cooperation with the Secretary of State, shall seek to obtain from INTERPOL, EUROPOL, or any other international or national law enforcement agency of the country of nationality, country of citizenship, or country of last habitual residence of the alien, information about any criminal activity—

(i) in which the alien engaged in the country of nationality, country of citizenship, or country of last habitual residence of the alien; or

(ii) for which the alien was convicted in the country of nationality, country of citizenship, or country of last habitual residence of the alien.

(8) MEDICAL EXAMINATION.—

(A) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis shall undergo a medical examination.

(B) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination under subparagraph (A).

(9) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under that Act.

(c) DETERMINATION OF CONTINUOUS PRESENCE.—

(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis shall not terminate on the date on which the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period greater than 90 days or for any periods, in the aggregate, greater than 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the control of the alien, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

(d) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

(2) ALIENS SUBJECT TO REMOVAL.—With respect to an alien who is in removal proceedings, the subject of a final removal order, or the subject of a voluntary departure order, the Attorney General shall provide the alien with a reasonable opportunity to apply for relief under this section.

(3) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—

(A) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

(i) meets all the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1), subject to paragraphs (2) and (3) of that subsection;

(ii) is at least 5 years of age; and

(iii) is enrolled in an elementary school, a secondary school, or an early childhood education program.

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

(D) LIFT OF STAY.—The Secretary or Attorney General may not lift the stay granted to an alien under subparagraph (A) unless the alien ceases to meet the requirements under such subparagraph.

(e) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis.

SEC. 204. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis is—

(1) valid for a period of 8 years, unless that period is extended by the Secretary; and

(2) subject to termination under subsection (c).

(b) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this subtitle and the requirements to have the conditional basis of such status removed.

(c) TERMINATION OF STATUS.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

(1) determines that the alien ceases to meet the requirements under paragraph (1)(C) of section 203(b), subject to paragraphs (2) and (3) of that section; and

(2) prior to the termination, provides the alien—

(A) notice of the proposed termination; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the immigration status of an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for permanent resident status on a conditional basis is denied shall return to the immigration status of the alien on the day before the date on which the alien received permanent resident status on a conditional basis or applied for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for permanent resident status on a conditional basis is denied and who had temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) immediately before receiving or applying for permanent resident status on a conditional basis, as appropriate, may not return to temporary protected status if—

(A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) has been terminated; or

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for temporary protected status.

(e) INELIGIBILITY FOR PUBLIC BENEFITS.—An alien who has been granted permanent resident status on a conditional basis shall not be eligible for any Federal means-tested public benefit (within the meaning of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)) until the date on which the conditional permanent resident status of the alien is removed.

SEC. 205. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall remove the conditional basis of the permanent resident status of an alien granted under this subtitle and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in paragraph (1)(C) of section 203(b), subject to paragraphs (2) and (3) of that section;

(B) has not abandoned the residence of the alien in the United States;

(C)(i) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States;

(ii)(I) has served in the Uniformed Services for at least 2 years; or

(II) in the case of an alien who has been discharged from the Uniformed Services, has received an honorable discharge; or

(iii) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in section 203(b)(1)(D)(iii), shall not count toward the time requirements under this clause; and

(D)(i) has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien was in permanent resident status on a conditional basis; or

(ii) has entered into an agreement to pay the applicable Federal tax liability incurred by the alien during the entire period for which the alien was in permanent resident status on a conditional basis through a payment installment plan approved by the Commissioner of Internal Revenue.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary shall remove the conditional basis of the permanent resident status of an alien and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(i) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and

(iii) demonstrates that—

(I) the alien has a disability;

(II) the alien is a full-time caregiver of a minor child; or

(III) the removal of the alien from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence.

(3) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of the permanent resident status granted to an alien under this subtitle may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is unable to meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) due to disability.

(4) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require an alien applying for lawful permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) only if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 1-year period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

(A) IN GENERAL.—The Secretary may not remove the conditional basis of the permanent resident status of an alien unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

(B) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any applicant who is unable to provide the biometric or biographic data referred to in subparagraph (A) due to physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines to be appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the permanent resident status of the alien; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of the conditional basis if the permanent resident status of the alien.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the permanent resident status of the alien.

(b) NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and to be present in the United States, as an alien lawfully admitted for permanent residence.

(2) LIMITATIONS ON APPLICATION FOR NATURALIZATION.—

(A) IN GENERAL.—An alien may not be naturalized—

(i) on any date on which the alien is in permanent resident status on a conditional basis; or

(ii) before the date that is 12 years after the date on which the alien was granted permanent resident status on a conditional basis.

(B) REDUCTION IN PERIOD.—

(i) IN GENERAL.—Subject to clause (ii), the 12-year period referred to in subparagraph (A)(ii) shall be reduced by the number of days that the alien was a DACA recipient.

(ii) LIMITATION.—Notwithstanding clause (i), the 12-year period may not be reduced by more than 2 years.

(C) ADVANCED FILING DATE.—With respect to an alien granted permanent resident status on a conditional basis, the alien may file an application for naturalization not more than 90 days before the date on which the applicant meets the requirements for naturalization under subparagraph (A).

SEC. 206. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

(2) the alien's birth certificate and an identity card that includes the alien's name and photograph;

(3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

(6) a State-issued identification card bearing the alien's name and photograph.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under section 203(b)(1)(A), or to establish that an alien has not abandoned residence in the United States, as required under section 205(a)(1)(B), the alien may submit documents to the Secretary, including—

(1) employment records that include the employer's name and contact information;

(2) records from any educational institution the alien has attended in the United States;

(3) records of service from the Uniformed Services;

(4) official records from a religious entity confirming the alien's participation in a religious ceremony;

(5) passport entries;

(6) a birth certificate for a child of the alien who was born in the United States;

(7) automobile license receipts or registration;

(8) deeds, mortgages, or rental agreement contracts;

(9) tax receipts;

(10) insurance policies;

(11) remittance records;

(12) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(13) copies of money order receipts for money sent in or out of the United States;

(14) dated bank transactions; or

(15) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

(c) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under section 203(b)(1)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

(1) an admission stamp on the alien's passport;

(2) records from any educational institution the alien has attended in the United States;

(3) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;

(4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

(5) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(6) employment records that include the employer's name and contact information;

(7) official records from a religious entity confirming the alien's participation in a religious ceremony;

(8) a birth certificate for a child of the alien who was born in the United States;

(9) automobile license receipts or registration;

(10) deeds, mortgages, or rental agreement contracts;

(11) tax receipts;

(12) travel records;

(13) copies of money order receipts sent in or out of the country;

(14) dated bank transactions;

(15) remittance records; or

(16) insurance policies.

(d) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—

(1) has been admitted to the institution; or

(2) is currently enrolled in the institution as a student.

(e) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

(1) a high school diploma, certificate of completion, or other alternate award;

(2) a high school equivalency diploma or certificate recognized under State law; or

(3) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

(g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 203(b)(1)(D)(iii), 203(d)(3)(A)(iii), or 205(a)(1)(C)(i), the alien shall submit school records from the United States school that the alien is currently attending that include—

(1) the name of the school; and

(2) the alien's name, periods of attendance, and current grade or educational level.

(h) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section 203(b)(5)(B) or 205(a)(4)(B), the alien shall submit to the Secretary the following relevant documents:

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien shall provide—

(A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

(B) bank records; or

(C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate;

(B) the name, address, and telephone number of the affiant; and

(C) the nature and duration of the relationship between the affiant and the alien.

(4) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

(A) bear the provider's name and address;

(B) bear the name of the individual receiving treatment; and

(C) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

(i) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies 1 of the criteria for the hardship exemption described in section 205(a)(2)(A)(iii), the alien shall submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—

(1) the name, address, and telephone number of the affiant; and

(2) the nature and duration of the relationship between the affiant and the alien.

(j) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

(1) a Department of Defense form DD-214;

(2) a National Guard Report of Separation and Record of Service form 22;

(3) personnel records for such service from the appropriate Uniformed Service; or

(4) health records from the appropriate Uniformed Service.

(k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

(1) IN GENERAL.—An alien may satisfy the employment requirement under section 205(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such employment requirement; and

(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

(A) bank records;

(B) business records;

(C) employer records;

(D) records of a labor union, day labor center, or organization that assists workers in employment;

(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(l) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 207. RULEMAKING.

(a) INITIAL PUBLICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register regulations implementing this subtitle.

(2) AFFIRMATIVE APPLICATION.—The regulations published under paragraph (1) shall allow any eligible individual to immediately apply affirmatively for the relief available under section 203 without being placed in removal proceedings.

(b) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to subsection (a)(1) shall be effective, on an interim basis, immediately on publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which interim regulations are published under this section, the Secretary shall publish final regulations implementing this subtitle.

(d) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the ''Paperwork Reduction Act'') shall not apply to any action to implement this subtitle.

SEC. 208. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use for the purpose of immigration enforcement any information provided in—

(1) an application filed under this subtitle; or

(2) a request for DACA.

(b) REFERRALS PROHIBITED.—The Secretary may not refer to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection any individual who—

(1) has been granted permanent resident status on a conditional basis; or

(2) was granted DACA.

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status on a conditional basis or a request for DACA may be shared with a Federal security or law enforcement agency—

(1) for assistance in the consideration of an application for permanent resident status on a conditional basis;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 209. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the original enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SA 1959. Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. TILLIS, Mr. LANKFORD, Mr. COTTON, Mr. PERDUE, Mr. CORNYN, Mr. ALEXANDER, and Mr. ISAKSON) proposed an amendment to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the

premium tax credit with respect to unsubsidized COBRA continuation coverage; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLES; TABLE OF CONTENTS.

(a) SHORT TITLES.—This Act may be cited as the ''SECURE and SUCCEED Act''.

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

TITLE I—BUILDING AMERICA'S TRUST ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Building America's Trust Act''.

Subtitle A—Border Security

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term ''advanced unattended surveillance sensors'' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives before transmission.

(2) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(4) HIGH TRAFFIC AREAS.—The term ''high traffic areas'' has the meaning given the term in section 102(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by section 1111.

(5) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given the term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(7) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given the term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)(7); Public Law 114–328).

(8) SMALL UNMANNED AERIAL VEHICLE.—The term ''small unmanned aerial vehicle'' has the meaning given the term ''small unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(9) TRANSIT ZONE.—The term ''transit zone'' has the meaning given the term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)(7); Public Law 114–328).

(10) UNMANNED AERIAL SYSTEM.—The term ''unmanned aerial system'' has the meaning given the term ''unmanned aircraft system'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(11) UNMANNED AERIAL VEHICLE.—The term ''unmanned aerial vehicle'' has the meaning given the term ''unmanned aircraft system'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

CHAPTER 1—INFRASTRUCTURE AND EQUIPMENT

SEC. 1111. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to construct, install, deploy, operate, and permanently maintain physical barriers, tactical infrastructure and technology in the vicinity of the United States border to achieve situational awareness and operational control of the border and deter, impede, and detect illegal activity in high traffic areas.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''subsection (a)'' and inserting ''this section'';

(II) by striking ''roads, lighting, cameras, and sensors'' and inserting ''tactical infrastructure, and technology''; and

(III) by striking ''gain'' and inserting ''achieve situational awareness and''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—

''(i) IN GENERAL.—Not later than September 30, 2022, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective physical barriers and tactical infrastructure available for achieving situational awareness and operational control of the border.

''(ii) CONSIDERATION FOR CERTAIN PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—The deployment of physical barriers and tactical infrastructure under this subparagraph shall not apply in any area or region along the border where natural terrain features, natural barriers, or the remoteness of such area or region would make any such deployment ineffective, as determined by the Secretary, for the purposes of gaining situational awareness or operational control of such area or region.'';

(iii) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall, before constructing physical barriers in a specific area or region, consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of Federal, State, local, and tribal governments, and appropriate private property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such physical barriers are to be constructed.'';

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i), as amended, the following:

''(ii) NOTIFICATION.—Not later than 60 days after the consultation required under clause (i), the Secretary of Homeland Security shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of the type of physical barriers, tactical infrastructure, or technology the Secretary has determined is most practical and effective to achieve situational awareness and operational control in a specific area and the other alternatives the Secretary considered before making such a determination.''; and

(IV) in clause (iii), as redesignated—

(aa) in subclause (I), by striking ''or'' at the end;

(bb) by amending subclause (II) to read as follows:

''(II) delay the transfer of the possession of property to the United States or affect the validity of any property acquisition by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any state; or''; and

(cc) by adding at the end the following:

''(III) create any right or liability for any party.''; and

(iv) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers''; and

(D) by amending paragraph (3) to read as follows:

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, constructing, and deploying physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into the design, construction, or deployment of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines, in the Secretary's sole discretion, are necessary to maximize the safety and effectiveness of officers or agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.'';

(3) in subsection (c), by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements that the Secretary, in the Secretary's sole discretion, determines necessary to ensure the expeditious design, testing, construction, installation, deployment, operation, and maintenance of the physical barriers, tactical infrastructure and technology under this section. Any such decision by the Secretary shall be effective upon publication in the Federal Register.''; and

(4) by adding after subsection (d) the following:

''(e) TECHNOLOGY.—Not later than September 30, 2022, the Secretary of Homeland Security, in carrying out this section, shall deploy, operate, and permanently maintain along the United States border the most practical and effective technology available for achieving situational awareness and operational control of the border.

''(f) LIMITATION ON REQUIREMENTS.—Nothing in this section may be construed as requiring the Secretary to install tactical infrastructure, technology, and physical barriers in a particular location along an international border of the United States if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain situational awareness and operational control over the international border at such location.

''(g) DEFINITIONS.—In this section:

''(1) HIGH TRAFFIC AREAS.—The term 'high traffic areas' means areas in the vicinity of the United States border that—

''(A) are within the responsibility of U.S. Customs and Border Protection; and

''(B) have significant unlawful cross-border activity, as determined by the Secretary of Homeland Security.

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given the term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, a border wall system, and levee walls.

''(4) SITUATIONAL AWARENESS DEFINED.—The term 'situational awareness' has the meaning given the term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)(7); Public Law 114–328).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' means border surveillance and detection technology, including—

''(A) tower-based surveillance technology;

''(B) deployable, lighter-than-air ground surveillance equipment;

''(C) Vehicle and Dismount Exploitation Radars (VADER);

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

''(E) advanced unattended surveillance sensors;

''(F) mobile vehicle-mounted and manportable surveillance capabilities;

''(G) unmanned aerial vehicles; and

''(H) other border detection, communication, and surveillance technology.

''(7) UNMANNED AERIAL VEHICLES.—The term 'unmanned aerial vehicle' has the meaning given the term 'unmanned aircraft' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

SEC. 1112. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) INCREASED FLIGHT HOURS.—The Secretary shall ensure that not fewer than 95,000 annual flight hours are carried out by Air and Marine Operations of U.S. Customs and Border Protection.

(b) UNMANNED AERIAL SYSTEM.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that Air and Marine Operations operate unmanned aerial systems on the southern border of the United States for not fewer than 24 hours per day for 5 days per week.

(c) CONTRACT AIR SUPPORT AUTHORIZATION.—The Commissioner shall contract for the unfulfilled identified air support mission critical hours, as identified by the Chief of the U.S. Border Patrol.

(d) PRIMARY MISSION.—The Commissioner shall ensure that—

(1) the primary missions for Air and Marine Operations are to directly support U.S.

Border Patrol activities along the southern border of the United States and Joint Interagency Task Force South operations in the transit zone; and

(2) the Executive Assistant Commissioner of Air and Marine Operations assigns the greatest priority to support missions established by the Commissioner to carry out the requirements under this Act.

(e) HIGH-DEMAND FLIGHT HOUR REQUIREMENTS.—In accordance with subsection (d), the Commissioner shall ensure that U.S. Border Patrol Sector Chiefs—

(1) identify critical flight hour requirements; and

(2) direct Air and Marine Operations to support requests from Sector Chiefs as their primary mission.

(f) SMALL UNMANNED AERIAL VEHICLES.—

(1) IN GENERAL.—The Chief of the U.S. Border Patrol shall be the executive agent for U.S. Customs and Border Protection's use of small, unmanned aerial vehicles for the purpose of meeting the U.S. Border Patrol's unmet flight hour operational requirements and to achieve situational awareness and operational control.

(2) COORDINATION.—In carrying out paragraph (1), the Chief of the U.S. Border Patrol shall—

(A) coordinate flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the National Airspace System; and

(B) coordinate with the Executive Assistant Commissioner for Air and Marine Operations of U.S. Customs and Border Protection to ensure the safety of other aircraft flying in the vicinity of small, unmanned aerial vehicles operated by the U.S. Border Patrol.

(3) CONFORMING AMENDMENT.—Section 411(e)(3) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)(3)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) carry out the small unmanned aerial vehicle requirements pursuant to section 1112(f) of the Building America's Trust Act; and''.

(g) SAVINGS CLAUSE.—Nothing in this section may be construed to confer, transfer, or delegate to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of U.S. Customs and Border Protection, or the Chief of the U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

SEC. 1113. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND TRANSIT ZONE.

(a) IN GENERAL.—Not later than September 30, 2022, the Secretary, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 1111, and acting through the appropriate component of the Department of Homeland Security, shall deploy to each sector or region of the southern border and the northern border, in a prioritized manner to achieve situational awareness and operational control of such borders, the following additional capabilities:

(1) SAN DIEGO SECTOR.—For the San Diego sector, the following:

(A) Tower-based surveillance technology.

(B) Subterranean surveillance and detection technologies.

(C) To increase coastal maritime domain awareness, the following:

(i) Deployable, lighter-than-air surface surveillance equipment.

(ii) Unmanned aerial vehicles with maritime surveillance capability.

(iii) U.S. Customs and Border Protection maritime patrol aircraft.

(iv) Coastal radar surveillance systems.

(v) Maritime signals intelligence capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(2) EL CENTRO SECTOR.—For the El Centro sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Man-portable unmanned aerial vehicles.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(3) YUMA SECTOR.—For the Yuma sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

(E) A rapid reaction capability supported by aviation assets.

(F) Mobile vehicle-mounted and man-portable surveillance systems.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(4) TUCSON SECTOR.—For the Tucson sector, the following:

(A) Tower-based surveillance technology.

(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(C) Deployable, lighter-than-air ground surveillance equipment.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(5) EL PASO SECTOR.—For the El Paso sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

(E) Mobile vehicle-mounted and man-portable surveillance systems.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(6) BIG BEND SECTOR.—For the Big Bend sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Improved agent communications capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(7) DEL RIO SECTOR.—For the Del Rio sector, the following:

(A) Tower-based surveillance technology.

(B) Increased monitoring for cross-river dams, culverts, and footpaths.

(C) Improved agent communications capabilities.

(D) Improved maritime capabilities in the Amistad National Recreation Area.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(8) LAREDO SECTOR.—For the Laredo sector, the following:

(A) Tower-based surveillance technology.

(B) Maritime detection resources for the Falcon Lake region.

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(D) Increased monitoring for cross-river dams, culverts, and footpaths.

(E) Ultralight aircraft detection capability.

(F) Advanced unattended surveillance sensors.

(G) A rapid reaction capability supported by aviation assets.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(9) RIO GRANDE VALLEY SECTOR.—For the Rio Grande Valley sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(D) Ultralight aircraft detection capability.

(E) Advanced unattended surveillance sensors.

(F) Increased monitoring for cross-river dams, culverts, footpaths.

(G) A rapid reaction capability supported by aviation assets.

(H) Increased maritime interdiction capabilities.

(I) Mobile vehicle-mounted and man-portable surveillance capabilities.

(J) Man-portable unmanned aerial vehicles.

(K) Improved agent communications capabilities.

(10) BLAINE SECTOR.—For the Blaine sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Coastal radar surveillance systems.
(C) Increased maritime interdiction capabilities.
(D) Mobile vehicle-mounted and man-portable surveillance capabilities.
(E) Advanced unattended surveillance sensors.
(F) Ultralight aircraft detection capabilities.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications capabilities.
(11) SPOKANE SECTOR.—For the Spokane sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Increased maritime interdiction capabilities.
(C) Mobile vehicle-mounted and man-portable surveillance capabilities.
(D) Advanced unattended surveillance sensors.
(E) Ultralight aircraft detection capabilities.
(F) Completion of six miles of the Bog Creek road.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications systems.
(12) HAVRE SECTOR.—For the Havre sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(13) GRAND FORKS SECTOR.—For the Grand Forks sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(14) DETROIT SECTOR.—For the Detroit sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Coastal radar surveillance systems.
(C) Increased maritime interdiction capabilities.
(D) Mobile vehicle-mounted and man-portable surveillance capabilities.
(E) Advanced unattended surveillance sensors.
(F) Ultralight aircraft detection capabilities.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications systems.
(15) BUFFALO SECTOR.—For the Buffalo sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Coastal radar surveillance systems.
(C) Increased maritime interdiction capabilities.
(D) Mobile vehicle-mounted and man-portable surveillance capabilities.
(E) Advanced unattended surveillance sensors.
(F) Ultralight aircraft detection capabilities.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications systems.
(16) SWANTON SECTOR.—For the Swanton sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(17) HOULTON SECTOR.—For the Houlton sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(18) TRANSIT ZONE.—For the transit zone, the following:
(A) Not later than 2 years after the date of the enactment of this Act, an increase in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding 3 fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) To increase maritime domain awareness—
(i) unmanned aerial vehicles with maritime surveillance capability; and
(ii) increased maritime aviation patrol hours.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.
(E) Coastal radar surveillance systems with long range day and night cameras capable of providing full maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.

(b) REIMBURSEMENT RELATED TO THE LOWER RIO GRANDE VALLEY FLOOD CONTROL PROJECT.—The International Boundary and Water Commission is authorized to reimburse State and local governments for any expenses incurred before, on, or after the date of the enactment of this Act by such governments in designing, constructing, and rehabilitating the Lower Rio Grande Valley Flood Control Project of the Commission.

(c) TACTICAL FLEXIBILITY.—
(1) SOUTHERN AND NORTHERN LAND BORDERS.—
(A) IN GENERAL.—Beginning on September 30, 2021, or after the Secretary has deployed at least 25 percent of the capabilities required in each sector specified in subsection (a), whichever comes later, the Secretary may deviate from such capability deployments if the Secretary determines that such deviation is required to achieve situational awareness or operational control.
(B) NOTIFICATION.—If the Secretary exercises the authority described in subparagraph (A), the Secretary shall, not later than 90 days after such exercise, notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the deviation under such subparagraph that is the subject of such exercise. If the Secretary makes any changes to such deviation, the Secretary shall, not later than 90 days after any such change, notify such committees regarding such change.
(2) TRANSIT ZONE.—
(A) NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives regarding the capability deployments for the transit zone specified in paragraph (18) of subsection (a), including information relating to—
(i) the number and types of assets and personnel deployed; and
(ii) the impact such deployments have on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a).
(B) ALTERATION.—The Secretary may alter the capability deployments referred to in this section if the Secretary—
(i) determines, after consultation with the committees referred to in subparagraph (A), that such alteration is necessary; and
(ii) not later than 30 days after making a determination under clause (i), notifies the committees referred to in such subparagraph regarding such alteration, including information relating to—
(I) the number and types of assets and personnel deployed pursuant to such alteration; and
(II) the impact such alteration has on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a).

(d) EXIGENT CIRCUMSTANCES.—
(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may deploy the capabilities referred to in subsection (a) in a manner that is inconsistent with the requirements specified in such subsection if, after the Secretary has deployed at least 25 percent of such capabilities, the Secretary determines that exigent circumstances demand such an inconsistent deployment or that such an inconsistent deployment is vital to the national security interests of the United States.
(2) NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, , not later than 30 days after making a determination under paragraph (1). Such notification shall include a detailed justification for such determination.

SEC. 1114. U.S. BORDER PATROL ACTIVITIES.

The Chief of the U.S. Border Patrol shall prioritize the deployment of U.S. Border Patrol agents to as close to the physical land border as possible, consistent with border security enforcement priorities and accessibility to such areas.

(a) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 433 the following:

''Sec. 434. Border security technology program management.''.

(b) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 434 of the Homeland Security Act of 2002, as added by subsection (a). Such section shall be carried out using amounts otherwise authorized for such purposes.

SEC. 1115. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER.

(a) IN GENERAL.—The Secretary may request that the Secretary of Defense support, pursuant to chapter 15 of title 10, United States Code, the Secretary's efforts to secure the southern border of the United States. The Secretary of Defense may authorize the provision of such support under section 502(f) of title 32, United States Code, including pursuant to chapter 9 of such title 32.

(b) TYPE OF SUPPORT AUTHORIZED.—The support provided in accordance with subsection (a) may include—

(1) construction of reinforced fencing or other physical barriers;

(2) operation of ground-based surveillance systems;

(3) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and

(4) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense may deploy such materiel, equipment, and logistical support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a).

(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State authorized pursuant to this section does not degrade the training and readiness of such units and personnel, in determining the homeland defense activities that such units and personnel may perform, the following requirements shall apply:

(1) The performance of such activities shall not affect adversely the quality of such training or readiness or otherwise interfere with the ability of a unit or personnel of the National Guard of a State to perform the military functions of such member or unit.

(2) The performance of such activities shall not degrade the military skills of the units or personnel of the National Guard of a State performing such activities.

(e) REIMBURSEMENT NOTIFICATION.—Prior to providing any support in accordance with subsection (a), the Secretary of Defense shall notify the Secretary whether such support qualifies for a reimbursement waiver under chapter 15 of title 10, United States Code.

(f) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and biannually thereafter through December 31, 2021, the Secretary of Defense shall submit a report to the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) that describes any support provided pursuant to subsection (a) during the 6-month period preceding each such report.

(2) ELEMENTS.—Each report under paragraph (1) shall include a description of—

(A) the support provided; and

(B) the sources and amounts of funds obligated and expended to provide such support

SEC. 1116. OPERATION PHALANX.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary, shall provide assistance to U.S. Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern border.

(b) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include—

(1) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and

(2) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense may deploy such materiel, equipment, and logistics support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Defense $75,000,000 to provide assistance under this section. The Secretary of Defense may not seek reimbursement from the Secretary for any assistance provided under this section.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of Defense shall submit a report to the appropriate congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) regarding any assistance provided under subsection (a) during the period specified in paragraph (3).

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the period specified in paragraph (3), a description of—

(A) the assistance provided;

(B) the sources and amounts of funds used to provide such assistance; and

(C) the amounts obligated to provide such assistance.

(3) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) in the case of the first report required under paragraph (1), the 90-day period beginning on the date of the enactment of this Act; and

(B) in the case of any subsequent report submitted under paragraph (1), the calendar year for which the report is submitted.

SEC. 1117. MERIDA INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that assistance to Mexico, including assistance from the Department of State and the Department of Defense and any aid related to the Merida Initiative—

(1) should be focused on providing enhanced border security at Mexico's northern and southern borders, judicial reform, and support for Mexico's anti-drug efforts; and

(2) should return to its original focus and prioritize security, training, and acquisition of equipment for Mexican security forces involved in border security and anti-drug efforts as well as be used to train prosecutors in ongoing justice reform efforts.

(b) ASSISTANCE FOR MEXICO.—The Secretary of State, in coordination with the Secretary and the Secretary of Defense, shall provide level and consistent assistance to Mexico—

(1) to combat drug production and trafficking and related violence, transnational organized criminal organizations, and corruption;

(2) to build a secure, modern border security system capable of preventing illegal migration;

(3) to support border security and cooperation with United States military, intelligence, and law enforcement agencies on border incursions;

(4) to support judicial reform, institution building, and rule of law activities to build judicial capacity, address corruption and impunity, and support human rights; and

(5) to provide for training and equipment for Mexican security forces involved in efforts to eradicate and interdict drugs.

(c) ALLOCATION OF FUNDS; REPORT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, 50 percent of any assistance appropriated in any appropriations Act to implement this section shall be withheld until after the Secretary of State submits a written report to the congressional committees specified in paragraph (3) certifying that the Government of Mexico is—

(A) significantly reducing illegal migration, drug trafficking, and cross-border criminal activities on Mexico's northern and southern borders;

(B) taking significant action to address corruption, impunity, and human rights abuses; and

(C) improving the transparency and accountability of Mexican Federal police forces and working with Mexican State and municipal authorities to improve the transparency and accountability of Mexican State and municipal police forces.

(2) MATTERS TO INCLUDE.—The report required under paragraph (1) shall include a description of—

(A) actions taken by the Government of Mexico to address the matters described in such paragraph;

(B) any relevant assessments by civil society and non-government organizations in Mexico relating to such matters; and

(C) any instances in which the Secretary determines that the actions taken by the Government of Mexico are inadequate to address such matters.

(3) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees specified in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Foreign Relations of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives; and

(H) the Committee on Foreign Affairs of the House of Representatives.

(d) NOTIFICATIONS.—Any assistance made available by the Secretary of State under this section shall be subject to—

(1) the notification procedures set forth in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1); and

(2) the notification requirements of—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Foreign Relations of the Senate;

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Foreign Affairs of the House of Representatives.

(e) SPENDING PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit, to the congressional committees specified in subsection (c)(3), a detailed spending plan for assistance to Mexico under this section, which shall include a strategy, developed after consulting with relevant authorities of the Government of Mexico, for—

(1) combating drug trafficking and related violence and organized crime; and

(2) anti-corruption and rule of law activities, which shall include concrete goals, actions to be taken, budget proposals, and a description of anticipated results.

SEC. 1118. PROHIBITIONS ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) PROHIBITION ON INTERFERENCE WITH U.S. CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—The Secretary concerned shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on covered Federal land to carry out the activities described in subsection (b).

(2) APPLICABILITY.—The authority of U.S. Customs and Border Protection to conduct activities described in subsection (b) on covered Federal land applies without regard to whether a state of emergency exists.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(A) the execution of search and rescue operations;

(B) the use of motorized vehicles, foot patrols, and horseback to patrol the border area, apprehend illegal entrants, and rescue individuals; and

(C) the design, testing, construction, installation, deployment, and operation of physical barriers, tactical infrastructure, and technology pursuant to section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 1111 of this title.

(c) CLARIFICATION RELATING TO WAIVER AUTHORITY.—

(1) IN GENERAL.—The activities of U.S. Customs and Border Protection described in subsection (b)(2) may be carried out without regard to the provisions of law specified in paragraph (2).

(2) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this paragraph are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

(A) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act'').

(D) Division A of subtitle III of title 54, United States Code (54 U.S.C. 300301 et seq.) (formerly known as the ''National Historic Preservation Act'').

(E) The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(F) The Clean Air Act (42 U.S.C. 7401 et seq.).

(G) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(H) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(I) The Noise Control Act of 1972 (42 U.S.C. 4901 et seq.).

(J) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(K) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(L) Chapter 3125 of title 54, United States Code (formerly known as the ''Archeological and Historic Preservation Act'').

(M) The Antiquities Act (16 U.S.C. 431 et seq.).

(N) Chapter 3203 of title 54, United States Code (formerly known as the ''Historic Sites, Buildings, and Antiquities Act'').

(O) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(P) The Farmland Protection Policy Act (7 U.S.C. 4201 et seq.).

(Q) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(R) The Wilderness Act (16 U.S.C. 1131 et seq.).

(S) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(T) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(U) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

(V) The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(X) The Otay Mountain Wilderness Act of 1999 (Public Law 106–145).

(Y) Sections 102(29) and 103 of the California Desert Protection Act of 1994 (Public Law 103–433).

(Z) Division A of subtitle I of title 54, United States Code (formerly known as the ''National Park Service Organic Act''.

(AA) The National Park Service General Authorities Act (Public Law 91–383, 16 U.S.C. 1a–1 et seq.).

(BB) Sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625).

(CC) Sections 301(a) through (f) of the Arizona Desert Wilderness Act (Public Law 101–628).

(DD) The Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(EE) The Eagle Protection Act (16 U.S.C. 668 et seq.).

(FF) The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(GG) The American Indian Religious Freedom Act (42 U.S.C. 1996).

(HH) The Religious Freedom Restoration Act (42 U.S.C. 2000bb).

(II) The National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

(JJ) The Multiple Use and Sustained Yield Act of 1960 (16 U.S.C. 528 et seq.).

(3) APPLICABILITY OF WAIVER TO SUCCESSOR LAWS.—If a provision of law specified in paragraph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2008, and before the date of the enactment of this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent the waiver applied to that provision of law.

(4) SAVINGS CLAUSE.—The waiver authority under this subsection may not be construed as affecting, negating, or diminishing in any manner the applicability of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), in any relevant matter.

(d) PROTECTION OF LEGAL USES.—Nothing in this section may be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or recreation or the use of backcountry airstrips, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) EFFECT ON STATE AND PRIVATE LAND.—This section shall have no force or effect on State lands or private lands and shall not provide authority, on or access to, State lands or private lands.

(f) TRIBAL SOVEREIGNTY.—Nothing in this section may be construed to supersede, replace, negate, or diminish treaties or other agreements between the United States and Indian tribes.

(g) MEMORANDA OF UNDERSTANDING.—The requirements under this section shall not apply to the extent that such requirements are incompatible with any memorandum of understanding or similar agreement entered into between the Commissioner of U.S. Customs and Border Protection and a National Park Unit before, on, or after the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' includes all land under the control of the Secretary concerned that is located within 100 miles of the southern border or the northern border.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Department of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Department of the Interior, the Secretary of the Interior.

SEC. 1119. LANDOWNER AND RANCHER SECURITY ENHANCEMENT.

(a) ESTABLISHMENT OF NATIONAL BORDER SECURITY ADVISORY COMMITTEE.—The Secretary shall establish a National Border Security Advisory Committee, which—

(1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to border security matters, including—

(A) verifying security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223); and

(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and

(2) may provide, through the Secretary, recommendations to Congress.

(b) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security.

(c) MEMBERSHIP.—The National Border Security Advisory Committee shall consist of at least 1 member from each State who—

(1) has at least 5 years practical experience in border security operations; or

(2) lives and works in the United States within 80 miles of the southern border or within 80 miles of the northern border.

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Border Security Advisory Committee.

SEC. 1120. LIMITATION ON LAND OWNER'S LIABILITY.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

''(i) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery, and equipment that is attached to real property; and

''(B) the term 'owner' includes the possessor of a fee interest, a tenant, a lessee, an occupant, the possessor of any other interest in land, and any person having a right to grant permission to use the land.

''(2) REIMBURSEMENT AUTHORIZED.—Notwithstanding any other provision of law, and subject to the availability of appropriations, any owner of land located in the United States within 150 miles of the southern border of the United States may seek reimbursement from the Department and the Secretary shall pay for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under Federal or State tort law, arising directly from any border patrol action, such as apprehensions, tracking, and detention of aliens, that is conducted on privately-owned land if—

''(A) such land owner has been found negligent by a Federal or State court in any tort litigation;

''(B) such land owner has not already been reimbursed for the final tort judgment, including outstanding attorneys' fees and costs;

''(C) such land owner did not have or does not have sufficient property insurance to cover the judgment and has had an insurance claim for such coverage denied; and

''(D) such tort action was brought against such land owner as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

''(3) EXCEPTIONS.—Nothing in this subsection may be construed to require the Secretary to reimburse a land owner under paragraph (2) for any adverse final tort judgment for negligence or to limit land owner liability which would otherwise exist for—

''(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

''(B) maintaining an attractive nuisance;

''(C) gross negligence; or

''(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws during—

''(i) a patrol of such landowner's land; or

''(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or to evade execution of an arrest warrant for a violation of any immigration law.

''(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act').''.

SEC. 1121. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

Not later than September 30, 2022, the Secretary, after coordinating with the heads of the relevant Federal, State, and local agencies, shall begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River.

SEC. 1122. PREVENTION, DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) DEFINITIONS.—In this section:

(1) ANIMAL.—The term ''animal'' means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term ''article'' means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term ''disease'' has the meaning given such term by the Secretary of Agriculture.

(4) LIVESTOCK.—The term ''livestock'' means all farm-raised animals.

(5) MEANS OF CONVEYANCE.—The term ''means of conveyance'' means any personal property used for, or intended for use for, the movement of any other personal property.

(6) PEST.—The term ''pest'' means any of the following that can directly or indirectly injure, cause damage to, or cause disease in human livestock, a plant, or a plant part:

(A) A protozoan.

(B) A plant or plant part.

(C) An animal.

(D) A bacterium.

(E) A fungus.

(F) A virus or viroid.

(G) An infectious agent or other pathogen.

(H) An arthropod.

(I) A parasite or parasitic plant.

(J) A prion.

(K) A vector.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(7) PLANT.—The term ''plant'' means any plant (including any plant part) capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.

(8) STATE.—The term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any territory or possession of the United States.

(b) DETECTION, CONTROL, AND ERADICATION OF THE SPREAD OF DISEASES AND PESTS.—

(1) IN GENERAL.—The Secretary of Agriculture may carry out operations and measures to prevent, detect, control, or eradicate the spread of any pest or disease of livestock or plant that threatens any segment of agriculture.

(2) COMPENSATION.—

(A) IN GENERAL.—The Secretary of Agriculture may pay a claim arising out of—

(i) the destruction of any animal, plant, plant part, article, or means of conveyance consistent with the purposes of this section; and

(ii) implementing measures to prevent, detect, control, or eradicate the spread of any pest disease of livestock or plant that threatens any segment of agriculture.

(B) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary of Agriculture shall compensate industry participants and State agencies that cooperate with the Secretary of Agriculture in carrying out operations and measures under this subsection for up to 100 percent of eligible costs relating to—

(i) cooperative programs involving Federal, State, or industry participants to control diseases of low or high pathogenicity and pests in accordance with regulations issued by the Secretary of Agriculture; and

(ii) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

(C) REVIEWABILITY.—The action of any officer, employee, or agent of the Secretary of Agriculture under paragraph (1) shall not be subject to review by any officer or employee of the Federal Government other than the Secretary of Agriculture or a designee of the Secretary of Agriculture.

(c) COOPERATION.—

(1) IN GENERAL.—In carrying out this section, the Secretary of Agriculture may cooperate with other Federal agencies, States, State agencies, political subdivisions of States, national and local governments of foreign countries, domestic and international organizations and associations, domestic nonprofit corporations, Indian tribes, and other persons.

(2) RESPONSIBILITY.—The person or other entity cooperating with the Secretary of Agriculture shall be responsible for the authority necessary to carry out operations or measures—

(A) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(B) using other facilities and means, as determined by the Secretary of Agriculture.

(d) FUNDING.—For fiscal year 2018, and for each subsequent fiscal year, the Secretary of Agriculture shall use such amounts from the Commodity Credit Cooperation as may be necessary to carry out operations and measures to prevent, detect, control, or eradicate the spread of any pest or disease of livestock or plant that threatens any segment of agriculture.

(e) REIMBURSEMENT.—The Secretary of Agriculture shall reimburse any Federal agency, State, State agency, political subdivision of a State, national or local government of a foreign country, domestic or international organization or association, domestic nonprofit corporation, Indian tribe, or other person for specified costs, as prescribed by the Secretary of Agriculture, in the discretion of the Secretary of Agriculture, that result from cooperation with the Secretary of Agriculture in carrying out operations and measures under this section.

SEC. 1123. TRANSNATIONAL CRIMINAL ORGANIZATION ILLICIT SPOTTER PREVENTION AND DETECTION.

(a) BRINGING IN AND HARBORING CERTAIN ALIENS.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in subsection (a)(2), in the matter preceding subparagraph (A), by striking ''brings to or attempts to'' and inserting ''brings to or attempts or conspires to''; and

(2) by adding at the end the following:

''(5) The sentence otherwise provided for a person who has brought aliens into the United States in violation of this subsection may be increased by up to 10 years if that person—

''(A) at the time of the offense, used or carried a firearm; or

''(B) in furtherance of any such crime, possessed a firearm.''.

(b) AIDING OR ASSISTING CERTAIN ALIENS TO ENTER THE UNITED STATES.—Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) is amended—

(1) by inserting ''or attempts to aid or assist'' after ''knowingly aids or assists''; and

(2) by adding at the end the following: ''The sentence otherwise provided for a person convicted of an offense under this section may be increased by up to 10 years if that person, at the time of the offense, used or carried a firearm or who, in furtherance of any such crime, possessed a firearm.''.

(c) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Section 1361 of title 18, United States Code, is amended—

(1) by striking ''If the damage'' and inserting the following:

''(1) Except as otherwise provided in this section, if the damage''; and

(2) by striking the semicolon and inserting a period;

(3) by striking ''if the damage'' after ''both.'' and inserting the following:

''(2) Except as otherwise provided in this section, if the damage''; and

(4) by adding at the end the following:

''(3) If the injury or depredation was made or attempted against any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry or otherwise was intended to construct, excavate, or make any structure intended to defeat, circumvent, or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry, by a fine under this title, imprisonment for not more than 15 years, or both.

''(4) If the injury or depredation was described under paragraph (2) and, in the commission of the offense, the offender used or carried a firearm or, in furtherance of any such offense, possessed a firearm, by a fine under this title, imprisonment for not more than 20 years, or both.''.

(d) UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.—

(1) ENHANCED PENALTIES.—Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1351 et seq.) is amended by adding at the end the following:

''SEC. 295. UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

''(a) ILLICIT SPOTTING.—Any person who knowingly transmits, by any means, to another person the location, movement, or activities of any Federal, State, local, or tribal law enforcement agency or officer with the intent to further a Federal crime relating to United States immigration, customs, controlled substances, agriculture, monetary instruments, or other border controls shall be fined under title 18, imprisoned not more than 10 years, or both.

''(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Any person who knowingly and without lawful authorization destroys, alters, or damages any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry or otherwise seeks to construct, excavate, or make any structure intended to defeat, circumvent, or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry—

''(1) shall be fined under title 18, imprisoned not more than 10 years, or both; and

''(2) if, at the time of the offense, the person uses or carries a firearm or who, in furtherance of any such crime, possesses a firearm, shall be fined under title 18, imprisoned not more than 20 years, or both.

''(c) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) or (b) shall be punished in the same manner as a person who completes a violation of such subsection.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 294 the following:

''Sec. 295. Unlawfully hindering immigration, border, and customs controls.''.

(e) CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''crime of violence'' each place that term appears; and

(B) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence'';

(2) by striking paragraphs (2) through (4);

(3) by redesignating paragraph (5) as paragraph (2); and

(4) by adding at the end the following:

''(3) For purposes of this subsection—

''(A) the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328);

''(B) the term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person;

''(C) the term 'crime of violence' means a felony offense that—

''(i) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

''(ii) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and

''(D) the term 'drug trafficking crime' means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.''.

(f) STATUTE OF LIMITATIONS.—Section 3298 of title 18, United States Code, is amended by inserting '', or 295'' after ''274(a)''.

SEC. 1124. SOUTHERN BORDER THREAT ANALYSIS.

(a) THREAT ANALYSIS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a southern border threat analysis.

(2) CONTENTS.—The analysis submitted under paragraph (1) shall include an assessment of—

(A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(i) to unlawfully enter the United States through the southern border; or

(ii) to exploit security vulnerabilities along the southern border;

(B) improvements needed at and between ports of entry along the southern border to prevent terrorists and instruments of terror from entering the United States;

(C) gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts;

(D) the current percentage of situational awareness achieved by the Department of Homeland Security along the southern border;

(E) the current percentage of operational control achieved by the Department of Homeland Security along the southern border; and

(F) traveler crossing times and any potential security vulnerability associated with prolonged wait times.

(3) ANALYSIS REQUIREMENTS.—In compiling the southern border threat analysis under this subsection, the Secretary shall consider and examine—

(A) the technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought;

(B) the personnel needs and challenges, including such needs and challenges associated with recruitment and hiring;

(C) the infrastructure needs and challenges;

(D) the roles and authorities of State, local, and tribal law enforcement in general border security activities;

(E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security;

(F) the terrain, population density, and climate along the southern border; and

(G) the international agreements between the United States and Mexico related to border security.

(4) CLASSIFIED FORM.—To the extent possible, the Secretary shall submit the southern border threat analysis required under this subsection in unclassified form, but may submit a portion of the threat analysis in classified form if the Secretary determines such action is appropriate.

(b) U.S. BORDER PATROL STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than the later of 180 days after the submission of the threat analysis under subsection (a) or June 30, 2018, and every 5 years thereafter, the Secretary, acting through the Chief of the U.S. Border Patrol, shall issue a Border Patrol Strategic Plan.

(2) CONTENTS.—The Border Patrol Strategic Plan required under this subsection shall include a consideration of—

(A) the southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis;

(B) efforts to analyze and disseminate border security and border threat information between border security components of the Department of Homeland Security and other appropriate Federal departments and agencies with missions associated with the southern border;

(C) efforts to increase situational awareness, including—

(i) surveillance capabilities, including capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets;

(D) efforts to detect and prevent terrorists and instruments of terrorism from entering the United States;

(E) efforts to detect, interdict, and disrupt aliens and illicit drugs at the earliest possible point;

(F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States;

(G) efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department of Homeland Security;

(H) any technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary determines to be necessary;

(I) operational coordination unity of effort initiatives of the border security components of the Department of Homeland Security, including any relevant task forces of the Department of Homeland Security;

(J) lessons learned from Operation Jumpstart and Operation Phalanx;

(K) cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the northern border or the southern border;

(L) border security information received from consultation with State, local, tribal, territorial, and Federal law enforcement agencies that have jurisdiction on the northern border or the southern border, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border agricultural and ranching organizations and representatives from business and civic organizations along the northern border or the southern border;

(M) staffing requirements for all departmental border security functions;

(N) a prioritized list of departmental research and development objectives to enhance the security of the southern border;

(O) an assessment of training programs, including training programs for—

(i) identifying and detecting fraudulent documents;

(ii) understanding the scope of enforcement authorities and the use of force policies; and

(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

(P) an assessment of how border security operations affect border crossing times.

SEC. 1125. AMENDMENTS TO U.S. CUSTOMS AND BORDER PROTECTION.

(a) DUTIES.—Section 411(c) of the Homeland Security Act of 2002 (6 U.S.C. 211(c)) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) by redesignating paragraph (19) as paragraph (21); and

(3) by inserting after paragraph (18) the following:

''(19) administer the U.S. Customs and Border Protection public private partnerships under subtitle G;

''(20) administer preclearance operations under the Preclearance Authorization Act of 2015 (19 U.S.C. 4431 et seq.); enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C. 4301 et. seq.); and''.

(b) OFFICE OF FIELD OPERATIONS STAFFING.—Section 411(g)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)(A)) is amended by inserting before the period at the end the following: ''compared to the number indicated by the current fiscal year work flow staffing model''.

(c) IMPLEMENTATION PLAN.—Subparagraph (B) of section 814(e)(1) of the Preclearance Authorization Act of 2015 (19 U.S.C. 4433(e)(1)), as enacted in subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4301 et seq.) is amended to read as follows:

''(B) a port of entry vacancy rate which compares the number of officers identified in subparagraph (A) with the number of officers at the port at which such officer is currently assigned.''.

(d) DEFINITIONS.—Section 411(r) of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended—

(1) by striking ''this section, the terms'' and inserting the following: ''this section:''

''(1) the terms'';

(2) in paragraph (1), as added by subparagraph (A), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) the term 'unmanned aerial systems' has the meaning given the term 'unmanned aircraft system' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

SEC. 1126. AGENT AND OFFICER TECHNOLOGY USE.

In carrying out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 1111, and in carrying out section 1112, the Secretary, to the greatest extent practicable, shall ensure that technology deployed to gain situational awareness and operational control of the border be provided to front-line officers and agents of the Department of Homeland Security.

SEC. 1127. INTEGRATED BORDER ENFORCEMENT TEAMS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 434. INTEGRATED BORDER ENFORCEMENT TEAMS.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Department a program, which shall be known as the Integrated Border Enforcement Team program (referred to in this section as the 'IBET Program').

''(b) PURPOSE.—The Secretary shall administer the IBET Program in a manner that results in a cooperative approach between the United States and Canada to—

''(1) strengthen security between designated ports of entry;

''(2) detect, prevent, investigate, and respond to terrorism and violations of law related to border security;

''(3) facilitate collaboration among components and offices within the Department and international partners;

''(4) execute coordinated activities in furtherance of border security and homeland security; and

''(5) enhance information-sharing, including the dissemination of homeland security information among such components and offices.

''(c) COMPOSITION AND LOCATION OF IBETS.—

''(1) COMPOSITION.—IBETs shall be led by the U.S. Border Patrol and may be comprised of personnel from—

''(A) other subcomponents of U.S. Customs and Border Protection;

''(B) U.S. Immigration and Customs Enforcement, led by Homeland Security Investigations;

''(C) the Coast Guard, for the purpose of securing the maritime borders of the United States;

''(D) other Department personnel, as appropriate;

''(E) other Federal departments and agencies, as appropriate;

''(F) appropriate State law enforcement agencies;

''(G) foreign law enforcement partners;

''(H) local law enforcement agencies from affected border cities and communities; and

''(I) appropriate tribal law enforcement agencies.

''(2) LOCATION.—The Secretary is authorized to establish IBETs in regions in which such teams can contribute to IBET missions, as appropriate. When establishing an IBET, the Secretary shall consider—

''(A) whether the region in which the IBET would be established is significantly impacted by cross-border threats;

''(B) the availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in an IBET; and

''(C) whether, in accordance with paragraph (3), other joint cross-border initiatives already take place within the region in which the IBET would be established, including other Department cross-border programs such as the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

''(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new IBET or to expand an existing IBET in a given region, the Secretary shall ensure that the IBET under consideration does not duplicate the efforts of other existing interagency task forces or centers within such region, including the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

''(d) OPERATION.—

''(1) IN GENERAL.—After determining the regions in which to establish IBETs, the Secretary may—

''(A) direct the assignment of Federal personnel to such IBETs; and

''(B) take other actions to assist Federal, State, local, and tribal entities to participate in such IBETs, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with such participation.

''(2) LIMITATION.—Coast Guard personnel assigned under paragraph (1) may be assigned only for the purposes of securing the maritime borders of the United States, in accordance with subsection (c)(1)(C).

''(e) COORDINATION.—The Secretary shall coordinate the IBET Program with other similar border security and antiterrorism programs within the Department in accordance with the strategic objectives of the Cross-Border Law Enforcement Advisory Committee.

''(f) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into memoranda of understanding with appropriate representatives of the entities specified in subsection (c)(1) necessary to carry out the IBET Program. Such memoranda with entities specified in subsection (c)(1)(G) shall be entered into with the concurrence of the Secretary of State.

''(g) REPORT.—Not later than 180 days after the date on which an IBET is established, and biannually thereafter for the following 6 years, the Secretary shall submit a report to the appropriate congressional committees, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and in the case of Coast Guard personnel used to secure the maritime borders of the United States, to the Committee on Transportation and Infrastructure of the House of Representatives, that—

''(1) describes the effectiveness of IBETs in fulfilling the purposes specified in subsection (b);

''(2) assesses the impact of certain challenges on the sustainment of cross-border IBET operations, including challenges faced by international partners;

''(3) addresses ways to support joint training for IBET stakeholder agencies and radio interoperability to allow for secure cross-border radio communications; and

''(4) assesses how IBETs, Border Enforcement Security Task Forces, and the Integrated Cross-Border Maritime Law Enforcement Operation Program can better align operations, including interdiction and investigation activities.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 433 the following:

''Sec. 434. Integrated Border Enforcement Teams.''.

SEC. 1128. LAND USE OR ACQUISITION.

Section 103(b) of the Immigration and Nationality Act (8 U.S.C. 1103) is amended to read as follows:

''(b)(1) The Secretary may lease, contract for, or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Secretary determines that such land is essential to control and guard the boundaries and borders of the United States against any violation of this Act.

''(2) The Secretary may lease, contract for, or buy any interest in land described in paragraph (1) if—

''(A) the lawful owner of that interest fixes a price for leasing, contracting, or buying such interest; and

''(B) the Secretary considers the price referred to in subparagraph (A) to be reasonable.

''(3) If the Secretary and the lawful owner of an interest in land described in paragraph (1) are unable to agree to lease, contract for, or buy such interest at a reasonable price for such lease, contract, or purchase, the Secretary may commence condemnation proceedings pursuant to the Act of August 1, 1888 (Chapter 728; 25 Stat. 357).

''(4) The Secretary may accept, on behalf of the United States, a gift of any interest in land described in paragraph (1)''.

SEC. 1129. TUNNEL TASK FORCES.

The Secretary is authorized to establish Tunnel Task Forces for the purposes of detecting and remediating tunnels that breach the international borders of the United States.

SEC. 1130. PILOT PROGRAM ON USE OF ELECTROMAGNETIC SPECTRUM IN SUPPORT OF BORDER SECURITY OPERATIONS.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall conduct a pilot program to test and evaluate the use of electromagnetic spectrum by U.S. Customs and Border Protection in support of border security operations through—

(1) ongoing management and monitoring of spectrum to identify threats such as unauthorized spectrum use, and the jamming and hacking of United States communications assets, by persons engaged in criminal enterprises;

(2) automated spectrum management to enable greater efficiency and speed for U.S. Customs and Border Protection in addressing emerging challenges in overall spectrum use on the United States border; and

(3) coordinated use of spectrum resources to better facilitate interoperability and interagency cooperation and interdiction efforts at or near the United States border.

(b) REPORT TO CONGRESS.—Not later than 180 days after the conclusion of the pilot program under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate that contains the findings and data derived from such pilot program.

SEC. 1131. FOREIGN MIGRATION ASSISTANCE.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 1127, is further amended by adding at the end the following:

''SEC. 435. FOREIGN MIGRATION ASSISTANCE.

''(a) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, may provide, to a foreign government, financial assistance for foreign country operations to address migration flows that may affect the United States.

''(b) DETERMINATION.—Assistance provided under subsection (a) may be provided only if such assistance would enhance the recipient government's capacity to address irregular migration flows that may affect the United States, including any detention or removal operations of the recipient government, including procedures to screen and provide protection for certain individuals.

''(c) REIMBURSEMENT OF EXPENSES.—The Secretary may, if appropriate, seek reimbursement from the receiving foreign government for the provision of financial assistance under this section.

''(d) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any reimbursement collected pursuant to subsection (c) shall—

''(1) be credited as offsetting collections to the account that finances the security assistance under this section for which such reimbursement is received; and

''(2) shall remain available until expended for the purpose of carrying out this section.

''(e) EFFECTIVE PERIOD.—The authority provided under this section shall remain in effect until September 30, 2022.

''(f) DEVELOPMENT AND PROGRAM EXECUTIVE.—The Secretary and the Secretary of State shall jointly develop and implement any financial assistance under this section.

''(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting, augmenting, or diminishing the authority of the Secretary of State.

''(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $50,000,000,000 for the 5-year period ending on September 30, 2022, to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 434, as added by section 1127, the following:

''Sec. 435. Security assistance.''.

CHAPTER 2—PERSONNEL

SEC. 1141. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

(a) BORDER PATROL AGENTS.—Not later than September 30, 2022, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents.

(b) CBP OFFICERS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection as of such date, the Commissioner shall hire, train, and assign to duty, not later than September 30, 2022—

(1) sufficient U.S. Customs and Border Protection officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers; and

(2) 350 full-time support staff distributed among all United States ports of entry.

(c) AIR AND MARINE OPERATIONS.—Not later than September 30, 2022, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Customs and Border Protection to maintain not fewer than 1,675 full-time equivalent agents and not fewer than 264 Marine and Air Interdiction Agents for southern border air and maritime operations.

(d) U.S. CUSTOMS AND BORDER PROTECTION K–9 UNITS AND HANDLERS.—

(1) K–9 UNITS.—Not later than September 30, 2022, the Commissioner shall deploy not fewer than 300 new K–9 units, with supporting officers of U.S. Customs and Border Protection and other required staff, at land ports of entry and checkpoints, on the southern border and the northern border.

(2) USE OF CANINES.—The Commissioner shall prioritize the use of canines at the primary inspection lanes at land ports of entry and checkpoints.

(e) U.S. CUSTOMS AND BORDER PROTECTION HORSEBACK UNITS.—

(1) INCREASE.—Not later than September 30, 2022, the Commissioner shall increase the number of horseback units, with supporting officers of U.S. Customs and Border Protection and other required staff, by not fewer than 100 officers and 50 horses for security patrol along the Southern border.

(2) HORSE UNIT SUPPORT.—The Commissioner of U.S. Customs and Border Protection shall construct new stables, maintain and improve existing stables, and provide other resources needed to maintain the health and well-being of the horses that serve in the horseback units.

(f) U.S. CUSTOMS AND BORDER PROTECTION SEARCH TRAUMA AND RESCUE TEAMS.—Not later than September 30, 2022, the Commissioner shall increase by not fewer than 50 the number of officers engaged in search and rescue activities along the southern border.

(g) U.S. CUSTOMS AND BORDER PROTECTION TUNNEL DETECTION AND TECHNOLOGY PROGRAM.—Not later than September 30, 2022, the Commissioner shall increase by not fewer than 50 the number of officers assisting task forces and activities related to deployment and operation of border tunnel detection technology and apprehensions of individuals using such tunnels for crossing into the United States, drug trafficking, or human smuggling.

(h) AGRICULTURAL SPECIALISTS.—Not later than September 30, 2022, the Secretary shall hire, train, and assign to duty, in addition to the officers and agents authorized under subsections (a) through (g), 631 U.S. Customs and Border Protection agricultural specialists to ports of entry along the southern border and the northern border.

(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient Office of Professional Responsibility special agents to maintain an active duty presence of not fewer than 550 full-time equivalent special agents.

(j) OFFICE OF INTELLIGENCE.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient Office of Intelligence personnel to maintain not fewer than 700 full-time equivalent employees.

(k) GAO REPORT.—If the staffing levels required under this section are not achieved by September 30, 2022, the Comptroller General of the United States shall conduct a review of the reasons why such levels were not achieved.

SEC. 1142. FAIR LABOR STANDARDS FOR BORDER PATROL AGENTS.

(a) IN GENERAL.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

''(s) EMPLOYMENT AS A BORDER PATROL AGENT.—No public agency shall be deemed to have violated subsection (a) with respect to the employment of any border patrol agent (as defined in section 5550(1) of title 5, United States Code) if, during a work period of 14 consecutive days, the border patrol agent receives compensation at a rate that is not less than 150 percent of the regular rate at which the agent is employed for all hours of work from 80 hours to 100 hours. Payments required under this section shall be in additional to any payments made under section 5550 of title 5, United States Code, and shall be made notwithstanding any pay limitations set forth in that title.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

(1) in paragraph (16), by adding ''or'' at the end;

(2) in paragraph (17), in the undesignated matter following subparagraph (D), by striking ''; or'' and inserting a period; and

(3) by striking paragraph (18).

SEC. 1143. U.S. CUSTOMS AND BORDER PROTECTION RETENTION INCENTIVES.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

"SEC. 9702. U.S. CUSTOMS AND BORDER PROTECTION TEMPORARY EMPLOYMENT AUTHORITIES.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'CBP employee' means an employee of U.S. Customs and Border Protection described under any of subsections (a) through (h) of section 1141 of the Building America's Trust Act;

''(2) the term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection;

''(3) the term 'Director' means the Director of the Office of Personnel Management;

''(4) the term 'Secretary' means the Secretary of Homeland Security; and

''(5) the term 'appropriate congressional committees' means—

''(A) the Committee on Oversight and Government Reform of the House of Representatives;

''(B) the Committee on Homeland Security of the House of Representatives;

''(C) the Committee on Ways and Means of the House of Representatives;

''(D) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(E) the Committee on Finance of the Senate.

''(b) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

''(1) STATEMENT OF PURPOSE AND LIMITATION.—The purpose of this subsection is to allow U.S. Customs and Border Protection to expeditiously meet the hiring goals and staffing levels required under section 1141 of the Building America's Trust Act. The Secretary may not use such authority beyond meeting the requirements under such section.

''(2) DIRECT HIRE AUTHORITY.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees if the Secretary has given public notice for the positions.

''(3) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a recruitment or relocation bonus of up to 50 percent of the annual rate of basic pay to an individual CBP employee at the beginning of the service period multiplied by the number of years (including a fractional part of a year) in the required service period to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

''(A) the Secretary determines that conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of section 5753 are satisfied with respect to the individual (without regard to the regulations referenced in section 5753(b)(2)(B(ii)(I) or to any other provision of section 5753); and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(4) RETENTION BONUSES.—The Secretary may pay a retention bonus of up to 50 percent of basic pay to an individual CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

''(A) the Secretary determines that—

''(i) a condition consistent with the condition described in subsection (b)(1) of section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section);

''(ii) in the absence of a retention bonus, the CBP employee would be likely to leave—

''(I) the Federal service; or

''(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements under this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(5) RULES FOR BONUSES.—

''(A) MAXIMUM BONUS.—A bonus paid to an employee—

''(i) under paragraph (3) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

''(ii) under paragraph (4) may not exceed 50 percent of the annual rate of basic pay of the employee.

''(B) RELATIONSHIP TO BASIC PAY.—A bonus paid to an employee under paragraph (3) or (4) shall not be considered part of the basic pay of the employee for any purpose, including for retirement or in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552.

''(C) PERIOD OF SERVICE FOR RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—

''(i) IN GENERAL.—A bonus paid to an employee under paragraph (4) may not be based on any period of such service which is the basis for a recruitment or relocation bonus under paragraph (3).

''(ii) FURTHER LIMITATION.—A bonus paid to an employee under paragraph (3) or (4) may not be based on any period of service which is the basis for a recruitment or relocation bonus under section 5753 or a retention bonus under section 5754.

''(c) SPECIAL RATES OF PAY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section to assist the Secretary in meeting the requirements of section 1141 of the Building America's Trust Act. The Director shall prioritize the consideration of requests from the Secretary for such special rates of pay and issue a decision as soon as practicable. The Secretary shall provide such information to the Director as the Director deems necessary to evaluate special rates of pay under this subsection.

''(d) OPM OVERSIGHT.—

''(1) REPORT.—Not later than September 30 of each year, the Secretary shall submit a report to the Director on U.S. Customs and Border Protection's use of authorities provided under subsections (b) and (c). In each report, the Secretary shall provide such information as the Director determines is appropriate to ensure appropriate use of authorities under such subsections. Each report shall also include an assessment of—

''(A) the impact of the use of authorities under subsections (b) and (c) on implementation of section 1141 of the Building America's Trust Act;

''(B) solving hiring and retention challenges at the agency, including at specific locations;

''(C) whether hiring and retention challenges still exist at the agency or specific locations; and

''(D) whether the Secretary needs to continue to use authorities provided under this section at the agency or at specific locations.

''(2) CONSIDERATION.—In compiling each report under paragraph (1), the Secretary shall consider—

''(A) whether any CBP employee accepted an employment incentive under subsection (b) and (c) and then transferred to a new location or left U.S. Customs and Border Protection; and

''(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

''(3) DISTRIBUTION.—In addition to the Director, the Secretary shall submit each report required under this subsection to the appropriate congressional committees.

''(e) OPM ACTION.—If the Director determines that the Secretary has inappropriately used the authority under subsection (b) or a special rate of pay authorized under subsection (c), the Director shall submit written notification to the appropriate congressional committees. Upon receipt of such notification, the Secretary may not make any new appointments or issue any new bonuses under subsection (b), or provide CBP employees with further special rates of pay, until the Director has submitted written notice to the Secretary and the appropriate congressional committees stating that the Director is satisfied that safeguards are in place to prevent further inappropriate use.

''(f) IMPROVING CBP HIRING AND RETENTION.—

''(1) EDUCATION OF CBP HIRING OFFICIALS.—Not later than 180 days after the date of the enactment of this section, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve the education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

''(2) ELEMENTS.—Elements of the strategy developed under paragraph (1) shall include—

''(A) developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees;

''(B) regular training sessions for personnel who are critical to filling open positions in rural or remote areas;

''(C) the development of pilot programs or other programs, as appropriate, consistent with authorities provided to the Secretary to

address identified hiring challenges, including in rural or remote areas;

''(D) developing and enhancing strategic recruiting efforts through the relationships with institutions of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas;

''(E) examination of existing agency programs to determine how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area;

''(F) feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families;

''(G) feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families; and

''(H) evaluation of Department of Homeland Security internship programs and the usefulness of such programs in improving hiring by the Secretary in rural or remote areas.

''(3) EVALUATION.—

''(A) IN GENERAL.—Each year the Secretary shall—

''(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

''(ii) make any appropriate updates to the strategy developed under paragraph (1).

''(B) INFORMATION.—The evaluation under subparagraph (A) shall include—

''(i) any reduction in the time taken by the Secretary to fill mission-critical positions, including in rural or remote areas;

''(ii) a general assessment of the impact of the strategy implemented under paragraph (1) on hiring challenges, including in rural or remote areas; and

''(iii) other information the Secretary determines relevant.

''(g) INSPECTOR GENERAL REVIEW.—Not later than 2 years after the date of the enactment of this section, the Inspector General of the Department of Homeland Security shall review the use of hiring and pay flexibilities under subsections (b) and (c) to determine whether the use of such flexibilities is helping the Secretary meet hiring and retention needs, including in rural and remote areas.

''(h) REPORT ON POLYGRAPH REQUESTS.—The Secretary shall submit a report to the appropriate congressional committees that identifies the number of requests the Secretary has received from any other Federal agency for the file of an applicant for a position in U.S. Customs and Border Protection that includes the results of a polygraph examination.

''(i) EXERCISE OF AUTHORITY.—

''(1) SOLE DISCRETION.—The exercise of authority under subsection (b) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71 and any collective bargaining agreement.

''(2) DELEGATION.—The Secretary may delegate any authority under this section to the Commissioner.

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Secretary or the Director from applicability of the merit system principles under section 2301.

''(k) SUNSET.—The authorities under subsections (b) and (c) shall terminate on September 30, 2022. Any bonus to be paid pursuant to subsection (b) that is approved before such date may continue until such bonus has been paid, subject to the conditions specified in this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. U.S. Customs and Border Protection temporary employment authorities.''.

(c) OVERTIME LIMITATION.—Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended by striking ''$25,000'' and inserting ''$45,000''.

SEC. 1144. RATE OF PAY FOR U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICERS AND AGENTS.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

''(l)(1) The provisions of subsections (a) through (h), providing for availability pay, shall apply to a law enforcement officer employed by U.S. Immigration and Customs Enforcement who is authorized to carry out the powers or authorities under section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) or section 589 of the Tariff Act of 1930 (19 U.S.C. 1589a) and who would not otherwise be covered by such subsections.

''(2) For the purposes of this section, section 5542(d) of this title, and subsections (a)(16) and (b)(30) of section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213), an officer described in paragraph (1) shall be deemed to be a criminal investigator.''.

(b) RULEMAKING.—The Director of the Office of Personnel Management may prescribe regulations to carry out section 5545a(l) of title 5, United States Code, as added by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first applicable pay period beginning on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 1145. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Anti-Border Corruption Reauthorization Act of 2018''.

(b) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than 3 years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, during the past 10 years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than 3 years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; and

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than 3 years;

''(B) holds, or has held within the past 5 years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past 5 years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is 4 years after the date of the enactment of the SECURE and SUCCEED Act.''.

(c) SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.—

(1) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NONEXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under section 3(b) and holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for, or receives a waiver under, section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''.

(2) REPORT.—The Anti-Border Corruption Act of 2010, as amended by paragraph (1), is further amended by adding at the end the following:

''SEC. 5. REPORTING.

''(a) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this section, and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to each such reporting period—

''(1) the number of waivers requested, granted, and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''.

(3) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following:

''SEC. 6. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' has the meaning given the term 'law enforcement officer' in sections 8331(20) and 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635-200 chapter 14–12.

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5' with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(d) POLYGRAPH EXAMINERS.—Not later than September 30, 2022, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 1146. TRAINING FOR OFFICERS AND AGENTS OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Section 411(l) of the Homeland Security Act of 2002 (6 U.S.C. 211(l)) is amended to read as follows:

''(l) TRAINING AND CONTINUING EDUCATION.—

''(1) MANDATORY TRAINING AND CONTINUING EDUCATION.—The Commissioner shall ensure that every agent and officer of U.S. Customs and Border Protection receives at least 21 weeks of training that is directly related to the mission of the U.S. Border Patrol, Air and Marine, and the Office of Field Operations before the initial assignment of such agents and officers.

''(2) FLETC.—The Commissioner shall work in consultation with the Director of the Federal Law Enforcement Training Centers to establish guidelines and curriculum for the training of agents and officers of U.S. Customs and Border Protection under subsection (a).

''(3) CONTINUING EDUCATION.—The Commissioner shall require all agents and officers of U.S. Customs and Border Protection who are required to undergo training under subsection (a) to participate in not fewer than 8 hours of continuing education annually to maintain and update understanding of Federal legal rulings, court decisions, and Department policies, procedures, and guidelines related to relevant subject matters.

''(4) LEADERSHIP TRAINING.—Not later than 1 year after the date of the enactment of the Ensuring Family Reunification Act of 2018, the Commissioner shall develop and require training courses geared towards the development of leadership skills for mid- and senior-level career employees not later than 1 year after such employees assume duties in supervisory roles.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report to the Committee on Finance of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Ways and Means of the House of Representatives that identifies the guidelines and curriculum established to carry out subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a).

(c) ASSESSMENT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security of the House of Representatives, the Committee on Ways and Means of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Finance of the Senate that assesses the training and education, including continuing education, required under subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a).

SEC. 1147. ADDITIONAL U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.

(a) ENFORCEMENT AND REMOVAL OFFICERS.—By not later than September 30, 2022, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty U.S. Immigration and Customs Enforcement Enforcement and Removal Operations law enforcement officers performing interior immigration enforcement functions by not fewer than 8,500.

(b) HOMELAND SECURITY INVESTIGATIONS SPECIAL AGENTS.—By not later than September 30, 2022, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty Homeland Security Investigations special agents by not fewer than 1,500.

(c) BORDER ENFORCEMENT SECURITY TASK FORCE.—By not later than September 30, 2022, the Director of U.S. Immigration and Customs Enforcement shall assign not fewer than 100 Homeland Security Investigations special agents to the Border Enforcement Security Task Force Program established under section 432 of the Homeland Security Act of 2002 (6 U.S.C. 240).

SEC. 1148. OTHER IMMIGRATION AND LAW ENFORCEMENT PERSONNEL.

(a) DEPARTMENT OF JUSTICE.—

(1) UNITED STATES ATTORNEYS.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Justice on such date of enactment, the Attorney General shall—

(A) increase by not fewer than 100 the number of Assistant United States Attorneys; and

(B) increase by not fewer than 50 the number of Special Assistant United States Attorneys in the United States Attorneys' office to litigate denaturalization and other immigration cases in the Federal courts.

(2) IMMIGRATION JUDGES.—

(A) ADDITIONAL IMMIGRATION JUDGES.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing vacancies within the Department of Justice on such date of enactment, the Attorney General shall increase by 200 the number of trained full-time immigration judges.

(B) FACILITIES, SUPPORT PERSONNEL, AND FULL-TIME INTERPRETERS.—The Attorney General is authorized to procure space, temporary facilities, support staff, and full-time interpreters on an expedited basis, to accommodate the additional immigration judges authorized under subparagraph (A).

(3) BOARD OF IMMIGRATION APPEALS.—

(A) BOARD MEMBERS.—By not later than September 30, 2022, the Attorney General shall increase the number of Board Members authorized to serve on the Board of Immigration Appeals to 25.

(B) STAFF ATTORNEYS.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing staff attorney vacancies within the Department of Justice on such date of enactment, the Attorney General shall increase the number of staff attorneys assigned to support the Board of Immigration Appeals by not fewer than 50.

(C) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General is authorized to procure space, temporary facilities, and required administrative support staff, on an expedited basis, to accommodate the additional Board Members authorized under subparagraph (A).

(4) OFFICE OF IMMIGRATION LITIGATION.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing vacancies within the Department of Justice on such date of enactment, the Attorney General shall increase by not fewer than 100 the number of attorneys for the Office of Immigration Litigation.

(b) DEPARTMENT OF HOMELAND SECURITY.—

(1) FRAUD DETECTION AND NATIONAL SECURITY OFFICERS.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within the Department of Homeland Security on such date of enactment, the Director of U.S. Citizenship and Immigration Services shall increase by not fewer than 100 the number of trained full-time active duty Fraud Detection and National Security (FDNS) officers.

(2) ICE HOMELAND SECURITY INVESTIGATIONS FORENSIC DOCUMENT LABORATORY PERSONNEL.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within the Department of Homeland Security on such date of enactment, the Director of U.S. Immigration and Customs Enforcement shall increase—

(A) the number of trained, full-time Forensic Document Laboratory Examiners by 15;

(B) the number of trained, full-time Fingerprint Specialists by 15;

(C) the number of trained, full-time Intelligence Officers by 10; and

(D) the number of trained, full-time administrative staff by 3.

(3) IMMIGRATION ATTORNEYS.—

(A) OFFICE OF THE PRINCIPAL LEGAL ADVISOR ATTORNEYS.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Homeland Security on such date of enactment, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty Office of Principal Legal Advisor attorneys by not fewer than 1,200. The majority of such attorneys shall perform duties related to litigation of removal proceedings and representing the Department of Homeland Security in immigration matters before the immigration courts within the Department of Justice, the Executive Office for Immigration Review, and enforcement of U.S. customs and trade laws. At least 50 of these additional attorney positions shall be used by the Attorney General to increase the number of U.S. Immigration and Customs Enforcement attorneys serving as Special Assistant U.S. Attorneys, on detail to the Department of Justice, Offices of the U.S. Attorneys, to assist with immigration-related litigation.

(B) USCIS IMMIGRATION ATTORNEYS.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Homeland Security on such date of enactment, the Director of U.S. Citizenship and Immigration Services shall increase the number of trained, full-time, active duty Office of Chief Counsel attorneys by not fewer than 250. Such attorneys shall primarily handle national security and public safety cases, denaturalization cases, and legal sufficiency reviews of immigration benefit decisions. At least 50 of these additional attorney positions shall be used by the Attorney General to increase the number of U.S. Citizenship and Immigration Service attorneys serving as Special Assistant U.S. Attorneys, on detail to the Department of Justice, Offices of the U.S. Attorneys, to assist with immigration-related litigation.

(C) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General and Secretary are authorized to procure space, temporary facilities, and to hire the required administrative and legal support staff, on an expedited basis, to accommodate the additional positions authorized under this paragraph.

(D) AUTHORITY TO ACQUIRE LEASEHOLD.—Notwithstanding any other provision of law, the Secretary may acquire a leasehold interest in real property, and may provide in a lease entered into under this subparagraph for the construction or modification of any facility on the leased property, if Secretary determines that the acquisition of such interest, and such construction or modification, are necessary in order to facilitate the implementation of this Act.

(E) USE OF USCIS FEE FUNDS.—Adjudication fees described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) may not be used to pay for the cost of employing or contracting for the services of any person who is not an employee or contractor of U.S. Citizenship and Immigration Services or the Department of Homeland Security's Administrative Appeals Office.

(c) DEPARTMENT OF STATE.—

(1) VISA SPECIALISTS.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department on such date of enactment, the Assistant Secretary of State for Consular Affairs shall increase the number of trained, full-time analysts within the Bureau of Consular Affairs by not fewer than 50. Such analysts primarily should handle and advise on cases and matters involving the potential for visa denial on the basis of national security and public safety concerns.

(2) IMMIGRATION ATTORNEYS.—By not later than September 30, 2022, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department on such date of enactment, the Assistant Secretary of State for Consular Affairs shall increase the number of trained, full-time, active attorneys adviser within the Bureau of Consular Affairs by not fewer than 25. Such attorneys primarily should handle and advise on cases and matters involving the potential for visa denial on the basis of national security and public safety concerns.

(3) FOREIGN SERVICE CONSULAR FELLOWS PROGRAM.—By not later than September 30, 2020, the Secretary of State shall—

(A) increase the number of Consular Fellows to double the number of Consular Fellows employed as of the date of the enactment of this Act;

(B) offer Consular Fellows permanent career appointments; and

(C) make language training available to Consular Fellows for assignment to posts outside of their area of core linguistic ability.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of the fiscal years 2018 through 2022, such sums as may be necessary to carry out this section.

SEC. 1149. JUDICIAL RESOURCES FOR BORDER SECURITY.

(a) BORDER CROSSING PROSECUTIONS; CRIMINAL CONSEQUENCE INITIATIVE.—

(1) IN GENERAL.—Amounts appropriated pursuant to paragraph (3) shall be used—

(A) to increase the number of criminal prosecutions for unlawful border crossing in each and every sector of the southern border by not less than 80 percent per day, as compared to the average number of such prosecutions per day during the 12-month period preceding the date of the enactment of this Act, by increasing funding for—

(i) attorneys and administrative support staff in offices of United States attorneys;

(ii) support staff and interpreters in court clerks' offices;

(iii) pre-trial services;

(iv) activities of the Office of the Federal Public Defender, including payments to retain appointed counsel under section 3006A of title 18, United States Code; and

(v) additional personnel, including deputy United States marshals in the United States Marshals Service, to perform intake, coordination, transportation, and court security; and

(B) to reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the increased border crossing prosecutions carried out pursuant to subparagraph (A).

(2) ADDITIONAL MAGISTRATE JUDGES TO ASSIST WITH INCREASED CASELOAD.—The chief judge of each judicial district located within a sector of the southern border is authorized to appoint additional full-time magistrate judges, who, consistent with the Constitution and laws of the United States, shall have the authority to hear cases and controversies in the judicial district in which the magistrate judges are appointed.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of the fiscal years 2018 through 2022, such sums as may be necessary to carry out this subsection.

(b) ADDITIONAL PERMANENT DISTRICT COURT JUDGESHIPS IN SOUTHERN BORDER STATES.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the District of Arizona;

(B) 2 additional district judges for the Southern District of California;

(C) 4 additional district judges for the Western District of Texas; and

(D) 2 additional district judges for the Southern District of Texas.

(2) CONVERSIONS OF TEMPORARY DISTRICT COURT JUDGESHIPS.—The judgeships for the District of Arizona and the Central District of California authorized under section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 133 note), in existence on the day before the date of the enactment of this Act, shall be authorized under section 133 of title 28, United States Code, and the individuals holding such judgeships on such day shall hold office under section 133 of title 28, United States Code, as amended by paragraph (3).

(3) TECHNICAL AND CONFORMING AMENDMENTS.—The table contained in section 133(a) of title 28, United States Code, is amended—

(A) by striking the item relating to the district of Arizona and inserting the following:

"Arizona	17";

(B) by striking the items relating to California and inserting the following :

"California:	
Northern	19
Eastern	12
Central	28
Southern	15"; and

(C) by striking the items relating to Texas and inserting the following :

"Texas:	
Northern	12
Southern	21
Eastern	7
Western	17".

(c) INCREASE IN FILING FEES.—

(1) IN GENERAL.—Section 1914(a) of title 28, United States Code, is amended—

(A) by striking ''$350'' and inserting ''$375''; and

(B) by striking ''$5'' and inserting ''$7''.

(2) EXPENDITURE LIMITATION.—Incremental amounts collected pursuant to the amendments made by paragraph (1)—

(A) shall be deposited as offsetting receipts in the special fund of the Treasury established under section 1931 of title 28, United States Code; and

(B) shall be available solely for the purpose of facilitating the processing of civil cases, but only to the extent specifically appropriated by an Act of Congress enacted after the date of the enactment of this Act.

SEC. 1150. REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR FEDERALLY INITIATED, IMMIGRATION-RELATED CRIMINAL CASES.

(a) IN GENERAL.—The Attorney General shall reimburse State, county, tribal, and municipal governments for costs associated with the prosecution of federally initiated criminal cases declined to be prosecuted by local offices of the United States attorneys, including costs relating to pre-trial services, detention, clerical support, and public defenders' services associated to such prosecution.

(b) EXCEPTION.—Reimbursement under subsection (a) shall not be available, at the discretion of the Attorney General, if the Attorney General determines that there is reason to believe that the jurisdiction seeking reimbursement has engaged in unlawful conduct in connection with immigration-related apprehensions.

CHAPTER 3—GRANTS

SEC. 1151. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended—

(1) in paragraph (1)—

(A) by inserting ''AUTHORIZATION.—'' before ''If the chief''; and

(B) by inserting ''or an alien with an unknown status'' after ''undocumented criminal alien'' each place that term appears;

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) COMPENSATION.—

''(A) CALCULATION OF COMPENSATION.—Compensation under paragraph (1)(A) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the Attorney General.

''(B) COMPENSATION OF STATE FOR INCARCERATION.—The Attorney General shall compensate the State or political subdivision of the State, in accordance with subparagraph (A), for the incarceration of an alien—

''(i) whose immigration status cannot be verified by the Secretary; and

''(ii) who would otherwise be an undocumented criminal alien if the alien is unlawfully present in the United States.

''(3) DEFINITIONS.—In this subsection:

''(A) ALIEN WITH AN UNKNOWN STATUS.—The term 'alien with an unknown status' means an individual—

''(i) who has been incarcerated by a Federal, State, or local law enforcement entity; and

''(ii) whose immigration status cannot be definitively identified.

''(B) UNDOCUMENTED CRIMINAL ALIEN.—The term 'undocumented criminal alien' means an alien who—

''(i) has been charged with or convicted of a felony or any misdemeanors; and

''(ii)(I) entered the United States without inspection or at any time or place other than as designated by the Secretary;

''(II) was the subject of exclusion or deportation or removal proceedings at the time he or she was taken into custody by the State or a political subdivision of the State; or

''(III) was admitted as a nonimmigrant and, at the time he or she was taken into custody by the State or a political subdivision of the State, has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status.'';

(3) in paragraph (4), by inserting ''and aliens with an unknown status'' after ''undocumented criminal aliens'' each place that term appears;

(4) in paragraph (5)(C), by striking ''to carry out this subsection'' and all that follows and inserting ''$950,000,000, for each of the fiscal years 2018 through 2022, to carry out this subsection.''; and

(5) by adding at the end the following:

''(7) DISTRIBUTION OF REIMBURSEMENT.—Any amounts provided to a State or to a political subdivision of a State as compensation under paragraph (1)(A) for a fiscal year shall be distributed to such State or political subdivision not later than 120 days after the last day of the period specified by the Attorney General for the submission of requests under that paragraph for that fiscal year.''.

SEC. 1152. SOUTHERN BORDER SECURITY ASSISTANCE GRANTS.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary, in consultation with State and local law enforcement agencies, may award border security assistance grants to law enforcement agencies located in the Southwest border region for the purposes described in subsection (b).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to law enforcement agencies located in a county that is located within 25 miles of the Southern border.

(b) PURPOSES.—Each grant awarded under subsection (a) shall be used to address drug trafficking, smuggling, and border violence—

(1) by obtaining law enforcement equipment and tools, including secure 2-way communication devices, portable laptops and office computers, license plate readers, unmanned aerial vehicles, unmanned aircraft systems, manned aircraft, cameras with night viewing capabilities, and any other appropriate law enforcement equipment;

(2) by hiring additional personnel, including administrative support personnel, dispatchers, and jailers, and to provide overtime pay for such personnel;

(3) by purchasing law enforcement vehicles;

(4) by providing high performance aircraft and helicopters for border surveillance and other critical mission applications and paying for the operational and maintenance costs associated with such craft;

(5) by providing critical power generation systems, infrastructure, and technological upgrades to support State and local data management systems and fusion centers; or

(6) by providing specialized training and paying for the direct operating expenses associated with detecting and prosecuting drug trafficking, human smuggling, and other illegal activity or violence that occurs at or near the Southern border.

(c) APPLICATION.—

(1) REQUIREMENT.—A law enforcement agency seeking a grant under subsection (a), or a nonprofit organization or coalition acting as an agent for 1 or more such law enforcement entities, shall submit an application to the Secretary that includes the information described in paragraph (2) at such time and in such manner as the Secretary may require.

(2) CONTENT.—Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be carried out with a grant awarded under subsection (a);

(B) if equipment will be purchased with the grant, a detailed description of—

(i) the type and quantity of such equipment; and

(ii) the personnel who will be using such equipment;

(C) a description of the need of the law enforcement agency or agencies for the grant, including a description of the inability of the agency or agencies to carry out the proposed activities without the grant; and

(D) an assurance that the agency or agencies will, to the extent practicable, seek, recruit, and hire women and members of racial and ethnic minority groups in law enforcement positions of the agency or agencies.

(d) REVIEW AND AWARD.—

(1) REVIEW.—Not later than 90 days after receiving an application submitted under subsection (c), the Secretary shall review and approve or reject the application.

(2) AWARD OF FUNDS.—Subject to the availability of appropriations, not later than 45 days after the date an application is approved under paragraph (1), the Secretary shall transmit the grant funds to the applicant.

(3) PRIORITY.—In distributing grant funds under this subsection, priority shall be given to high-intensity areas for drug trafficking, smuggling, and border violence.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of the fiscal years 2018 through 2022, $300,000,000 for grants authorized under this section.

SEC. 1153. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 2009. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency—

''(1) shall be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border; and

''(2) shall be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office.

''(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for—

''(1) equipment, including maintenance and sustainment costs;

''(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities;

''(3) any activity permitted for Operation Stonegarden under the Department of Homeland Security's most recent Homeland Security Grant Program Notice of Funding Opportunity; and

''(4) any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section

to grant recipients for a period of not less than 36 months.

''(e) REPORT.—For each of the fiscal years 2018 through 2022, the Administrator shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives containing information on the expenditure of grants made under this section by each grant recipient.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000, for each of the fiscal years 2018 through 2022, for grants under this section.''.

(b) CONFORMING AMENDMENT.—Section 2002(a) of the Homeland Security Act of 2002 (6 U.S.C. 603(a)) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following:

''Sec. 2009. Operation Stonegarden.''.

SEC. 1154. GRANTS FOR IDENTIFICATION OF VICTIMS OF CROSS-BORDER HUMAN SMUGGLING.

In addition to any funding for grants made available to the Attorney General for State and local law enforcement assistance, the Attorney General shall award grants to county, municipal, or tribal governments in States along the southern border for costs, or reimbursement of costs, associated with the transportation and processing of unidentified alien remains that have been transferred to an official medical examiner's office or an institution of higher education in the area with the capacity to analyze human remains using forensic best practices, including DNA testing, where such expenses may contribute to the collection and analysis of information pertaining to missing and unidentified persons.

SEC. 1155. GRANT ACCOUNTABILITY.

(a) DEFINITIONS.—In this section:

(1) AWARDING ENTITY.—The term ''awarding entity'' means the Secretary, the Administrator of the Federal Emergency Management Agency, the Director of the National Science Foundation, or the Chief of the Office of Citizenship and New Americans.

(2) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(3) UNRESOLVED AUDIT FINDING.—The term ''unresolved audit finding'' means a finding in a final audit report conducted by the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 1 year after the date when the final audit report is issued.

(b) ACCOUNTABILITY.—All grants awarded by an awarding entity pursuant to this subtitle shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) AUDITS.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, shall conduct audits of recipients of grants under this subtitle or any amendments made by this subtitle to prevent waste, fraud, and abuse of funds by grantees. Such Inspectors General shall determine the appropriate number of grantees to be audited each year.

(B) MANDATORY EXCLUSION.—A recipient of grant funds under this subtitle that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subtitle or any amendment made by this subtitle during the first 2 fiscal years beginning after the end of the fiscal year in which a finding described in subsection (A) was discovered.

(C) PRIORITY.—In awarding a grant under this subtitle or any amendment made by this subtitle, the awarding entity shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years immediately preceding the date on which the entity submitted the application for such grant.

(D) REIMBURSEMENT.—If an entity is awarded grant funds under this subtitle or any amendment made by this subtitle during the 2-year period when the entity is barred from receiving grants under subparagraph (B), the awarding entity shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to such entity into the general fund of the Treasury; and

(ii) seek to recover the costs of the repayment under clause (i) from such entity.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) PROHIBITION.—An awarding entity may not award a grant under this subtitle or any amendment made by this subtitle to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax imposed under section 511(a) of the Internal Revenue Code of 1986.

(B) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this subtitle or any amendment made by this subtitle and uses the procedures prescribed by Internal Revenue regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the awarding entity, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the awarding entity shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—Amounts authorized to be appropriated to the Department of Homeland Security or the National Science Foundation for grant programs under this subtitle or any amendment made by this subtitle may not be used by an awarding entity to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Homeland Security or the National Science Foundation unless the Deputy Secretary for Homeland Security, or the Deputy Director of the National Science Foundation, or their designee, provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Secretary of Homeland Security and the Deputy Director of the National Science Foundation shall submit an annual report to Congress that identifies all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, and annually thereafter, each awarding entity shall submit a report to Congress that—

(A) indicates whether—

(i) all audits issued by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under paragraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) includes a list of any grant recipients excluded under paragraph (1) during the previous year.

Subtitle B—Emergency Port of Entry Personnel and Infrastructure Funding

SEC. 1201. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on Ways and Means of the House of Representatives; and

(F) the Committee on the Judiciary of the House of Representatives.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 1202. PORTS OF ENTRY INFRASTRUCTURE.

(a) ADDITIONAL PORTS OF ENTRY.—

(1) AUTHORITY.—Subject to section 3307 of title 40, United States Code, the Administrator of General Services may construct new ports of entry along the northern border and along the southern border at locations determined by the Secretary.

(2) CONSULTATION.—

(A) REQUIREMENT TO CONSULT.—The Secretary shall consult with the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, the Administrator of General Services, and appropriate representatives of State and local governments, Indian tribes, and property owners in the United States prior to determining a location for any new port constructed pursuant to paragraph (1).

(B) CONSIDERATIONS.—The purpose of the consultations required under subparagraph (A) shall be to minimize any negative impacts of such a new port on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.

(b) EXPANSION AND MODERNIZATION OF HIGH-VOLUME SOUTHERN BORDER PORTS OF ENTRY.—Not later than September 30, 2022, the Administrator of General Services, subject to section 3307 of title 40, United States Code, and in coordination with the Secretary, shall expand or modernize high-priority ports of entry on the southern border, as determined by the Secretary, for the purposes of reducing wait times and enhancing security.

(c) PORT OF ENTRY PRIORITIZATION.—Prior to constructing any new ports of entry pursuant to subsection (a), the Administrator of

General Services shall complete the expansion and modernization of ports of entry pursuant to subsection (b), to the extent practicable.

(d) NOTIFICATIONS.—

(1) RELATING TO NEW PORTS OF ENTRY.—Not later than 15 days after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary and the Administrator of General Services shall jointly notify the Members of Congress who represent the State or congressional district in which such new port of entry will be located, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Finance of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Ways and Means of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Judiciary of the House of Representatives. Such notification shall include—

(A) information relating to the location of such new port of entry;

(B) a description of the need for such new port of entry and associated anticipated benefits;

(C) a description of the consultations undertaken by the Secretary and the Administrator pursuant to subsection (a)(2)(A);

(D) any actions that will be taken to minimize negative impacts of such new port of entry; and

(E) the anticipated time line for the construction and completion of such new port of entry.

(2) EXPANSION AND MODERNIZATION OF PORTS OF ENTRY.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Administrator of General Services shall jointly notify the congressional committees listed in paragraph (1) of—

(A) the ports of entry on the southern border selected for expansion or modernization pursuant to subsection (b); and

(B) the plan of the Secretary and the Administrator for expanding or modernizing each such port of entry.

(e) SAVINGS PROVISION.—Nothing in this section may be construed—

(1) to create or negate any right of action for a State, local government, or other person or entity affected by this section;

(2) to delay the transfer of the possession of property to the United States;

(3) to affect the validity of any property acquisitions by purchase or eminent domain or to otherwise affect the eminent domain laws of the United States or of any State; or

(4) to create any right or liability for any party.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as providing the Secretary new authority related to the construction, acquisition, or renovation of real property.

SEC. 1203. SECURE COMMUNICATIONS.

(a) IN GENERAL.—The Secretary shall ensure that each U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement officer or agent, if appropriate, is equipped with a secure radio or other 2-way communication device, supported by system interoperability, that allows each such officer to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.

(b) U.S. BORDER PATROL AGENTS.—The Secretary shall ensure that each U.S. Customs and Border Protection agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, and at border checkpoints, has a multi- or dual-band encrypted portable radio.

SEC. 1204. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) EXPANSION.—Not later than September 30, 2022, the Secretary shall fully implement U.S. Customs and Border Protection's Border Security Deployment Program and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000, for each of the fiscal year 2018 through 2022, to carry out subsection (a).

SEC. 1205. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.

(a) UPGRADE.—Not later than 2 years after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall upgrade all existing license plate readers on the northern border and on the southern border on incoming and outgoing vehicle lanes.

(b) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall conduct a 1-month pilot program on the southern border using license plate readers for 1 to 2 cargo lanes at the top 2 high-volume southern border land ports of entry or checkpoints and at the top 2 high-volume northern border land ports of entry or checkpoints to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Finance of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that contains the results of the pilot program under subsection (b) and makes recommendations for using the technology described in such subsection on the southern border.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for the 2-year period ending on September 30, 2019, to carry out subsection (a).

SEC. 1206. BIOMETRIC TECHNOLOGY.

(a) BIOMETRIC STORAGE.—

(1) CREATION OR EXPANSION OF SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall create a system (or upgrade and expand the capability and capacity of an existing system, if a Department of Homeland Security system already has capability and capacity for storage) to allow for the storage of fingerprints, photographs, iris scans, voice prints, and any other biometric data of aliens that can be used by the Department of Homeland Security, other Federal agencies, and State and local law enforcement agencies for identity verification, authentication, background checks, and document production.

(2) COMPATIBILITY.—The Secretary shall ensure, to the extent possible, that the system created or expanded under paragraph (1) is compatible with existing State and local law enforcement systems that are used for the collection and storage of biometric data for criminal aliens.

(b) PILOT PROGRAM.—When the system created under subsection (a) is operational, U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services shall conduct a 6-month pilot program on the collection and use of iris scans and voice prints for identity verification, authentication, background checks, and document production.

(c) REPORT.—Not later than 6 months after the conclusion of the pilot program under subsection (b), the Secretary shall submit a report containing the results of the pilot program and recommendations for using such technology to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Homeland Security of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated, for each of the fiscal years 2018 through 2022, $10,000,000 carry out this section.

SEC. 1207. NONINTRUSIVE INSPECTION OPERATIONAL DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner shall establish a 6-month operational demonstration project to deploy a high-throughput nonintrusive passenger vehicle inspection system at not fewer than 3 land ports of entry along the United States-Mexico border with significant cross-border traffic.

(2) LOCATION.—The demonstration project established under paragraph (1)—

(A) shall be located within the pre-primary traffic flow; and

(B) should be scalable to span up to 26 contiguous in-bound traffic lanes without reconfiguration of existing lanes.

(b) REPORT.—Not later than 90 days after the conclusion of the operational demonstration project under subsection (a), the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Finance of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Ways and Means of the House of Representatives that describes—

(1) the effects of the demonstration project on legitimate travel and trade;

(2) the effects of the demonstration project on wait times, including processing times, for non-pedestrian traffic; and

(3) the effectiveness of the demonstration project in combating terrorism and smuggling.

SEC. 1208. BIOMETRIC EXIT DATA SYSTEM.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by inserting after section 415 the following:

"SEC. 416. BIOMETRIC ENTRY-EXIT.

''(a) ESTABLISHMENT.—The Secretary—

''(1) not later than 180 days after the date of the enactment of this section, shall submit an implementation plan to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the

Judiciary of the House of Representatives for establishing a biometric exit data system to complete the integrated biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including—

''(A) an integrated master schedule and cost estimate, including requirements and design, development, operational, and maintenance costs of such a system, that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(B) cost-effective staffing and personnel requirements of such a system that leverages existing resources of the Department that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(C) a consideration of training programs necessary to establish such a system that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(D) a consideration of how such a system will affect arrival and departure wait times that takes into account prior reports on such matter issued by the Government Accountability Office and the Department;

''(E) information received after consultation with private sector stakeholders, including the—

''(i) trucking industry;

''(ii) airport industry;

''(iii) airline industry;

''(iv) seaport industry;

''(v) travel industry; and

''(vi) biometric technology industry;

''(F) a consideration of how trusted traveler programs in existence as of the date of the enactment of this section may be impacted by, or incorporated into, such a system;

''(G) defined metrics of success and milestones;

''(H) identified risks and mitigation strategies to address such risks;

''(I) a consideration of how other countries have implemented a biometric exit data system; and

''(J) a list of statutory, regulatory, or administrative authorities needed to integrate such a system into the operations of the Transportation Security Administration; and

''(2) not later than 2 years after the date of the enactment of this section, shall establish a biometric exit data system at—

''(A) the 15 United States airports that support the highest volume of international air travel, as determined by available Federal flight data;

''(B) the 10 United States seaports that support the highest volume of international sea travel, as determined by available Federal travel data; and

''(C) the 15 United States land ports of entry that support the highest volume of vehicle, pedestrian, and cargo crossings, as determined by available Federal border crossing data.

''(b) IMPLEMENTATION.—

''(1) PILOT PROGRAM AT LAND PORTS OF ENTRY.—Not later than 6 months after the date of the enactment of this section, the Secretary, in collaboration with industry stakeholders, shall establish a 6-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on nonpedestrian outbound traffic at not fewer than 3 land ports of entry with significant cross-border traffic, including at not fewer than 2 land ports of entry on the southern land border and at least 1 land port of entry on the northern land border. Such pilot program may include a consideration of more than 1 biometric mode, and shall be implemented to determine—

''(A) how a nationwide implementation of such biometric exit data system at land ports of entry shall be carried out;

''(B) the infrastructure required to carry out subparagraph (A);

''(C) the effects of such pilot program on legitimate travel and trade;

''(D) the effects of such pilot program on wait times, including processing times, for such nonpedestrian traffic;

''(E) the effects of such pilot program on combating terrorism; and

''(F) the effects of such pilot program on identifying visa holders who violate the terms of their visas.

''(2) EXPANSION TO LAND PORTS OF ENTRY.—

''(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry.

''(B) EXTENSION.—The Secretary may extend, for a single 2-year period, the date specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that support the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system. Such extension shall only apply to nonpedestrian outbound traffic.

''(3) EXPANSION TO AIR AND SEA PORTS OF ENTRY.—Not later than 5 years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry.

''(c) EFFECTS ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas.

''(d) TERMINATION OF PROCEEDING.—Notwithstanding any other provision of law, the Secretary shall, on the date of the enactment of this section, terminate the proceeding entitled 'Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (''US-VISIT'')', issued on April 24, 2008 (73 Fed. Reg. 22065).

''(e) DATA-MATCHING.—The biometric exit data system established under this section shall—

''(1) match biometric information for an individual who is departing the United States against biometric data previously provided to the United States Government by such individual for the purposes of international travel;

''(2) leverage the infrastructure and databases of the current biometric entry and exit system established pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b) for the purpose described in paragraph (1); and

''(3) be interoperable with, and allow matching against, other Federal databases that—

''(A) store biometrics of known or suspected terrorists; and

''(B) identify visa holders who violate the terms of their visas.

''(f) SCOPE.—

''(1) IN GENERAL.—The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data at the time of departure for all categories of individuals who are required by the Secretary to provide biometric entry data.

''(2) EXCEPTION FOR CERTAIN OTHER INDIVIDUALS.—This section shall not apply in the case of an individual who exits and then enters the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) the itinerary of which originates and terminates in the United States.

''(3) EXCEPTION FOR LAND PORTS OF ENTRY.—This section shall not apply in the case of a United States or Canadian citizen who exits the United States through a land port of entry.

''(g) COLLECTION OF DATA.—The Secretary may not require any entity that is not part of the Federal Government to collect biometric data, or to contribute to the costs of collecting or administering the biometric exit data system established under this section, except through a mutual agreement.

''(h) MULTI-MODAL COLLECTION.—In carrying out subsections (a)(1) and (b), the Secretary shall make every effort to collect biometric data using multiple modes of biometrics.

''(i) FACILITIES.—All facilities at which the biometric exit data system established under this section is implemented shall provide and maintain space for Federal use that is adequate to support biometric data collection and other inspection-related activity. For non-federally owned facilities, such space shall be provided and maintained at no cost to the Government.

''(j) NORTHERN LAND BORDER.—The requirements under subsections (a)(2)(C) and (b)(2)(A) may be achieved on the northern land border through the sharing of biometric data provided to the Department by the Canadian Border Services Agency pursuant to the 2011 Beyond the Border agreement.

''(k) FULL AND OPEN COMPETITION.—The Secretary shall procure goods and services to implement this section through full and open competition in accordance with the Federal Acquisition Regulation.

''(l) OTHER BIOMETRIC INITIATIVES.—The Secretary may pursue biometric initiatives at air, land, and sea ports of entry for the purposes of border security and trade facilitation distinct from the biometric exit data system described in this section.

''(m) CONGRESSIONAL REVIEW.—Not later than 90 days after the date of the enactment of this section, the Secretary shall submit reports and recommendations to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives regarding the Science and Technology Directorate's Air Entry and Exit Re-Engineering Program of the Department and the U.S. Customs and Border Protection entry and exit mobility program demonstrations.

''(n) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the collection of user fees permitted by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 415 the following:

''Sec. 416. Biometric entry-exit.''.

SEC. 1209. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES.

(a) FINDING.—Congress finds that personnel constraints exist at land ports of entry with regard to sanitary and phytosanitary inspections for exported goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in the best interest of cross-border trade and the agricultural community—

(1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional hours to facilitate the crossing and trade of perishable goods in a manner consistent with rules of the Department of Agriculture; and

(2) cross designation should be available for personnel who will assist more than 1 agency or department at land ports of entry to facilitate increased trade and commerce.

Subtitle C—Border Security Enforcement Fund

SEC. 1301. BORDER SECURITY ENFORCEMENT FUND.

(a) PURPOSE.—There shall be established in the Treasury of the United States a Border Security Enforcement Fund (referred to in this section as the ''Fund''), to be administered through the Department of Homeland Security and, in fiscal year 2018 only, through the Department of State only with respect to section 1120, which shall be available to carry out activities necessary to implement this Act and other Acts related to border security, including—

(1) the design, planning, construction, installation, deployment, operation, and maintenance of tactical infrastructure, technology, including physical barriers, and necessary mobility access and personnel support infrastructure in the vicinity of the United States border—

(A) to achieve situational awareness and operational control of such border;

(B) to deter, impede, and detect illegal activity; or

(C) to implement other border security provisions under titles I and II;

(2) the implementation of port of entry provisions under titles I and II;

(3) the purchase of new aircraft, vessels, spare parts, and equipment to maintain such craft; and

(4) hiring and recruitment.

(b) FUNDING.—There are appropriated to the Fund, out of any amounts in the Treasury not otherwise appropriated, $25,000,000,000, of which—

(1) $2,947,000,000 is appropriated for fiscal year 2018, and shall remain available through September 30, 2022;

(2) $2,225,000,000 is appropriated for fiscal year 2019, and shall remain available through September 30, 2023;

(3) $2,467,000,000 is appropriated for fiscal year 2020, and shall remain available through September 30, 2024;

(4) $2,644,000,000 is appropriated for fiscal year 2021, and shall remain available through September 30, 2025;

(5) $2,862,000,000 is appropriated for fiscal year 2022, and shall remain available through September 30, 2026;

(6) $2,370,000,000 is appropriated for fiscal year 2023, and shall remain available through September 30, 2027;

(7) $2,371,000,000 is appropriated for fiscal year 2024, and shall remain available through September 30, 2028;

(8) $2,401,000,000 is appropriated for fiscal year 2025, and shall remain available through September 30, 2029;

(9) $2,371,000,000 is appropriated for fiscal year 2026, and shall remain available through September 30, 2030; and

(10) $2,342,000,000 is appropriated for fiscal year 2027, and shall remain available through September 30, 2031.

(c) TACTICAL INFRASTRUCTURE.—

(1) TRANSFERS.—The Secretary shall transfer, from the Fund to the ''U.S. Customs and Border Protection—Procurement, Construction and Improvements'' account, for the purpose described in subsection (a)(1), $18,000,000,000, of which—

(A) $1,571,000,000 shall be transferred in fiscal year 2018;

(B) $1,600,000,000 shall be transferred in fiscal year 2019;

(C) $1,842,000,000 shall be transferred in fiscal year 2020;

(D) $2,019,000,000 shall be transferred in fiscal year 2021;

(E) $2,237,000,000 shall be transferred in fiscal year 2022;

(F) $1,745,000,000 shall be transferred in fiscal year 2023;

(G) $1,746,000,000 shall be transferred in fiscal year 2024;

(H) $1,776,000,000 shall be transferred in fiscal year 2025;

(I) $1,746,000,000 shall be transferred in fiscal year 2026; and

(J) $1,718,000,000 shall be transferred in fiscal year 2027.

(2) AVAILABILITY OF FUNDS.—Notwithstanding section 1532 of title 31, United States Code, any amounts transferred pursuant to paragraph (1) shall merge with the ''U.S. Customs and Border Protection—Procurement, Construction and Improvements'' account and remain available until expended.

(d) TRANSFER TO DEPARTMENT OF STATE.—During fiscal year 2018, the Secretary shall transfer $200,000,000 to the Secretary of State to implement section 1120.

(e) TRANSFER AUTHORITY.—In addition to the amounts transferred by the Secretary pursuant to subsection (c) and to the Secretary of State pursuant to subsection (d), the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives may provide, in a subsequent appropriation, for the transfer of amounts in the Fund to the Department of Homeland Security to eligible activities under this section.

(f) USE OF FUND.—If the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives do not provide for the full transfer of funds pursuant to subsection (e) in an appropriation enacted in the fiscal year in which such funds are made available from the Fund pursuant to subsection (b), the Secretary of Homeland Security may transfer any remaining amounts in the Fund to accounts within the Department of Homeland Security for eligible activities under this section.

Subtitle D—Stop the Importation and Trafficking of Synthetic Analogues Act

SEC. 1401. SHORT TITLES.

This subtitle may be cited as the ''Stop the Importation and Trafficking of Synthetic Analogues Act of 2018'' or the ''SITSA Act''.

SEC. 1402. ESTABLISHMENT OF SCHEDULE A.

Section 202 of the Controlled Substances Act (21 U.S.C. 812) is amended—

(1) in subsection (a), by striking ''five schedules of controlled substances, to be known as schedules I, II, III, IV, and V'' and inserting ''six schedules of controlled substances, to be known as schedules I, II, III, IV, V, and A'';

(2) in subsection (b), by adding at the end the following:

''(6) SCHEDULE A.—

''(A) IN GENERAL.—The drug or substance—

''(i) has—

''(I) a chemical structure that is substantially similar to the chemical structure of a controlled substance in schedule I, II, III, IV, or V; and

''(II) an actual or predicted stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I, II, III, IV, or V; and

''(ii) is not—

''(I) listed or otherwise included in any other schedule in this section or by regulation of the Attorney General; and

''(II) with respect to a particular person, subject to an exemption that is in effect for investigational use, for that person, under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to such substance is pursuant to such exemption.

''(B) PREDICTED STIMULANT, DEPRESSANT, OR HALLUCINOGENIC EFFECT.—For purpose of this paragraph, a predicted stimulant, depressant, or hallucinogenic effect on the central nervous system may be based on—

''(i) the chemical structure, structure activity relationships, binding receptor assays, or other relevant scientific information about the substance;

''(ii)(I) the current or relative potential for abuse of the substance; and

''(II) the clandestine importation, manufacture, or distribution, or diversion from legitimate channels, of the substance; or

''(iii) the capacity of the substance to cause a state of dependence, including physical or psychological dependence that is similar to or greater than that of a controlled substance in schedule I, II, III, IV, or V.''; and

(3) in subsection (c)—

(A) in the matter preceding schedule I, by striking ''IV, and V'' and inserting ''IV, V, and A''; and

(B) by adding at the end the following:

''SCHEDULE A

''(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, as scheduled in accordance with section 201(k)(5):

''(1) 4-fluoroisobutyryl fentanyl.

''(2) Valeryl fentanyl.

''(3) 4-methoxybutyryl fentanyl.

''(4) 4-methylphenethyl acetyl fentanyl.

''(5) 3-furanyl fentanyl.

''(6) Ortho-fluorofentanyl.

''(7) Tetrahydrofuranyl fentanyl.

''(8) Ocfentanil.

''(9) 4-fluorobutyryl fentanyl.

''(10) Methoxyacetyl fentanyl.

''(11) Meta-fluorofentanyl.

''(12) Isobutyryl fentanyl.

''(13) Acryl fentanyl.''.

SEC. 1403. TEMPORARY AND PERMANENT SCHEDULING OF SCHEDULE A SUBSTANCES.

Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

''(k) TEMPORARY AND PERMANENT SCHEDULING OF SCHEDULE A SUBSTANCES.—

''(1) The Attorney General may issue a temporary order adding a drug or substance to schedule A if the Attorney General finds that—

''(A) the drug or other substance satisfies the criteria for being considered a schedule A substance; and

''(B) adding such drug or substance to schedule A will assist in preventing abuse or misuse of the drug or other substance.

''(2)(A) A temporary scheduling order issued under paragraph (1) shall not take effect until 30 days after the date on which the

Attorney General publishes a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued.

''(B) The Attorney General may amend, withdraw, or rescind a temporary scheduling order at any time by publication of a notice in the Federal Register.

''(C) Subject to paragraph (B), the temporary scheduling order shall expire not later than 5 years after the date on which it becomes effective, except that the Attorney General may, during the pendency of proceedings under paragraph (5), extend the temporary scheduling order for up to 180 days.

''(3) A temporary scheduling order issued under paragraph (1) shall be vacated upon the issuance of a permanent order issued under paragraph (5) with regard to the same substance, or upon the subsequent issuance of any scheduling order under this section.

''(4) A temporary scheduling order issued under paragraph (1) shall not be subject to judicial review.

''(5) The Attorney General may, by rule, issue a permanent order adding a drug or other substance to schedule A if such drug or substance satisfies the criteria for being considered a schedule A substance. Such rulemaking may be commenced simultaneously with the issuance of the temporary scheduling order issued under paragraph (1) with regard to the same substance.

''(6) Before initiating proceedings under paragraph (1) or (5), the Attorney General shall transmit notice of an order proposed to be issued to the Secretary of Health and Human Services. In issuing an order under paragraph (1) or (5), the Attorney General shall take into consideration any comments submitted by the Secretary of Health and Human Services in response to a notice transmitted pursuant to this paragraph.''.

SEC. 1404. PENALTIES.

(a) CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 401(b)(1) (21 U.S.C. 841(b)(1)), by adding at the end the following:

''(F)(i) In the case of any controlled substance in schedule A, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 15 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

''(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.

''(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of not less than 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of not less than 4 years in addition to such term of imprisonment.'';

(2) in section 403(a) (21 U.S.C. 843(a))—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(C) by inserting after paragraph (9) the following:

''(10) to export a substance in violation of the controlled substance laws of the country to which the substance is exported.''; and

(3) in section 404 (21 U.S.C. 844), by inserting after subsection (a) the following:

''(b) A person shall not be subject to a criminal or civil penalty under this title or under any other Federal law solely for possession of a schedule A controlled substance.''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by adding at the end the following:

''(8) In the case of a violation under subsection (a) involving a controlled substance in schedule A, the person committing such violation shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment for any term of years or for life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment for any term of years or for life, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or $2,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, United States Code, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of not less than 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of not less than 6 years in addition to such term of imprisonment. Notwithstanding the prior sentence, and notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this paragraph which provide for a mandatory term of imprisonment if death or serious bodily injury results.''.

SEC. 1405. FALSE LABELING OF SCHEDULE A CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 305 of the Controlled Substances Act (21 U.S.C. 825) is amended by adding at the end the following:

''(f) FALSE LABELING OF SCHEDULE A CONTROLLED SUBSTANCES.—

''(1) It shall be unlawful to import, export, manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense, a schedule A substance or product containing a schedule A substance, unless the substance or product bears a label clearly identifying a schedule A substance or product containing a schedule A substance by the nomenclature used by the International Union of Pure and Applied Chemistry.

''(2)(A) A product described in subparagraph (B) is exempt from the International Union of Pure and Applied Chemistry nomenclature requirement of this subsection if such product is labeled in the manner required under the Federal Food, Drug, and Cosmetic Act.

''(B) A product is described in this subparagraph if the product—

''(i) is the subject of an approved application as described in section 505(b) or (j) of the Federal Food, Drug, and Cosmetic Act; or

''(ii) is exempt from the provisions of section 505 of such Act relating to new drugs because—

''(I) it is intended solely for investigational use as described in section 505(i) of such Act; and

''(II) such product is being used exclusively for purposes of a clinical trial that is the subject of an effective investigational new drug application.''.

(b) PENALTIES.—Section 402 of the Controlled Substances Act (21 U.S.C. 842) is amended—

(1) in subsection (a)(16), by inserting ''or subsection (f)'' after ''subsection (e)''; and

(2) in subsection (c)(1)(D), by inserting ''or a schedule A substance'' after ''anabolic steroid''.

SEC. 1406. REGISTRATION REQUIREMENTS FOR HANDLERS OF SCHEDULE A SUBSTANCES.

(a) CONTROLLED SUBSTANCES ACT.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended—

(1) in subsection (f), in the undesignated matter following paragraph (5)—

(A) by inserting ''or A'' after ''schedule I'' each place it appears; and

(B) by adding at the end the following: ''A separate registration for engaging in research with a controlled substance in schedule A for practitioners already registered under this part to engage in research with controlled substances in schedule I shall not be required. The Secretary shall determine the merits of the research protocol submitted by the practitioner registering to engage in research with a controlled substance in schedule A, and the Attorney General may deny or revoke the registration only on a ground specified in section 304.''; and

(2) by adding at the end the following:

''(k)(1) The Attorney General shall register an applicant to manufacture schedule A substances if—

''(A) the applicant demonstrates that the schedule A substances will be used for research, analytical, or industrial purposes approved by the Attorney General; and

''(B) the Attorney General determines that such registration is consistent with the public interest and with the United States obligations under international treaties, conventions, or protocols in effect on the date of enactment of this subsection.

''(2) In determining the public interest under paragraph (1)(B), the Attorney General shall consider—

''(A) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule A compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

''(B) compliance with applicable State and local law;

''(C) promotion of technical advances in the art of manufacturing substances described in subparagraph (A) and the development of new substances;

''(D) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution, or dispensing of substances described in paragraph (A);

''(E) past experience in the manufacture of controlled substances, and the existence in the establishment of effective control against diversion; and

''(F) such other factors as may be relevant to and consistent with the public health and safety.

''(3) If an applicant is registered to manufacture controlled substances in schedule I or II under subsection (a), the applicant shall not be required to apply for a separate registration under this subsection.

''(l)(1) The Attorney General shall register an applicant to distribute schedule A substances—

''(A) if the applicant demonstrates that the schedule A substances will be used for research, analytical, or industrial purposes approved by the Attorney General; and

''(B) unless the Attorney General determines that the issuance of such registration is inconsistent with the public interest.

''(2) In determining the public interest under paragraph (1)(B), the Attorney General shall consider—

''(A) maintenance of effective control against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

''(B) compliance with applicable State and local law;

''(C) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of substances described in subparagraph (A);

''(D) past experience in the distribution of controlled substances; and

''(E) such other factors as may be relevant to and consistent with the public health and safety.

''(3) If an applicant is registered to distribute a controlled substance in schedule I or II under subsection (b), the applicant shall not be required to apply for a separate registration under this subsection.

''(m)(1) Not later than 90 days after the date on which a substance is placed in schedule A, any practitioner who was engaged in research on the substance before the placement of the substance in schedule A and any manufacturer or distributor who was handling the substance before the placement of the substance in schedule A shall register with the Attorney General.

''(2)(A) Not later than 60 days after the date on which the Attorney General receives an application for registration to conduct research on a schedule A substance, the Attorney General shall—

''(i) grant, or initiate proceedings under section 304(c) to deny, the application; or

''(ii) request supplemental information from the applicant.

''(B) Not later than 30 days after the date on which the Attorney General receives supplemental information requested under subparagraph (A)(ii) in connection with an application described in subparagraph (A), the Attorney General shall grant or deny the application.''.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended by adding at the end the following:

''(j)(1) The Attorney General shall register an applicant to import or export a schedule A substance if—

''(A) the applicant demonstrates that the schedule A substances will be used for research, analytical, or industrial purposes approved by the Attorney General; and

''(B) the Attorney General determines that such registration is consistent with the public interest and with the United States obligations under international treaties, conventions, or protocols in effect on the date of enactment of this subsection.

''(2) In determining the public interest under paragraph (1)(B), the Attorney General shall consider the factors described in subparagraphs (A) through (F) of section 303(k)(2).

''(3) If an applicant is registered to import or export a controlled substance in schedule I or II under subsection (a), the applicant shall not be required to apply for a separate registration under this subsection.''.

SEC. 1407. ADDITIONAL CONFORMING AMENDMENTS.

(a) CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 303(c) (21 U.S.C. 823(c))—

(A) by striking ''subsections (a) and (b)'' and inserting ''subsection (a), (b), (k), or (l)''; and

(B) by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(2) in section 306 (21 U.S.C. 826)—

(A) in subsection (a), in the first sentence, by striking ''schedules I and II'' and inserting ''schedules I, II, and A'';

(B) in subsection (b), in the second sentence, by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(C) in subsection (c), in the first sentence, by striking ''schedules I and II'' and inserting ''schedules I, II, and A'';

(D) in subsection (d), in the first sentence, by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(E) in subsection (e), in the first sentence, by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(F) in subsection (f), in the first sentence, by striking ''schedules I and II'' and inserting ''schedules I, II, and A'';

(3) in section 308(a) (21 U.S.C. 828(a)), by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(4) in section 402(b) (21 U.S.C. 842(b)), in the matter preceding paragraph (1), by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(5) in section 403(a)(1) (21 U.S.C. 843(a)(1)), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(6) in section 511(f) (21 U.S.C. 881(f)), by striking ''schedule I or II'' each place it appears and inserting ''schedule I, II, or A''.

(b) CONTROLLED SUBSTANCES IMPORT EXPORT ACT.—The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended—

(1) in section 1002(a) (21 U.S.C. 952(a))—

(A) in the matter preceding paragraph (1), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(B) in paragraph (2), by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(2) in section 1003 (21 U.S.C. 953)—

(A) in subsection (c), in the matter preceding paragraph (1), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(B) in subsection (d), by striking ''schedule I or II'' and inserting ''schedule I, II, or A'';

(3) in section 1004(1) (21 U.S.C. 954(1)), by striking ''schedule I'' and inserting ''schedule I or A'';

(4) in section 1005 (21 U.S.C. 955), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''; and

(5) in section 1009(a) (21 U.S.C. 959(a)), by striking ''schedule I or II'' and inserting ''schedule I, II, or A''.

SEC. 1408. CLARIFICATION OF THE DEFINITION OF CONTROLLED SUBSTANCE ANALOGUE UNDER THE ANALOGUE ENFORCEMENT ACT.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (6), by striking ''or V'' and inserting ''V, or A'';

(2) in paragraph (14)—

(A) by striking ''schedule I(c) and'' and inserting ''schedule I(c), schedule A, and''; and

(B) by striking ''schedule I(c),'' and inserting ''schedule I(c) and schedule A,''; and

(3) in paragraph (32)(A), by striking ''(32)(A)'' and all that follows through clause (iii) and inserting the following:

''(32)(A) Except as provided in subparagraph (C), the term 'controlled substance analogue' means a substance whose chemical structure is substantially similar to the chemical structure of a controlled substance in schedule I or II—

''(i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

''(ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.''.

SEC. 1409. RULES OF CONSTRUCTION.

Nothing in this subtitle, or the amendments made by this subtitle, may be construed to limit—

(1) the prosecution of offenses involving controlled substance analogues under the Controlled Substances Act (21 U.S.C. 801 et seq.); or

(2) the authority of the Attorney General to temporarily or permanently schedule, reschedule, or decontrol controlled substances under provisions of section 201 of the Controlled Substances Act (21 U.S.C. 811) that are in effect on the day before the date of enactment of this Act.

Subtitle E—Domestic Security

CHAPTER 1—GENERAL MATTERS

SEC. 1501. KEEP OUR COMMUNITIES SAFE ACT.

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by striking the section designation and heading and all that follows through the period at the end of subsection (c) and inserting the following:

''SEC. 236. APPREHENSION AND DETENTION OF ALIENS.

''(a) ARREST, DETENTION, AND RELEASE.—

''(1) IN GENERAL.—The Secretary, on a warrant issued by the Secretary, may arrest an alien and detain the alien pending a decision on whether the alien is to be removed from the United States until the date on which the alien has an administratively final order of removal. Except as provided in subsection (c) and pending such decision, the Secretary—

''(A) may—

''(i) continue to detain the arrested alien if the Secretary or the Attorney General determines that continued detention is warranted;

''(ii) release the alien on bond of at least $5,000, with security approved by, and containing conditions prescribed by, the Secretary or the Attorney General; or

''(iii) release the alien on his or her own recognizance, subject to appropriate conditions set forth by the Secretary or the Attorney General, if the Secretary or the Attorney General determines that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding; and

''(B) may not provide the alien with work authorization (including an 'employment authorized' endorsement or other appropriate work permit) or advance parole to travel outside of the United States, unless the alien

is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

''(b) REVOCATION OF BOND OR PAROLE.—The Secretary, at any time, may revoke bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.

''(c) MANDATORY DETENTION OF CRIMINAL ALIENS.—

''(1) CRIMINAL ALIENS.—The Secretary shall take into custody and continue to detain any alien at any time if the alien—

''(A)(i) has not been admitted or paroled into the United States; and

''(ii) was apprehended anywhere within 100 miles of the international border of the United States;

''(B) is inadmissible by reason of having committed any offense covered in section 212(a)(2);

''(C) is deportable by reason of having committed any offense covered in section 237(a)(2);

''(D) is convicted for an offense under section 275(a);

''(E) is convicted for an offense under section 276;

''(F) is convicted for any felony; or

''(G) is inadmissible under subparagraph (A) or (B) of section 212(a)(3) or deportable under subparagraph (A) or (B) of section 237(a)(4).

''(2) RELEASE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may release an alien described in paragraph (1) only if the Secretary decides pursuant to section 3521 of title 18, United States Code, and in accordance with a procedure that considers the severity of the offense committed by the alien, that—

''(i) release of the alien from custody is necessary to provide protection to—

''(I) a witness;

''(II) a potential witness;

''(III) a person cooperating with an investigation into major criminal activity; or

''(IV) an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation; and

''(ii) the alien demonstrates to the satisfaction of the Secretary that the alien—

''(I) is not a flight risk;

''(II) poses no danger to the safety of other persons or of property;

''(III) is not a threat to national security or public safety; and

''(IV) is likely to appear at any scheduled proceeding.

''(B) ARRESTED, BUT NOT CONVICTED, ALIENS.—

''(i) RELEASE FOR PROCEEDINGS.—The Secretary may release any alien held pursuant to paragraph (1) to the appropriate authority for any proceedings subsequent to the arrest.

''(ii) RESUMPTION OF CUSTODY.—If an alien is released pursuant to clause (i), the Secretary shall—

''(I) resume custody of the alien during any period pending the final disposition of any proceedings subsequent to arrest for which the alien is not in the custody of the appropriate authority referred to in clause (i); and

''(II) if the alien is not convicted of the offense for which the alien was arrested, the Secretary shall continue to detain the alien until the date on which removal proceedings are completed.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by striking the item relating to section 236 and inserting the following:

''Sec. 236. Apprehension and detention of aliens.''.

SEC. 1502. DETERRING VISA OVERSTAYS.

(a) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by striking the section designation and heading and all that follows through the end of subsection (a)(1) and inserting the following:

''SEC. 214. ADMISSION OF NONIMMIGRANTS.

''(a) IN GENERAL.—

''(1) TERMS AND CONDITIONS OF ADMISSION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the admission to the United States of any alien as a nonimmigrant may be for such time and under such conditions as the Secretary may prescribe, in his or her sole and unreviewable discretion, including when the Secretary deems necessary the giving of a bond with sufficient surety in such sum and containing such conditions as the Secretary shall prescribe, to ensure that at the expiration of such time or upon failure to maintain the status under which the alien was admitted, or to maintain any status subsequently acquired under section 248, such alien will depart from the United States.

''(B) GUAM OR CNMI VISA WAIVER NONIMMIGRANTS.—No alien admitted to Guam or the Commonwealth of the Northern Mariana Islands without a visa pursuant to section 212(l) may be authorized to enter or stay in the United States, other than in Guam or the Commonwealth of the Northern Mariana Islands, or to remain in Guam or the Commonwealth of the Northern Mariana Islands for a period exceeding 45 days after the date on which the alien was admitted to Guam or the Commonwealth of the Northern Mariana Islands.

''(C) VISA WAIVER PROGRAM NONIMMIGRANTS.—An alien admitted to the United States without a visa pursuant to section 217 shall not be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date on which the alien was admitted.

''(D) BAR TO IMMIGRATION BENEFITS AND TO CONTESTING REMOVAL.—

''(i) DEFINITION OF GOOD CAUSE.—In this subparagraph, the term 'good cause' means extreme exigent humanitarian circumstances, determined on a case-by-case basis only, such as a medical emergency or force majeure.

''(ii) CONSEQUENCE OF OVERSTAY.—Subject to clause (iii), except for an alien admitted as a nonimmigrant under of subparagraph (A)(i), (A)(ii), (G)(i), (G)(ii), or (G)(iii) of section 101(a)(15) or as a NATO–1, 2, 3, 4, 5, or 6 nonimmigrant, any alien who remains in the United States for a period of more than 30 days after the date on which the period of stay or parole authorized by the Secretary for the alien ends, without good cause, is inadmissible and ineligible for all immigration benefits or relief available under the immigration laws, including relief under sections 240A(b)(1), 240B(b), 245, 248, and 249, other than—

''(I) asylum;

''(II) relief as a victim of trafficking under section 101(a)(15)(T);

''(III) relief as a victim of criminal activity under section 101(a)(15)(U);

''(IV) relief under the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who has been battered or subjected to extreme cruelty;

''(V) relief as a battered spouse or child under section 240A(b)(2);

''(VI) withholding of removal under section 241(b)(3); or

''(VII) protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

''(iii) EXCEPTION.—The Secretary may, in the Secretary's sole and unreviewable discretion, determine that a nonimmigrant is not subject to clause (ii) if—

''(I) the alien was lawfully inspected and admitted to the United States as a nonimmigrant;

''(II) the alien filed a nonfrivolous application for change of status to another nonimmigrant category or for an extension of stay before the date on which the alien's authorized period of stay as a nonimmigrant expired;

''(III) the alien has not been employed without authorization in the United States, before or during pendency of the application referred to in subclause (II);

''(IV) the alien has not otherwise violated the terms of the alien's nonimmigrant status; and

''(V) the Secretary, in the Secretary's sole and unreviewable discretion, determines that the alien is not a threat to national security or public safety.

''(iv) DETENTION AND EXPEDITED REMOVAL.—An alien described in clause (ii) who remains in the United States more than 30 days after the date on which the period of stay authorized by the Secretary ends, without good cause, shall be detained and the Secretary shall expeditiously remove the alien from the United States not later than 90 days after the date on which the alien is detained.

''(v) LIMITATION ON JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, or sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from, or relating to, the detention and expedited removal of an alien pursuant to clause (iv).''.

(b) VISA WAIVER PROGRAM WAIVER OF RIGHTS.—Section 217(b) of the Immigration and Nationality Act (8 U.S.C. 1187(b)) is amended to read as follows:

''(b) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the program unless the alien has—

''(1) signed, under penalty of perjury, an acknowledgement confirming that the alien was notified and understands that he or she will be—

''(A) ineligible for any form of relief or immigration benefit under the Act or any other immigration laws, including sections 240A(b)(1), 240B(b), 245, 248, and 249 (other than a request for asylum), relief as a victim of trafficking under section 101(a)(15)(T), relief as a victim of criminal activity under 101(A)(15)(U), relief under the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who has been battered or subjected to extreme cruelty, relief as a battered spouse or child under section 240A(b)(2), withholding of removal under section 241(b)(3), or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984; and

''(B) subject to detention and expedited removal from the United States, if the alien fails to depart from the United States at the end of the 90-day period for admission;

''(2) waived any right to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States; and

''(3) waived any right to contest any action for removal of the alien.''.

(c) DETENTION AND REPATRIATION OF VISA WAIVER VIOLATORS.—Section 217(c)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(E)) is amended to read as follows:

''(E) DETENTION AND REPATRIATION OF ALIENS.—Any alien who fails to depart from the United States at the end of the 90-day period for admission shall be detained pending removal.''.

(d) ISSUANCE OF NONIMMIGRANT VISAS.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

''(3) The Secretary of State shall ensure that every application for a nonimmigrant visa includes an acknowledgment, executed by the alien under penalty of perjury, confirming that the alien—

''(A) has been notified of the terms and conditions of the nonimmigrant visa, including the waiver of rights under subsection (j); and

''(B) understands that he or she will be ineligible for all immigration benefits and any form of relief or protection from removal, including relief under sections 240A(b)(1), 240B(b), 245, 248, and 249, other than a request for asylum, relief as a victim of trafficking under section 101(a)(15)(T), relief as a victim of criminal activity under 101(A)(15)(U), relief under the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who has been battered or subjected to extreme cruelty, relief as a battered spouse or child under section 240A(b)(2), withholding of removal under section 241(b)(3), or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, and from contesting removal if the alien violates any term or condition of his or her nonimmigrant visa or fails to depart the United States not later than 30 days after the end of the alien's authorized period of stay.''.

(e) REQUIREMENT THAT ALL NONIMMIGRANTS HAVE A SPECIFIED AUTHORIZED PERIOD OF STAY END DATE.—Section 235(a) of the Immigration and Nationality Act (8 U.S.C. 1225(a)) is amended by adding at the end the following:

''(6) PERIOD OF STAY.—Any alien who an examining immigration officer has determined to be admissible as a nonimmigrant, except for aliens who are admissible under subparagraph (A)(i), (A)(ii), (G)(i), (G)(ii), or (G)(iii) of section 101(a)(15), or who such officer has determined to be eligible for parole—

''(A) shall be admitted or paroled, as appropriate, into the United States for a specific period; and

''(B) shall be issued documentation stating the end date of the alien's period of stay in the United States.''.

(f) BARS TO IMMIGRATION RELIEF.—Section 221 of the Immigration and Nationality Act is amended by adding at the end the following:

''(j) WAIVER OF RIGHTS.—The Secretary of State may not issue a nonimmigrant visa under section 214 to an alien (other than an alien who qualifies for a visa under subparagraph (A) or (G) of section 101(a)(15), who is eligible for relief under the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who has been battered or subjected to extreme cruelty, or qualifies for a visa as a NATO–1, 2, 3, 4, 5, or 6 nonimmigrant) until the alien has waived any right to relief under sections 240A(b)(1), 240B(b), 245, 248, and 249 (other than relief from removal under section 241(b)(3) or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984), any form of relief established after the date on which the nonimmigrant visa is issued, and from contesting removal if the alien—

''(1) violates a term or condition of his or her nonimmigrant status; or

''(2) fails to depart the United States not later than the date that is 30 days after last day of the alien's authorized period of stay (as described in section 214(a)(1)).''.

(g) EFFECTIVE DATE; APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only to new visas, initial admissions of nonimmigrants, and initial requests for change of status from a nonimmigrant category to another nonimmigrant category under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258).

(2) PREVIOUSLY ADMITTED INDIVIDUALS.—An individual previously admitted to the United States on a nonimmigrant visa who is present in the United States before the date of the enactment of this Act shall not be subject to this section or to the amendments made by this section until the alien departs from the United States or requests a change of nonimmigrant classification under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258).

SEC. 1503. INCREASE IN IMMIGRATION DETENTION CAPACITY.

Not later than September 30, 2022, and subject to the availability of appropriations, the Secretary of Homeland Security shall increase the immigration detention capacity to a daily immigration detention capacity of not fewer than 48,879 detention beds.

SEC. 1504. COLLECTION OF DNA FROM CRIMINAL AND DETAINED ALIENS.

Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. 40702) is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(C) The Secretary of Homeland Security shall collect DNA samples from any alien (as defined under section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) who—

''(i) has been detained pursuant to section 235(b)(1)(B)(iii)(IV), 236, 236A, or 238 of such Act (8 U.S.C. 1225(b)(1)(B)(iii)(IV), 1226, 1226a, and 1228); or

''(ii) is the subject of a final order of removal under section 240 of such Act (8 U.S.C. 1229a) based on inadmissibility under section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) or being subject to removal under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)).''; and

(2) in subsection (b), by striking ''or the probation office responsible (as applicable)'' and inserting ''the probation office responsible, or the Secretary of Homeland Security''.

SEC. 1505. COLLECTION, USE, AND STORAGE OF BIOMETRIC DATA.

(a) COLLECTION AND USE OF BIOMETRIC INFORMATION FOR IMMIGRATION PURPOSES.—

(1) COLLECTION.—The Secretary of Homeland Security and the Secretary of State may require any individual filing with the Department of Homeland Security or the Department of State an application, petition, or other request for an immigration benefit or immigration status or seeking an immigration benefit or other authorization, employment authorization, identity, or travel document, or requesting relief or protection under any provision of the immigration laws to submit to either Secretary biometric information, including fingerprints, photograph, signature, voice print, iris scan, or DNA.

(2) USE.—The Secretary of Homeland Security and the Secretary of State may use any biometric information submitted under paragraph (1) to conduct background and security checks, verify an individual's identity, adjudicate, revoke, or terminate an immigration benefit or immigration status, and perform other functions related to administering and enforcing the immigration laws.

(b) BIOMETRIC AND BIOGRAPHIC INFORMATION SHARING.—

(1) SHARING WITH DEPARTMENT OF DEFENSE AND FEDERAL BUREAU OF INVESTIGATION.—The Secretary of Homeland Security, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation—

(A) shall exchange appropriate biometric and biographic information to determine or confirm the identity of an individual and to assess whether the individual is a threat to national security or public safety; and

(B) may use information exchanged pursuant to subparagraph (A)—

(i) to compare biometric and biographic information contained in applicable systems of the Department of Homeland Security, the Department of Defense, the Department of State, or the Federal Bureau of Investigation to determine if there is a match between such information; and

(ii) if there is a match between such information, to relay such information to the requesting agency.

(2) USE OF BIOMETRIC DATA BY THE DEPARTMENT OF STATE.—The Secretary of State shall use biometric information from applicable systems of the Department of Homeland Security, the Department of Defense, and the Federal Bureau of Investigation to screen and track visa applicants and other individuals who are—

(A)(i) known or suspected terrorists; or

(ii) identified as a potential threat to national security; and

(B) using an alias while traveling.

(3) REPORT ON BIOMETRIC INFORMATION SHARING WITH MEXICO AND OTHER COUNTRIES FOR IDENTITY VERIFICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall submit a joint report on the status of efforts to engage with the Government of Mexico and the governments of other appropriate foreign countries located in Central America or South America—

(A) to discuss coordination on biometric information sharing between the United States and such countries; and

(B) to enter into bilateral agreements that provide for the sharing of such biometric information with the Department of State, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security to use in—

(i) identifying individuals who are known or suspected terrorists or potential threats to national security; and

(ii) verifying the entry and exit of individuals to and from the United States.

(4) RULE OF CONSTRUCTION.—The collection of biometric information under paragraph (1) shall not limit the authority of the Secretary of Homeland Security to collect biometric information from any individual arriving to or departing from the United States.

SEC. 1506. PILOT PROGRAM FOR ELECTRONIC FIELD PROCESSING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish a pilot program in at least 5 of the 10 U.S. Immigration and Customs Enforcement field offices or regions with the largest removal caseloads to allow U.S. Immigration and Customs Enforcement officers to use handheld or vehicle-mounted computers to electronically—

(1) process and serve charging documents, including notices to appear, while in the field;

(2) process and place detainers while in the field;

(3) collect biometric data for the purpose of identifying an alien and establishing both immigration status and criminal history while in the field;

(4) enter any required data, including personal information about an alien subject and the reason for issuing a document;

(5) apply the electronic signature of the issuing U.S. Immigration and Customs Enforcement officer or agent;

(6) apply or capture the electronic signature of the alien on any charging document or notice, including any electronic signature captured to acknowledge service of such documents or notices;

(7) set the date on which the alien is required to appear before an immigration judge, in the case of a notice to appear;

(8) print any documents the alien may be required to sign, along with additional copies of documents to be served on the alien; and

(9) interface with the ENFORCE database so that all data is collected, stored, and retrievable in real-time.

(b) CONTRACT SUPPORT.—The Secretary of Homeland Security may contract with commercial vendors to test prototypes for electronic handheld or vehicle-mounted computers capable of meeting the requirements under subsection (a).

(c) RULE OF CONSTRUCTION.—The pilot program described in subsection (a) shall be designed to replace, to the extent possible, the current paperwork and data entry process used for issuing charging documents and detainers referred to in that subsection.

(d) REPORT.—Not later than 1 year after the date on which the pilot program described in subsection (a) commences, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives a report that includes—

(1) the results of the pilot program; and

(2) recommendations for using the technology described in subsection (a) on a nationwide basis.

SEC. 1507. ENDING ABUSE OF PAROLE AUTHORITY.

(a) IN GENERAL.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

''(5) PAROLE AUTHORITY.—

''(A) DEFINITIONS.—In this paragraph:

''(i) PUBLIC INTEREST.—With respect to a reason for parole, the term 'public interest' means the alien has assisted the United States Government in a significant matter, such as an important criminal investigation, espionage, or other similar law enforcement or national security activity, or that involves law enforcement functions related to international extradition or mutual legal assistance activities, and either the alien's presence in the United States is required by the Government or the alien's life would be threatened if the alien were not permitted to come to the United States.

''(ii) URGENT HUMANITARIAN REASON DEFINED.—With respect to an alien, the term 'urgent humanitarian reason' means—

''(I) the alien has a medical emergency and the alien cannot obtain necessary treatment in the foreign state in which the alien is residing or the medical emergency is life-threatening and there is insufficient time for the alien to be admitted through the normal visa process;

''(II) the alien is needed in the United States in order to donate an organ or other tissue for transplant into a close family member;

''(III) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted through the normal visa process;

''(IV) the alien is a lawful applicant for adjustment of status under section 245; or

''(V) the alien was lawfully granted status under section 208 or lawfully admitted under section 207.

''(B) PAROLE AUTHORIZED.—Except as provided in subparagraph (C) or section 214(f), the Secretary may, in his or her sole and unreviewable discretion, temporarily parole into the United States any alien applying for admission to the United States, under such conditions as the Secretary may prescribe, including requiring the posting of a bond, but only on a case-by-case basis and not according to eligibility criteria describing an entire class of potential parole recipients, for an urgent humanitarian reason or a reason deemed strictly in the public interest.

''(C) PAROLE NOT AN ADMISSION.—In accordance with section 101(a)(13)(B), parole of an alien under subparagraph (B) shall not be regarded as an admission of the alien to the United States. When the purposes of the parole of an alien have been served, as determined by the Secretary, the alien shall immediately return to his or her country of citizenship, nationality, or origin. If the alien was paroled from custody, the alien shall be returned to the custody from which the alien was paroled and the alien shall be considered for admission to the United States on the same basis as other similarly situated applicants for admission.

''(D) PROHIBITED USES OF PAROLE AUTHORITY.—

''(i) IN GENERAL.—The Secretary may not use the authority under subparagraph (B) to parole into the United States generalized categories of aliens or classes of aliens based solely on nationality, presence, or residence in the United States, family relationships, or any other criteria that would cover a broad group of foreign nationals either inside or outside of the United States.

''(ii) ALIENS WHO ARE NATIONAL SECURITY OR PUBLIC SAFETY THREATS.—

''(I) DEFINITION OF EXTREME EXIGENT CIRCUMSTANCES.—In this clause, the term 'extreme exigent circumstances' means circumstances under which—

''(aa) the failure to parole the alien would result in the immediate significant risk of loss of life or bodily function due to a medical emergency;

''(bb) the failure to parole the alien would conflict with medical advice as to the health or safety of the individual, detention facility staff, or other detainees; or

''(cc) there is an urgent need for the alien's presence for a law enforcement purpose, including for a prosecution or to serve a sentence or securing the alien's presence to appear as a material witness, or a national security purpose.

''(II) PROHIBITION ON PAROLE.—The Secretary shall not parole in any alien whom the Secretary, in the Secretary's sole and unreviewable discretion, determines to be a threat to national security or public safety, except in extreme exigent circumstances.

''(E) LIMITATION ON THE USE OF PAROLE AUTHORITY.—The Secretary may not use the parole authority under this paragraph to permit to come to the United States aliens who have applied for and have been found to be ineligible for refugee status or any alien to whom the provisions of this paragraph do not apply.

''(F) TERMINATION OF PAROLE.—The Secretary shall determine when the purpose of parole of an alien has been served and, upon such determination—

''(i) the alien's case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States; and

''(ii) if the alien was previously detained, the alien shall be returned to the custody from which the alien was paroled.

''(G) LIMITATIONS ON USE OF ADVANCE PAROLE.—

''(i) DEFINITION OF ADVANCE PAROLE.—In this subparagraph, the term 'advance parole' means advance approval for an alien who is lawfully present in the United States and is applying for admission to the United States to request at a port of entry in the United States, a pre-inspection station, or a designated field office of the Department of Homeland Security, to be paroled into the United States under subparagraph (B).

''(ii) APPROVAL OF ADVANCE PAROLE.—The Secretary, in the Secretary's discretion, may grant an application for advance parole. Approval of an application for advance parole shall not constitute a grant of parole under subparagraph (B). A grant of parole into the United States based on an approved application for advance parole shall not be considered a parole for purposes of qualifying for adjustment of status to lawful permanent resident status in the United States under section 245 or 245A.

''(iii) REVOCATION OF ADVANCE PAROLE.—The Secretary may revoke a grant of advance parole to an alien at any time. Such revocation shall not be subject to administrative appeal or judicial review.

''(iv) TEMPORARY DEPARTURE.—An alien who leaves the United States temporarily pursuant to a grant of advance parole makes a departure from the United States pursuant to the immigration laws.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 60 days after the date of enactment of this Act.

SEC. 1508. REPORTS TO CONGRESS ON PAROLE.

(a) REPORT ON NUMBER AND CATEGORY OF ALIENS PAROLED INTO THE UNITED STATES.—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that, with respect to the most recently completed fiscal year—

(1) describes the number and categories of aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; and

(2) contains information and data concerning—

(A) the number and categories of aliens paroled;

(B) the duration of parole granted to aliens referred to in subparagraph (A); and

(C) the current immigration status of the aliens referred to in subparagraph (A).

(b) REPORT ON PAROLE PROCEDURES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Attorney General and the Secretary of Homeland Security shall jointly—

(1) conduct a review regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts; and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report based on the results of such review, that includes—

(A) an analysis of—

(i) the rate at which release from detention (including release on parole) is granted to

aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States; and

(ii) any disparity that exists between locations or geographical areas, including an explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole;

(B) an analysis of the effect of the procedures and policies applied with respect to parole and custody determinations by the Attorney General and by the Secretary of Homeland Security on the alien's pursuit of an asylum claim before an immigration court;

(C) an analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations by the Attorney General and by the Secretary of Homeland Security in securing the alien's presence at the immigration court proceedings;

(D) recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination by the immigration courts with respect to asylum claims—

(i) respect the interests of the aliens; and

(ii) ensure the presence of the aliens at the immigration court proceedings; and

(E) an assessment on corresponding failure to appear rates, in absentia orders, and absconders.

SEC. 1509. REINSTATEMENT OF THE SECURE COMMUNITIES PROGRAM.

(a) REINSTATEMENT.—The Secretary shall reinstate and operate the Secure Communities immigration enforcement program administered by U.S. Immigration and Customs Enforcement between 2008 and 2014.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $150,000,000 to carry out this section.

SEC. 1510. ENSURING THAT LOCAL AND FEDERAL LAW ENFORCEMENT OFFICERS MAY COOPERATE TO SAFEGUARD OUR COMMUNITIES.

(a) AUTHORITY TO COOPERATE WITH FEDERAL OFFICIALS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(1) shall be deemed to be acting as an agent of the Department of Homeland Security; and

(2) with regard to actions taken to comply with the detainer, shall have all authority available to officers and employees of the Department of Homeland Security.

(b) LEGAL PROCEEDINGS.—In any legal proceeding brought against a State, a political subdivision of State, or an officer, employee, or agent of such State or political subdivision which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(1) no liability shall lie against the State or political subdivision of a State for actions taken in compliance with the detainer; and

(2) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(A) the officer, employee, or agent shall be deemed—

(i) to be an employee of the Federal Government and an investigative or law enforcement officer; and

(ii) to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(B) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(C) the United States shall be substituted as defendant in the proceeding.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual.

CHAPTER 2—PROTECTION AND DUE PROCESS FOR UNACCOMPANIED ALIEN CHILDREN

SEC. 1520. SHORT TITLE.

This chapter may be cited as the ''Protecting Children and America's Homeland Act of 2018''.

SEC. 1521. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(B) in subparagraph (A), in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States shall be treated in accordance with subparagraph (B)'' and inserting ''shall be treated in accordance with subparagraph (B) or subsection (b), as appropriate''; and

(C) in subparagraph (C)—

(i) by amending the subparagraph heading to read as follows: ''AGREEMENTS WITH FOREIGN COUNTRIES.—''; and

(ii) in the matter preceding clause (i), by striking ''countries contiguous to the United States'' and inserting ''Canada, El Salvador, Guatemala, Honduras, Mexico, and any other foreign country that the Secretary determines to be appropriate'';

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) inserting after paragraph (2) the following:

''(3) MANDATORY EXPEDITED REMOVAL OF CRIMINALS AND GANG MEMBERS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall place an unaccompanied alien child in a proceeding in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) if, the Secretary determines or has reason to believe that the alien—

''(A) has been convicted of any offense carrying a maximum term of imprisonment of more than 180 days;

''(B) has been convicted of, or found to be a juvenile offender based on, an offense that involved—

''(i) the use or attempted use of physical force, or threatened use of a deadly weapon;

''(ii) the purchase, sale, offering for sale, exchange, use, ownership, possession, or carrying, or, of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law;

''(iii) child abuse and neglect (as defined in section 40002(a)(3) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(3)));

''(iv) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

''(v) the violation of a protection order (as defined in section 2266 of title 18, United States Code);

''(vi) driving while intoxicated or driving under the influence (as such terms are defined in section 164 of title 23, United States Code); or

''(vii) any offense under foreign law (except a purely political offense) that, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

''(C) has been convicted of, or found to be a juvenile offender based on, more than 1 criminal offense (other than minor traffic offenses);

''(D) has been convicted of, or found to be a juvenile offender based on a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon;

''(E) has engaged in, is engaged in, or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii))), or intends to participate or has participated in the activities of a foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

''(F) has engaged in, is engaged in, or any time after a prior admission engages in activity described in section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4));

''(G) is or was a member of a criminal gang (as defined in section 101(a)(53) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(53)));

''(H) provided materially false, fictitious, or fraudulent information regarding age or identity to the United States Government with the intent to inaccurately classified as an unaccompanied alien child; or

''(I) has entered the United States more than once in violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), knowing that the entry was unlawful.''.

SEC. 1522. CHILD WELFARE AND LAW ENFORCEMENT INFORMATION SHARING.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) is amended by adding at the end the following:

''(5) INFORMATION SHARING.—

''(A) IMMIGRATION STATUS.—If the Secretary of Health and Human Services considers placement of an unaccompanied alien child with a potential sponsor, the Secretary of Homeland Security shall provide to the Secretary of Health and Human Services the immigration status of such potential sponsor before the placement of the unaccompanied alien child.

''(B) OTHER INFORMATION.—The Secretary of Health and Human Services shall provide to the Secretary of Homeland Security and the Attorney General, upon request, any relevant information related to an unaccompanied alien child who is or has been in the custody of the Secretary of Health and Human Services, including the location of the child and any person to whom custody of the child has been transferred, for any legitimate law enforcement objective, including the enforcement of the immigration laws.''.

SEC. 1523. ACCOUNTABILITY FOR CHILDREN AND TAXPAYERS.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) (as amended by section 1522 of this Act) is amended by adding at the end the following:

''(6) INSPECTION OF FACILITIES.—The Inspector General of the Department of Health and

Human Services shall conduct regular inspections of facilities utilized by the Secretary of Health and Human Services to provide care and custody of unaccompanied alien children who are in the immediate custody of the Secretary to ensure that such facilities are operated in the most efficient manner practicable.

''(7) FACILITY OPERATIONS COSTS.—The Secretary of Health and Human Services shall ensure that facilities utilized to provide care and custody of unaccompanied alien children are operated efficiently and at a rate of cost that is not greater than $500 per day for each child housed or detained at such facility, unless the Secretary certifies that compliance with this requirement is temporarily impossible due to emergency circumstances.''.

SEC. 1524. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN IN FORMAL REMOVAL PROCEEDING.

(a) IN GENERAL.—Section 235(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by adding at the end the following:

''(C) CHILDREN IN FORMAL REMOVAL PROCEEDINGS.—

''(i) LIMITATION ON PLACEMENT.—Notwithstanding any settlement or consent decree previously issued before the date of the enactment of this subparagraph, and section 236.3 of title 8, Code of Federal Regulations, or a similar successor regulation, an unaccompanied alien child who has been placed in a proceeding under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) may not be placed in the custody of a nongovernmental sponsor or otherwise released from the immediate custody of the United States Government unless—

''(I) the nongovernmental sponsor is a biological or adoptive parent or legal guardian of the unaccompanied alien child;

''(II) the parent or legal guardian is legally present in the United States at the time of the placement;

''(III) the parent or legal guardian has undergone a mandatory biometric criminal history check;

''(IV) if the nongovernmental sponsor is the biological parent, the parent's relationship to the alien child has been verified through DNA testing conducted by the Secretary of Health and Human Services;

''(V) if the nongovernmental sponsor is the adoptive parent, the parent's relationship to the alien child has been verified with the judicial court that issued the final legal adoption decree by the Secretary of Health and Human Services; and

''(VI) the Secretary of Health and Human Services has determined that the alien child is not a danger to self, a danger to the community, or at risk of flight.

''(ii) EXCEPTIONS.—If the Secretary of Health and Human Services determines that an unaccompanied alien child is a victim of severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened, or a child with mental health needs that require ongoing assistance from a social welfare agency, the alien child may be placed with a grandparent or adult sibling if the grandparent or adult sibling meets the requirements under subclauses (II), (III), and (IV) of clause (i).

''(iii) FAILURE TO APPEAR.—

''(I) CIVIL PENALTY.—If an unaccompanied alien child is placed with a sponsor and fails to appear in a mandatory court appearance, the sponsor shall be subject to a civil penalty of $250 for each day until the alien appears in court, up to a maximum of $5,000.

''(II) BURDEN OF PROOF.—The sponsor is not subject to the penalty imposed under subclause (I) if the sponsor—

''(aa) appears in person and proves to the immigration court that the failure to appear by the unaccompanied alien child was not the fault of the sponsor; and

''(bb) supplies the immigration court with documentary evidence that supports the assertion described in item (aa).

''(iv) PROHIBITION ON PLACEMENT WITH SEX OFFENDERS AND HUMAN TRAFFICKERS.—The Secretary of Health and Human Services may not place an unaccompanied alien child under this subparagraph in the custody of an individual who has been convicted of, or the Secretary has reason to believe was otherwise involved in the commission of—

''(I) a sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (34 U.S.C. 20911));

''(II) a crime involving severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); or

''(III) an offense under Federal, State, or Tribal law that has, as an element of the offense, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

''(v) REQUIREMENTS OF CRIMINAL BACKGROUND CHECK.—A biometric criminal history check required under clause (i)(III) shall be conducted using a set of fingerprints or other biometric identifier through—

''(I) the Federal Bureau of Investigation;

''(II) criminal history repositories of all States that the individual lists as current or former residences; and

''(III) any other State or Federal database or repository that the Secretary of Health and Human Services determines to be appropriate.''.

(b) DEFINITION OF SPECIAL IMMIGRANT JUVENILE.—Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)), is amended by striking ''1 or both of the immigrant's parents'' and inserting ''either of the immigrant's parents''.

(c) HOME STUDIES AND FOLLOW-UP SERVICES FOR UNACCOMPANIED ALIEN CHILDREN.—Section 235(c)(3) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) HOME STUDIES.—

''(i) IN GENERAL.—Except as required under clause (ii), before placing a child with an individual, the Secretary of Health and Human Services shall determine whether a home study is necessary.

''(ii) REQUIRED HOME STUDIES.—A home study shall be conducted for a child—

''(I) who is a victim of a severe form of trafficking in persons or is a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

''(II) who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened;

''(III) whose proposed sponsor presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence) if more than 2 other children are residing with the proposed sponsor, or if such sponsor has custody of at least 1 other unaccompanied alien child; or

''(IV) if more than 2 other children are residing with the proposed sponsor, or if such sponsor has custody of at least 1 other unaccompanied alien child.

''(C) FOLLOW-UP SERVICES AND ADDITIONAL HOME STUDIES.—

''(i) PENDENCY OF REMOVAL PROCEEDINGS.—Not less frequently than every 180 days until the date on which initial removal proceedings are completed and the immigration judge issues an order of removal, grants voluntary departure under section 240B, or grants the alien relief from removal, the Secretary of Health and Human Services shall conduct follow-up services for any child for whom a home study was conducted and who was placed with a nongovernmental sponsor.

''(ii) CHILDREN WITH MENTAL HEALTH OR OTHER NEEDS.—Not less frequently than every 180 days, until the date that is 2 years after the date on which a child is placed with a nongovernmental sponsor, the Secretary of Health and Human Services shall conduct follow-up services for any child with mental health needs or other needs who could benefit from ongoing assistance from a social welfare agency.

''(iii) CHILDREN AT RISK.—Not less frequently than every 90 days until the date that is 2 years after the date on which a child is placed with a nongovernmental sponsor, the Secretary of Health and Human Services shall conduct home studies and follow-up services, including partnering with local community programs that focus on early morning and after school programs for at-risk children who—

''(I) need a secure environment to engage in studying, training, and skills-building programs; and

''(II) are at risk for recruitment by criminal gangs or other transnational criminal organizations in the United States.''.

(d) DETENTION OF ACCOMPANIED MINORS.—

(1) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is further amended—

(A) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(B) by inserting after subsection (c) the following:

''(d) DETENTION OF ACCOMPANIED MINORS.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement—

''(1) the detention of any alien minor who is not described in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231);

''(2) the decision whether to detain or release the alien minor shall be in the sole and unreviewable discretion of the Secretary of Homeland Security;

''(3) the release of an alien minor who is not described in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) may not be presumed and an alien minor not described in such section may not be released by the Secretary to anyone other than a parent or legal guardian; and

''(4) the conditions of confinement applicable to alien minors who are not described in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) shall be determined in the sole and unreviewable discretion of the Secretary of Homeland Security, and specific licensing requirements may not be imposed other than requirements determined appropriate by the Secretary.''.

(2) FUNDING LIMITATION.—No appropriated funds may be used to implement the terms of the settlement agreement in Flores v. Reno,

CV 85–4544–RJK, nor shall any appropriated funds be used for purposes of complying with any judicial order, decree, or judgment interpreting the terms of such settlement agreement.

(3) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply regardless of the date on which the actions giving rise to removability or detention take place.

SEC. 1525. FRAUD IN CONNECTION WITH THE TRANSFER OF CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1041. Fraud in connection with the transfer of custody of unaccompanied alien children

''(a) IN GENERAL.—It shall be unlawful for a person to obtain custody of an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) by—

''(1) making any materially false, fictitious, or fraudulent statement or representation; or

''(2) making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

''(b) PENALTIES.—

''(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned for not less than 1 year.

''(2) ENHANCED PENALTY FOR TRAFFICKING.—If the primary purpose of the violation, attempted violation, or conspiracy to violate this section was to subject the child to sexually explicit activity or any other form of exploitation, the offender shall be fined under this title and imprisoned for not less than 15 years.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1040 the following:

''1041. Fraud in connection with the transfer of custody of unaccompanied alien children.''.

SEC. 1526. NOTIFICATION OF STATES AND FOREIGN GOVERNMENTS, REPORTING, AND MONITORING.

(a) NOTIFICATION.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) (as amended by section 1524(d)(1) of this Act) is further amended by adding at the end the following:

''(k) NOTIFICATION TO STATES.—

''(1) BEFORE PLACEMENT.—The Secretary of Homeland Security or the Secretary of Health and Human Services shall notify the Governor of a State not later than 48 hours before the placement of an unaccompanied alien child in the custody of such Secretary into the care of a facility or sponsor in such State.

''(2) INITIAL REPORTS.—Not later than 60 days after the date of the enactment of this subsection, the Secretary of Health and Human Services shall submit a report to the Governor of each State in which an unaccompanied alien child was discharged to a sponsor or placed in a facility while remaining in the legal custody of the Secretary during the period beginning October 1, 2013 and ending on the date of enactment of this subsection.

''(3) MONTHLY REPORTS.—The Secretary of Health and Human Services shall submit a monthly report to the Governor of each State in which, during the reporting period, an unaccompanied alien child was discharged to a sponsor or placed in a facility while remaining in the legal custody of the Secretary of Health and Human Services.

''(4) CONTENTS.—Each report required to be submitted to the Governor of a State under paragraph (2) or (3) shall identify the number of unaccompanied alien children placed in the State during the reporting period, disaggregated by—

''(A) the locality in which the aliens were placed; and

''(B) the age of such aliens.

''(l) NOTIFICATION OF FOREIGN COUNTRY.—The Secretary of Homeland Security shall provide information regarding each unaccompanied alien child to the government of the country of which the child is a national to assist such government with the identification and reunification of such child with their parent or other qualifying relative.

''(m) MONITORING REQUIREMENT.—The Secretary of Health and Human Services shall—

''(1) require all sponsors to agree—

''(A) to receive approval from the Secretary of Health and Human Services before changing the location in which the sponsor is housing an unaccompanied alien child placed in the sponsor's custody; and

''(B) to provide a current address for the child and the reason for the change of address;

''(2) provide regular and frequent monitoring of the physical and emotional well-being of each unaccompanied alien child who has been discharged to a sponsor or remained in the legal custody of the Secretary until the child's immigration case is resolved; and

''(3) not later than 60 days after the date of enactment of this subsection, submit a plan to Congress for implementing the requirements under paragraphs (1) and (2).''.

SEC. 1527. REPORTS TO CONGRESS.

(a) REPORTS ON CARE OF UNACCOMPANIED ALIEN CHILDREN.—Not later than September 30, 2019, the Secretary of Health and Human Services shall submit to Congress and make publicly available a report that includes—

(1) a detailed summary of the contracts in effect to care for and house unaccompanied alien children, including the names and locations of contractors and the facilities being used;

(2) the cost per day to care for and house an unaccompanied alien child, including an explanation of such cost;

(3) the number of unaccompanied alien children who have been released to a sponsor, if any;

(4) a list of the States to which unaccompanied alien children have been released from the custody of the Secretary of Health and Human Services to the care of a sponsor or placement in a facility;

(5) the number of unaccompanied alien children who have been released to a sponsor who is not lawfully present in the United States, including the country of nationality or last habitual residence and age of such children;

(6) a determination of whether more than 1 unaccompanied alien child has been released to the same sponsor, including the number of children who were released to such sponsor;

(7) an assessment of the extent to which the Secretary of Health and Human Services is monitoring the release of unaccompanied alien children, including home studies done and electronic monitoring devices used;

(8) an assessment of the extent to which the Secretary of Health and Human Services is making efforts—

(A) to educate unaccompanied alien children about their legal rights; and

(B) to provide unaccompanied alien children with access to pro bono counsel; and

(9) the extent of the public health issues of unaccompanied alien children, including contagious diseases, the benefits or medical services provided, and the outreach to States and localities about public health issues, that could affect the public.

(b) REPORTS ON REPATRIATION AGREEMENTS.—Not later than September 30, 2019, the Secretary of State shall submit to Congress and make publicly available a report that—

(1) includes a copy of any repatriation agreement in effect for unaccompanied alien children;

(2) describes any such repatriation agreement that is being considered or negotiated; and

(3) describes the funding provided to the 20 countries that have the highest number of nationals entering the United States as unaccompanied alien children, including amounts provided—

(A) to deter the nationals of each country from illegally entering the United States; and

(B) to care for or reintegrate repatriated unaccompanied alien children in the country of nationality or last habitual residence.

(c) REPORTS ON RETURNS TO COUNTRY OF NATIONALITY.—Not later than September 30, 2019, the Secretary of Homeland Security shall submit to Congress and make publicly available a report that describes—

(1) the number of unaccompanied alien children who have voluntarily returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or habitual residence; and

(B) age of the unaccompanied alien children;

(2) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, including the length of time such children were present in the United States;

(3) the number of unaccompanied alien children who have not been returned to their country of nationality or habitual residence pending travel documents or other requirements from such country, including how long they have been waiting to return; and

(4) the number of unaccompanied alien children who were granted relief in the United States, whether through asylum, any other immigration benefit or status, or deferred action.

(d) REPORTS ON IMMIGRATION PROCEEDINGS.—Not later than September 30, 2019, and not less frequently than every 90 days thereafter, the Secretary of Homeland Security, in coordination with the Director of the Executive Office for Immigration Review, shall submit to Congress and make publicly available a report that describes—

(1) the number of unaccompanied alien children who, after proceedings under section 235B of the Immigration and Nationality Act were returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or residence; and

(B) age and gender of such aliens;

(2) the number of unaccompanied alien children who, after proceedings under section 235B of the Immigration and Nationality Act, prove a claim of admissibility and are placed in proceedings under section 240 of that Act (8 U.S.C. 1229a);

(3) the number of unaccompanied alien children who fail to appear at a removal hearing that such alien was required to attend;

(4) the number of sponsors who were levied a penalty, including the amount and whether the penalty was collected, for the failure of an unaccompanied alien child to appear at a removal hearing; and

(5) the number of aliens that are classified as unaccompanied alien children, the ages and countries of nationality of such children, and the orders issued by the immigration judge at the conclusion of proceedings under section 235B of the Immigration and Nationality Act for such children.

CHAPTER 3—COOPERATION WITH MEXICO AND OTHER COUNTRIES ON ASYLUM AND REFUGEE ISSUES

SEC. 1541. STRENGTHENING INTERNAL ASYLUM SYSTEMS IN MEXICO AND OTHER COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall work with international partners, including the United Nations High Commissioner for Refugees, to support and provide technical assistance to strengthen the domestic capacity of Mexico and other countries in the region to provide asylum to eligible children and families—

(1) by establishing and expanding temporary and long-term in country reception centers and shelter capacity to meet the humanitarian needs of those seeking asylum or other forms of international protection;

(2) by improving the asylum registration system to ensure that all individuals seeking asylum or other humanitarian protection—

(A) are properly screened for security, including biographic and biometric capture;

(B) receive due process and meaningful access to existing legal protections; and

(C) receive proper documents in order to prevent fraud and ensure freedom of movement and access to basic social services;

(3) by creating or expanding a corps of trained asylum officers capable of evaluating and deciding individual asylum claims consistent with international law and obligations; and

(4) by developing the capacity to conduct best interest determinations for unaccompanied alien children to ensure that their needs are properly met, which may include family reunification or resettlement based on international protection needs.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that describes the plans of the Secretary of State to assist in developing the asylum processing capabilities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

SEC. 1542. EXPANDING REFUGEE PROCESSING IN MEXICO AND CENTRAL AMERICA FOR THIRD COUNTRY RESETTLEMENT.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall coordinate with the United Nations High Commissioner for Refugees to support and provide technical assistance to the Government of Mexico and the governments of other countries in the region to increase access to global resettlement for eligible children and families with protection needs—

(1) by establishing and expanding in country refugee reception centers to meet the humanitarian needs of those seeking international protection;

(2) by improving the refugee registration system to ensure that all refugees—

(A) are properly screened for security, including biographic and biometric capture;

(B) receive due process and meaningful access to existing legal protections; and

(C) receive proper documents in order to prevent fraud and ensure freedom of movement and access to basic social services;

(3) by creating or expanding a corps of trained refugee officers capable of evaluating and deciding individual claims for protection, consistent with international law and obligations; and

(4) by developing the capacity to conduct best interest determinations for unaccompanied alien children to ensure that—

(A) such children with international protection needs are properly registered; and

(B) the needs of such children are properly met, which may include family reunification or resettlement based on international protection needs.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report to the committees listed in section 1541(b) that describes the plans of the Secretary of State to assist in developing the refugee processing capabilities described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

Subtitle F—Penalties for Smuggling, Drug Trafficking, Human Trafficking, Terrorism, and Illegal Entry and Reentry; Bars to Readmission of Removed Aliens

SEC. 1601. DANGEROUS HUMAN SMUGGLING, HUMAN TRAFFICKING, AND HUMAN RIGHTS VIOLATIONS.

(a) CRIMINAL PENALTIES FOR HUMAN SMUGGLING AND TRAFFICKING.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by amending clause (ii) to read as follows:

''(ii) knowing, or in reckless disregard of the fact, that an alien has come to, entered into, or remains in the United States in violation of law—

''(I) transports, moves, or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; or

''(II) transports or moves the alien with the purpose of facilitating the illegal entry of the alien into Canada or Mexico;''; and

(B) in subparagraph (B)—

(i) by redesignating clauses (iii) and (iv) as clauses (vi) and (vii), respectively;

(ii) in clause (vi), as redesignated, by inserting ''for not less than 10 years and'' before ''not more than 20 years,''; and

(iii) by inserting after clause (ii) the following:

''(iii) in the case of a violation of clause (i), (ii), (iii), (iv), or (v) of subparagraph (A) that is the third or subsequent violation committed by such person under this section, shall be fined under title 18, United States Code, imprisoned for not less than 5 years and not more than 25 years, or both;

''(iv) in the case of a violation of clause (i), (ii), (iii), (iv), or (v) of subparagraph (A) that recklessly, knowingly, or intentionally results in a victim being involuntarily forced into labor or prostitution, shall be fined under title 18, United States Code, imprisoned for not less than 5 years and not more than 25 years, or both;

''(v) in the case of a violation of clause (i), (ii), (iii), (iv), or (v) of subparagraph (A) during and in relation to which any person is subjected to any illegal sexual act or sexual contact (as those terms are defined in section 2246 of title 18, United States Code), be fined under title 18, United States Code, imprisoned for not less than 5 years and not more than 25 years, or both;''; and

(2) by adding at the end the following:

''(5) Any person who, knowing that a person is an alien in unlawful transit from 1 country to another or on the high seas, transports, moves, harbors, conceals, or shields from detection such alien outside of the United States for profit or gain when the alien is seeking to enter the United States without official permission or legal authority, shall for, each alien in respect to whom a violation of this paragraph occurs, be fined under title 18, United States Code, imprisoned not more than 10 years, or both.''.

(b) SEIZURE AND FORFEITURE.—Section 274(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—Any real or personal property involved in or used to facilitate the commission of a violation or attempted violation of subsection (a), the gross proceeds of such violation or attempted violation, and any property traceable to such property or proceeds, shall be seized and subject to forfeiture.''.

SEC. 1602. PUTTING THE BRAKES ON HUMAN SMUGGLING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Putting the Brakes on Human Smuggling Act''.

(b) FIRST VIOLATION.—Section 31310(b)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking the ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(F) using a commercial motor vehicle in willfully aiding or abetting an alien's illegal entry into the United States by transporting, guiding, directing, or attempting to assist the alien with the alien's entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section; or

''(G) using a commercial motor vehicle in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, or weapons by any individual departing the United States.''.

(c) SECOND OR MULTIPLE VIOLATIONS.—Section 31310(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking the ''or'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (H);

(3) in subparagraph (H), as redesignated, by striking ''(E)'' and inserting ''(G)''; and

(4) by inserting after subparagraph (E) the following:

''(F) using a commercial motor vehicle more than once in willfully aiding or abetting an alien's illegal entry into the United States by transporting, guiding, directing and attempting to assist the alien with the alien's entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section;

''(G) using a commercial motor vehicle more than once in willfully aiding or abetting the transport of controlled substances,

monetary instruments, bulk cash, or weapons by any individual departing the United States; or''.

(d) LIFETIME DISQUALIFICATION.—Section 31310(d) of title 49, United States Code, is amended to read as follows:

''(d) LIFETIME DISQUALIFICATION.—The Secretary shall permanently disqualify an individual from operating a commercial motor if the individual uses a commercial motor vehicle—

''(1) in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance;

''(2) in committing an act for which the individual is convicted under—

''(A) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

''(B) section 277 of such Act (8 U.S.C. 1327); or

''(3) in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, and weapons by any individual departing the United States.''.

(e) REPORTING REQUIREMENTS.—

(1) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309(b)(1) of title 49, United States Code, is amended—

(A) in subparagraph (E), by striking ''and'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(G) whether the operator was disqualified, either temporarily or permanently, from operating a commercial motor vehicle under section 31310, including under subsection (b)(1)(F), (c)(1)(F), or (d) of such section.''.

(2) NOTIFICATION BY THE STATE.—Section 31311(a)(8) of title 49, United States Code, is amended by inserting ''including such a disqualification, revocation, suspension, or cancellation made pursuant to a disqualification under subsection (b)(1)(F), (c)(1)(F), or (d) of section 31310,'' after ''60 days,''.

SEC. 1603. DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 27 the following:

''CHAPTER 28—DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS

''§ 581. Enhanced penalties for drug trafficking and crimes committed by illegal aliens

''(a) OFFENSE.—Any alien unlawfully present in the United States, who commits, conspires to commit, or attempts to commit an offense under Federal, State, or Tribal law, an element of which involves the use or attempted use of physical force or the threatened use of physical force or a deadly weapon or a drug trafficking crime (as defined in section 924), shall be fined under this title, imprisoned for not less than 5 years, or both.

''(b) ENHANCED PENALTIES FOR ALIENS ORDERED REMOVED.—Any alien unlawfully present in the United States who violates subsection (a) and was ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime before the violation of subsection (a), shall be fined under this title, imprisoned for not less than 15 years, or both.

''(c) REQUIREMENT FOR CONSECUTIVE SENTENCES.—Any term of imprisonment imposed under this section shall be consecutive to any term imposed for any other offense.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following:

SEC. 1604. ESTABLISHING INADMISSIBILITY AND DEPORTABILITY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)) is amended by adding at the end the following:

''(iii) CONSIDERATION OF OTHER EVIDENCE.—If the statute of conviction or conviction records do not conclusively establish whether a crime does or does not constitute a crime involving moral turpitude, the Secretary, the Attorney General, or the consular officer, as applicable, may consider other documentary evidence related to the conviction, including, but not limited to, charging documents, plea agreements, plea colloquies, jury instructions, and police reports, to determine whether the other evidence clearly establishes that the conduct in which the alien was engaged constitutes a crime involving moral turpitude.''.

(b) DEPORTABLE ALIENS.—

(1) GENERAL CRIMES.—Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended by—

(A) redesignating clause (vi) and clause (vii); and

(B) inserting after clause (v) the following:

''(vi) CRIMES INVOLVING MORAL TURPITUDE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Secretary or the Attorney General may consider other documentary evidence related to the conviction, including, but not limited to, charging documents, plea agreements, plea colloquies, jury instructions, and police reports, to determine whether the other evidence clearly establishes that the conduct in which the alien was engaged constitutes a crime involving moral turpitude.''.

(2) DOMESTIC VIOLENCE.—Section 237(a)(2)(E) of Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)) is amended—

(A) in clause (i), by striking ''For purposes of this clause'' and inserting ''For purposes of this subparagraph''; and

(B) by adding at the end the following:

''(iii) CRIME OF VIOLENCE.—If the conviction records do not conclusively establish whether a conviction constitutes a crime of domestic violence, the Secretary or the Attorney General may consider other documentary evidence related to the conviction, including, but not limited to, charging documents, plea agreements, plea colloquies, jury instructions, and police reports, that clearly establishes that the conduct in which the alien was engaged constitutes a crime of domestic violence.''.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of enactment of this Act; and

(2) shall apply to an act that occurs before, on, or after the date of enactment of this Act.

SEC. 1605. PENALTIES FOR ILLEGAL ENTRY; ENHANCED PENALTIES FOR ENTERING WITH INTENT TO AID, ABET, OR COMMIT TERRORISM.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended by striking the section designation and heading and all that follows through ''may be imposed.'' in the undesignated matter following subsection (b)(2) and inserting the following:

''SEC. 275. ILLEGAL ENTRY.

''(a) IN GENERAL.—

''(1) BARS TO IMMIGRATION RELIEF AND BENEFITS.—Any alien shall be ineligible for all immigration benefits or relief available under the immigration laws, including relief under sections 240A(b)(1), 240B(b), 245, 248, and 249, other than asylum, relief as a victim of trafficking under section 101(a)(15)(T), relief as a victim of criminal activity under section 101(a)(15)(U), relief under the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who has been battered or subjected to extreme cruelty, relief as a battered spouse or child under section 240A(b)(2), withholding of removal under section 241(b)(3), or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if the alien—

''(A) enters, crosses, or attempts to enter or cross the border into, the United States at any time or place other than as designated by immigration officers;

''(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

''(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or willful concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws.

''(2) CRIMINAL OFFENSES.—An alien shall be subject to the penalties under paragraph (3) if the alien—

''(A) enters, crosses, or attempts to enter or cross the border into, the United States at any time or place other than as designated by immigration officers;

''(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

''(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws.

''(3) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1) by engaging in conduct described in subparagraph (A), (B), or (C) of that paragraph—

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

''(C) if the violation occurs after the alien has been convicted of 3 or more misdemeanors (at least 1 of which involves controlled substances, abuse of a minor, trafficking or smuggling, or any offense that may result in serious bodily harm or injury to another person), a significant misdemeanor, or a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurs after the alien has been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurs after the alien has been convicted of a felony for which the

alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(4) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (3) are elements of the offenses described in that paragraph and the penalties described in such subparagraphs shall apply only in cases in which the 1 or more convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial; or

''(C) admitted by the defendant.

''(5) DURATION OF OFFENSES.—An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or agriculture officer.

''(6) ATTEMPT.—Any person who attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

''(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or crossing or attempting to cross the border to the United States at a time or place other than as designated by an immigration officer shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(A) not less than $50 but not more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(B) twice the amount described in subparagraph (A) if the alien had previously been subject to a civil penalty under this subsection.

''(2) CIVIL PENALTIES.—Civil penalties under paragraph (1) are in addition to, and not in place of, any criminal or other civil penalties that may be imposed.''.

(b) ENHANCED PENALTIES.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended by adding at the end the following:

''(e) ENHANCED PENALTY FOR TERRORIST ALIENS.—Any alien who commits an offense described in subsection (a) for the purpose of engaging in, or with the intent to engage in, any Federal crime of terrorism (as defined in section 2332b(g) of title 18, United States Code) shall be imprisoned for not less than 10 years and not more than 30 years.''.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry.''.

(d) APPLICATION.—

(1) PRIOR CONVICTIONS.—Section 275(a)(4) of the Immigration and Nationality Act shall apply only to violations of section 275(a)(2) of that Act (8 U.S.C. 1325(a)(2)) committed on or after the date of enactment of this Act.

(2) BARS TO IMMIGRATION RELIEF AND BENEFITS.—Section 275(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1325(a)(2)) shall take effect on the date of enactment of this Act and apply to any alien who, on or after that date of enactment—

(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws.

SEC. 1606. PENALTIES FOR REENTRY OF REMOVED ALIENS.

(a) SHORT TITLES.—This section may be cited as the ''Stop Illegal Reentry Act'' or ''Kate's Law''.

(b) INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.—

(1) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

''SEC. 276. REENTRY OF REMOVED ALIEN.

''(a) IN GENERAL.—

''(1) BARS TO IMMIGRATION RELIEF AND BENEFITS.—Any alien who has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding shall be ineligible for all immigration benefits or relief available under the immigration laws, including relief under sections 240A(b)(1), 240B(b), 245, 248, and 249, other than asylum, relief as a victim of trafficking under section 101(a)(15)(T), relief as a victim of criminal activity under section 101(a)(15)(U), relief under the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who has been battered or subjected to extreme cruelty, relief as a battered spouse or child under section 240A(b)(2), withholding of removal under section 241(b)(3), or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if, after such denial, exclusion, deportation, removal, or departure, the alien enters, attempts to enter, crosses the border into, attempts to cross the border into, or is at any time found in, the United States, unless—

''(A) if the alien is seeking admission more than 10 years after the date of the alien's last departure from the United States, the Secretary, before the alien's reembarkation at a place outside of the United States or the alien's application for admission from a foreign contiguous territory, has expressly consented to such alien's reapplying for admission; or

''(B) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under this Act or any other Act.

''(2) CRIMINAL OFFENSES.—Any alien who—

''(A) has been denied admission, deported, or removed or has departed the United States while an order of deportation, or removal is outstanding; and

''(B) after such denial, removal or departure, enters, attempts to enter, crosses the border into, attempts to cross the border into, or is at any time found in, the United States, unless—

''(i) if the alien is seeking admission more than 10 years after the date of the alien's last departure from the United States, the Secretary, before the alien's reembarkation at a place outside the United States or the alien's application for admission from a foreign contiguous territory, has expressly consented to such alien's reapplying for admission; or

''(ii) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under this Act or any other Act,

''shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

''(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

''(1) REENTRY AFTER REMOVAL.—Notwithstanding the penalties under subsection (a)(2), and except as provided in subsection (c)—

''(A) an alien described in subsection (a) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and thereafter, without the permission of the Secretary, enters the United States, or attempts to enter the United States, shall be fined under title 18, United States Code, and imprisoned for a period of 15 years, which sentence shall not run concurrently with any other sentence;

''(B) an alien described in subsection (a) who was removed from the United States pursuant to section 237(a)(4)(B) and thereafter, without the permission of the Secretary, enters, attempts to enter, or is at any time found in, the United States (unless the Secretary has expressly consented to such alien's reentry) shall be fined under title 18, United States Code, imprisoned for not more than 15 years, or both; and

''(C) an alien described in subsection (a) who has been denied admission, excluded, deported, or removed 2 or more times for any reason and thereafter enters, attempts to enter, crosses the border into, attempts to cross the border into, or is at any time found in, the United States, shall be fined under title 18, United States Code, imprisoned not more than 15 years, or both.

''(2) REENTRY OF CRIMINAL ALIENS AFTER REMOVAL.—Notwithstanding the penalties under subsection (a)(2), and except as provided in subsection (c)—

''(A) an alien described in subsection (a) who was convicted, on a date that is before the date on which the alien was subject to removal or departure, of a significant misdemeanor shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(B) an alien described in subsection (a) who was convicted, on a date that is before the date on which the alien was subject to removal or departure, of 2 or more misdemeanors involving drugs, crimes against the person, or both, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(C) an alien described in subsection (a) who was convicted, on a date that is before the date on which the alien was subject to removal or departure, of 3 or more misdemeanors for which the alien was sentenced to a term of imprisonment of not less than 90 days for each offense, or 12 months in the aggregate, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(D) an alien described in subsection (a) who was convicted, on a date that is before the date on which the alien was subject to removal or departure, of a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months shall be fined under such title, imprisoned not more than 15 years, or both;

''(E) an alien described in subsection (a) who was convicted, on a date that is before the date on which the alien was subject to removal or departure, of a felony for which the alien was sentenced to a term of imprisonment of not less than 5 years shall be fined under such title, imprisoned not more than 20 years, or both;

''(F) an alien described in subsection (a) who was convicted of 3 or more felonies of

any kind shall be fined under such title, imprisoned not more than 25 years, or both; and

''(G) an alien described in subsection (a) who was convicted, on a date that is before the date on which the alien was subject to removal or departure or after such removal or departure, for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title shall be fined under such title, imprisoned not more than 25 years, or both.

''(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties under subsections (a) and (b), an alien described in subsection (a) shall be imprisoned not less than 5 years and not more than 20 years, and may, in addition, be fined under title 18, United States Code, if the alien—

''(1) was convicted, on a date that is before the date on which the alien was subject to removal or departure, of an aggravated felony; or

''(2) was convicted at least twice of illegal reentry under this section on 1 or more dates that are before the date on which such removal or departure.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b)(2) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the 1 or more convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2)(A) proven beyond a reasonable doubt at trial; or

''(B) admitted by the defendant.

''(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

''(1) on a date that is before the date of the alleged violation, the alien sought and received the express consent of the Secretary to reapply for admission into the United States; or

''(2) with respect to an alien previously denied admission and removed, the alien—

''(A) was not required to obtain such advance consent under this Act or any other Act; and

''(B) complied with all other laws and regulations governing the alien's admission into the United States.

''(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of a removal order described in subsection (a), (b), or (c) concerning the alien unless the alien demonstrates that—

''(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

''(2) the removal or deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.

''(g) REENTRY OF ALIEN REMOVED BEFORE THE COMPLETION OF THE TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border into, attempts to cross the border into, or is at any time found in, the United States—

''(1) shall be incarcerated for the remainder of the sentence of imprisonment that was pending at the time of deportation or removal without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary has expressly consented to the alien's reentry (if a request for consent to reapply is authorized under this section); and

''(2) shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(h) DEFINITIONS.—In this section:

''(1) CROSS THE BORDER.—The term 'cross the border' refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

''(2) FELONY.—The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) REMOVAL.—The term 'removal' includes any denial of admission, deportation, or removal, or any agreement by which an alien stipulates or agrees to deportation, or removal.

''(5) SIGNIFICANT MISDEMEANOR.—The term 'significant misdemeanor' means a misdemeanor crime that—

''(A) involves the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim;

''(B) is a sexual assault (as defined in section 40002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12291(a));

''(C) involved the unlawful possession of a firearm (as defined in section 921 of title 18, United States Code);

''(D) is a crime of violence (as defined in section 16 of title 18, United States Code); or

''(E) is an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

''(6) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(c) EFFECTIVE DATE; APPLICABILITY.—Section 276(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1326(a)(1)) shall take effect on the date of enactment of this Act and shall apply to any alien who, on or after that date of enactment—

(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

(2) after such denial, exclusion, deportation or removal, enters, attempts to enter, crosses the border into, attempts to cross the border into, or is at any time found in, the United States, unless—

(A) if the alien is seeking admission more than 10 years after the date of the alien's last departure from the United States, the Secretary of Homeland Security, before the alien's reembarkation at a place outside the United States or the alien's application for admission from a foreign contiguous territory, has expressly consented to such alien's reapplying for admission; or

(B) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or any other Act.

SEC. 1607. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),'' after ''section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),''.

SEC. 1608. FREEZING BANK ACCOUNTS OF INTERNATIONAL CRIMINAL ORGANIZATIONS AND MONEY LAUNDERERS.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

''(5)(A) If a person is arrested or charged in connection with an offense described in subparagraph (C) involving the movement of funds into or out of the United States, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the arrest is made or where the charges are filed for an ex parte order restraining any account held by the person arrested or charged for not more than 30 days. Such 30-day period may be extended for good cause shown at a hearing conducted in the manner provided in Rule 43 of the Federal Rules of Civil Procedure. The court may receive and consider evidence and information submitted by the Government that would be inadmissible under the Federal Rules of Evidence.

''(B) The application for a restraining order under subparagraph (A) shall—

''(i) identify the offense for which the person has been arrested or charged;

''(ii) identify the location and description of the accounts to be restrained; and

''(iii) state that the restraining order is needed to prevent the removal of the funds in the account by the person arrested or charged, or by others associated with such person, during the time needed by the Government to conduct such investigation as may be necessary to establish whether there is probable cause to believe that the funds in the accounts are subject to forfeiture in connection with the commission of any criminal offense.

''(C) An offense described in this subparagraph is any offense for which forfeiture is authorized under this title, title 31, or the Controlled Substances Act (21 U.S.C. 801 et seq.).

''(D) For purposes of this section—

''(i) the term 'account' includes any safe deposit box and any account (as defined in paragraphs (1) and (2) of section 5318A(e) of title 31, United States Code) at any financial institution; and

''(ii) the term 'account held by the person arrested or charged' includes an account held in the name of such person, and any account over which such person has effective control as a signatory or otherwise.

''(E) A restraining order issued under this paragraph shall not be considered a 'seizure' for purposes of section 983(a).

''(F) A restraining order issued under this paragraph may be executed in any district in which the subject account is found, or transmitted to the central authority of any foreign State for service in accordance with any treaty or other international agreement.''.

SEC. 1609. CRIMINAL PROCEEDS LAUNDERED THROUGH PREPAID ACCESS DEVICES, DIGITAL CURRENCIES, OR OTHER SIMILAR INSTRUMENTS.

(a) IN GENERAL.—

(1) DEFINITIONS.—

(A) ADDITION OF ISSUERS, REDEEMERS, AND CASHIERS OF PREPAID ACCESS DEVICES AND DIGITAL CURRENCIES TO THE DEFINITION OF FINANCIAL INSTITUTIONS.—Section 5312(a)(2)(K) of title 31, United States Code, is amended to read as follows:

''(K) an issuer, redeemer, or cashier of travelers' checks, checks, money orders, prepaid access devices, digital currencies, or any digital exchanger or tumbler of digital currency;''.

(B) ADDITION OF PREPAID ACCESS DEVICES TO THE DEFINITION OF MONETARY INSTRUMENTS.—Section 5312(a)(3)(B) of title 31, United States Code, is amended by inserting ''prepaid access devices,'' after ''delivery,''.

(C) PREPAID ACCESS DEVICE.—Section 5312 of such title is amended—

(i) by redesignating paragraph (6) as paragraph (7); and

(ii) by inserting after paragraph (5) the following:

''(6) 'prepaid access device' means an electronic device or vehicle, such as a card, plate, code, number, electronic serial number, mobile identification number, personal identification number, or other instrument that provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.''.

(2) GAO REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that describes—

(A) the impact of amendments made by paragraph (1) on law enforcement, the prepaid access device industry, and consumers; and

(B) the implementation and enforcement by the Department of the Treasury of the final rule relating to ''Bank Secrecy Act Regulations—Definitions and Other Regulations Relating to Prepaid Access'' (76 Fed. Reg. 45403 (July 29, 2011)).

(b) U.S. CUSTOMS AND BORDER PROTECTION STRATEGY FOR PREPAID ACCESS DEVICES.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Commissioner of U.S. Customs and Border Protection, shall submit to Congress a report that—

(1) details a strategy to interdict and detect prepaid access devices, digital currencies, or other similar instruments, at border crossings and other ports of entry for the United States; and

(2) includes an assessment of the infrastructure needed to carry out the strategy detailed pursuant to paragraph (1).

(c) MONEY SMUGGLING THROUGH BLANK CHECKS IN BEARER FORM.—Section 5316 of title 31, United States Code, is amended by adding at the end the following:

''(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value of more than $10,000 if the monetary instrument was drawn on an account that contained or was intended to contain more than $10,000 at the time the monetary instrument was—

''(1) transported; or

''(2) negotiated.''.

SEC. 1610. CLOSING THE LOOPHOLE ON DRUG CARTEL ASSOCIATES ENGAGED IN MONEY LAUNDERING.

(a) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''(B) knowing that'' and all that follows through ''Federal law,'' in clause (ii) and inserting the following:

''(B) knowing that the transaction—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''; and

(2) in paragraph (2)(B), by striking ''(B) knowing that'' and all that follows through ''Federal law,'' in clause (ii) and inserting the following:

''(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''.

(b) PROCEEDS OF A FELONY.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting '', and regardless of whether the person knew that the activity constituted a felony'' before the semicolon at the end.

Subtitle G—Protecting National Security and Public Safety

CHAPTER 1—GENERAL MATTERS

SEC. 1701. DEFINITIONS OF TERRORIST ACTIVITY, ENGAGE IN TERRORIST ACTIVITY, AND TERRORIST ORGANIZATION.

(a) DEFINITION OF ENGAGE IN TERRORIST ACTIVITY.—Section 212(a)(3)(B)(iv)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(I)) is amended to read as follows:

''(I) to commit a terrorist activity or, under circumstances indicating an intention to cause death, serious bodily harm, or substantial damage to property, to incite another person to commit a terrorist activity;''.

(b) DEFINITION OF TERRORIST ORGANIZATION.—Section 212(a)(3)(B)(vi)(III) of such Act (8 U.S.C. 1182(a)(3)(B)(vi)(III)) is amended to read as follows:

''(III) that is a group of 2 or more individuals, whether organized or not, which engages in, or has a subgroup that engages in, the activities described in subclauses (I) through (VI) of clause (iv), if the group or subgroup presents a threat to the national security of the United States.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY.—Section 212(a)(3) of the Immigration and Nationality Act, as amended by this section, shall apply to—

(A) removal proceedings instituted before, on, or after the date of the enactment of this Act; and

(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SEC. 1702. TERRORIST AND SECURITY-RELATED GROUNDS OF INADMISSIBILITY.

(a) SECURITY AND RELATED GROUNDS.—Section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)) is amended to read as follows:

''(A) IN GENERAL.—Any alien who a consular officer, the Attorney General, or the Secretary knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally, in, or who is engaged in—

''(i) any activity—

''(I) to violate any law of the United States relating to espionage or sabotage; or

''(II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information;

''(ii) any other activity which would be unlawful if committed in the United States; or

''(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means,

is inadmissible.''.

(b) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by inserting ''or substantial damage to property'' before '', incited terrorist activity'';

(2) in subclause (IV), by inserting ''or has been'' before ''a representative'';

(3) in subclause (V), by inserting ''or has been'' before ''a member'';

(4) in subclause (VI), by inserting ''or has been'' before ''a member'';

(5) by amending subclause (VII) to read as follows:

''(VII) endorses or espouses, or has endorsed or espoused, terrorist activity or persuades or has persuaded others to endorse or espouse terrorist activity or support a terrorist organization;'';

(6) by amending subclause (IX) to read as follows:

''(IX) is the spouse or child of an alien who is inadmissible under this subparagraph if—

''(aa) the activity causing the alien to be found inadmissible occurred within the last 10 years; and

''(bb)(AA) the spouse or child knew, or should reasonably have known, of the activity causing the alien to be found inadmissible under this section; and

''(BB) the consular officer or Attorney General does not have reasonable grounds to believe that the spouse or child has renounced the activity causing the alien to be found inadmissible under this section.''; and

(7) by striking the undesignated matter following subclause (IX).

(c) PALESTINE LIBERATION ORGANIZATION.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended by adding at the end the following:

''(vii) PALESTINE LIBERATION ORGANIZATION.—An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this Act, to be engaged in terrorist activity.''.

(d) BARS TO IMMIGRATION RELIEF.—Any alien described in section 212(a)(3)(B) or 237(a)(4)(B) is not eligible and may not apply for any immigration benefits or relief available under this Act. Such aliens are only eligible to seek deferral of removal pursuant to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

SEC. 1703. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL OR SECURITY GROUNDS.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) in the section heading, by adding at the end the following: ''or who are subject to terrorism-related grounds for removal'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Attorney General'' and inserting ''Secretary, in the Secretary's sole and unreviewable discretion,''; and

(ii) by striking ''set forth in this subsection or'' and inserting ''set forth in this subsection, in lieu of removal proceedings under'';

(B) in paragraphs (3) and (4), by striking ''Attorney General'' each place that term appears and inserting ''Secretary'';

(C) in paragraph (5)—

(i) by striking ''described in this section'' and inserting ''described in paragraph (1) or (2)''; and

(ii) by striking ''the Attorney General may grant in the Attorney General's discretion.'' and inserting ''the Secretary or the Attorney General may grant, in the sole and unreviewable discretion of the Secretary or the Attorney General, in any proceeding.'';

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(E) by inserting after paragraph (2) the following:

''(3) The Secretary, in the exercise of discretion, may determine inadmissibility under section 212(a)(2) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who—

''(A) has not been admitted or paroled;

''(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in 235(b)(1)(B); and

''(C) is not eligible for a waiver of inadmissibility or relief from removal.'';

(3) by redesignating the first subsection (c) as subsection (d);

(4) by redesignating the second subsection (c), as so designated by section 617(b)(13) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–720)), as subsection (e); and

(5) by inserting after subsection (b) the following:

''(c) REMOVAL OF ALIENS WHO ARE SUBJECT TO TERRORISM-RELATED GROUNDS FOR REMOVAL.—

''(1) IN GENERAL.—The Secretary—

''(A) notwithstanding section 240, shall—

''(i) determine the inadmissibility of every alien under subclause (I), (II), or (III) of section 212(a)(3)(B)(i), or the deportability of the alien under section 237(a)(4)(B) as a consequence of being described in 1 of such subclauses; and

''(ii) issue an order of removal pursuant to the procedures set forth in this subsection to every alien determined to be inadmissible or deportable on a ground described in clause (i); and

''(B) may—

''(i) determine the inadmissibility of any alien under subparagraph (A) or (B) of section 212(a)(3) (other than subclauses (I), (II), and (III) of section 212(a)(3)(B)(i)), or the deportability of the alien under subparagraph (A) or (B) of section 237(a)(4) (as a consequence of being described in subclause (I), (II), or (III) of section 212(a)(3)(B)(i)); and

''(ii) issue an order of removal pursuant to the procedures set forth in this subsection to every alien determined to be inadmissible or deportable on a ground described in clause (i).

''(2) LIMITATION.—The Secretary may not execute any order described in paragraph (1) until 30 days after the date on which such order was issued, unless waived by the alien, to give the alien an opportunity to petition for judicial review under section 242.

''(3) PROCEEDINGS.—The Secretary shall prescribe regulations to govern proceedings under this subsection, which shall require that—

''(A) the alien is given reasonable notice of the charges and of the opportunity described in subparagraph (C);

''(B) the alien has the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as the alien shall choose;

''(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

''(D) a determination is made on the record that the individual upon whom the notice for the proceeding under this section is served (either in person or by mail) is, in fact, the alien named in such notice;

''(E) a record is maintained for judicial review; and

''(F) the final order of removal is not adjudicated by the same person who issues the charges.

''(4) LIMITATION ON RELIEF FROM REMOVAL.—No alien described in this subsection shall be eligible for any relief from removal that the Secretary may grant in the Secretary's discretion.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 238 and inserting the following:

''Sec. 238. Expedited removal of aliens convicted of aggravated felonies or who are subject to terrorism-related grounds for removal.''.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act, but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) on such date of enactment.

SEC. 1704. DETENTION OF REMOVABLE ALIENS.

(a) CRIMINAL ALIEN ENFORCEMENT PARTNERSHIPS.—Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 1123, is amended by adding at the end the following:

''(j) CRIMINAL ALIEN ENFORCEMENT PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary may enter into a written agreement with a State, or with any political subdivision of a State, to authorize the temporary placement of 1 or more U.S. Customs and Border Protection agents or officers or U.S. Immigration and Customs Enforcement agents or investigators at a local police department or precinct—

''(A) to determine the immigration status of any individual arrested by a State, county, or local police, enforcement, or peace officer for any criminal offense;

''(B) to issue charging documents and notices related to the initiation of removal proceedings or reinstatement of prior removal orders under section 241(a)(5);

''(C) to enter information directly into the National Crime Information Center (NCIC) database, Immigration Violator File, including—

''(i) the alien's address;

''(ii) the reason for the arrest;

''(iii) the legal cite of the State law violated or for which the alien is charged;

''(iv) the alien's driver's license number and State of issuance, if the alien has a driver's license;

''(v) any other identification document held by the alien and issuing entity for such identification documents; and

''(vi) any identifying marks, such as tattoos, birthmarks, and scars;

''(D) to collect biometrics, including iris, fingerprint, photographs, and signature, of the alien and to enter such information into the Automated Biometric Identification System (IDENT) and any other Department of Homeland Security or law enforcement database authorized for storage of biometric information for aliens; and

''(E) to make advance arrangements for the immediate transfer from State to Federal custody of any criminal alien when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested and imprisoned again for the same offense.

''(2) LENGTH OF TEMPORARY DUTY ASSIGNMENTS.—The initial period for a temporary duty assignment authorized under this subsection shall be 1 year. The temporary duty assignment may be extended for additional periods of time as agreed to by the Secretary and the State or political subdivision of the State to ensure continuity of operations, cooperation, and coverage.

''(3) TECHNOLOGY USAGE.—The Secretary shall provide U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement agents, officers, and investigators on a temporary duty assignment under this subsection mobile access to Federal databases containing alien information, live scan technology for collection of biometrics, and video-conferencing capability for use at local police departments or precincts in remote locations.

''(4) REPORT.—Not later than 1 year after the date of the enactment of the SECURE and SUCCEED Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that identifies—

''(A) the number of States that have entered into an agreement under this subsection;

''(B) the number of criminal aliens processed by the U.S. Customs and Border Protection agent or officer or U.S. Immigration and Customs Enforcement agent or investigator during the temporary duty assignment; and

''(C) the number of criminal aliens transferred from State to Federal custody during the agreement period.''.

(b) DETENTION, RELEASE, AND REMOVAL OF ALIENS ORDERED REMOVED.—

(1) REMOVAL PERIOD.—

(A) IN GENERAL.—Section 241(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(1)(A)) is amended by striking ''Attorney General'' and inserting ''Secretary''.

(B) BEGINNING OF PERIOD.—Section 241(a)(1)(B) of such Act (8 U.S.C. 1231(a)(1)(B)) is amended to read as follows:

''(B) BEGINNING OF PERIOD.—

''(i) IN GENERAL.—Subject to clause (ii), the removal period begins on the date that is the latest of the following:

''(I) If the alien is ordered removed, the date pursuant to an administratively final removal order and the Secretary takes the alien into custody for removal.

''(II) If the alien is detained or confined (except under an immigration process), the date on which the alien is released from detention or confinement.

''(ii) BEGINNING OF REMOVAL PERIOD FOLLOWING A TRANSFER OF CUSTODY.—If the Secretary transfers custody of the alien pursuant to law to another Federal agency or to an agency of a State or local government in connection with the official duties of such agency, the removal period for the alien—

''(I) shall be tolled; and

''(II) shall resume on the date on which the alien is returned to the custody of the Secretary.''.

(C) SUSPENSION OF PERIOD.—Section 241(a)(1)(C) of such Act (8 U.S.C. 1231(a)(1)(C)) is amended to read as follows:

''(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if—

''(i) the alien fails or refuses to make all reasonable efforts to comply with the order of removal or to fully cooperate with the efforts of the Secretary to establish the alien's identity and carry out the order of removal, including making timely application in good

faith for travel or other documents necessary to the alien's departure;

''(ii) the alien conspires or acts to prevent the alien's removal subject to an order of removal; or

''(iii) the court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien.''.

(2) DETENTION.—Section 241(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(2)) is amended—

(A) by inserting ''(A) IN GENERAL.—'' before ''During'';

(B) by striking ''Attorney General'' and inserting ''Secretary''; and

(C) by adding at the end the following:

''(B) DURING A PENDENCY OF A STAY.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an order of removal, the Secretary, in the Secretary's sole and unreviewable exercise of discretion, and notwithstanding any provision of law, including section 2241 of title 28, United States Code, may detain the alien during the pendency of such stay of removal.''.

(3) SUSPENSION AFTER 90-DAY PERIOD.—Section 241(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in subparagraph (C), by striking ''Attorney General'' and inserting ''Secretary''; and

(C) by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.''.

(4) ALIENS IMPRISONED, ARRESTED, OR ON PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 241(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(4)) is amended—

(A) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary''; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Attorney General'' and inserting ''Secretary'';

(ii) in clause (i), by striking ''if the Attorney General'' and inserting ''if the Secretary''; and

(iii) in clause (ii)(III), by striking ''Attorney General'' and inserting ''Secretary''.

(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—

(A) IN GENERAL.—Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

''(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—If the Secretary determines that an alien has entered the United States illegally after having been removed, deported, or excluded, or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

''(A) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

''(B) the alien is not eligible and may not apply for any relief under this Act, regardless of the date on which an application or request for such relief may have been filed or made;

''(C) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry; and

''(D) reinstatement under subparagraph (A) shall not require proceedings under section 240 or other proceedings before an immigration judge.''.

(B) JUDICIAL REVIEW.—Section 242 of such Act (8 U.S.C. 1252) is amended by—

(i) in subsection (g), by inserting ''grant, rescind, or deny any form of discretionary relief under this title, or to'' before ''commence''; and

(ii) by adding at the end the following:

''(h) JUDICIAL REVIEW OF DECISION TO REINSTATE REMOVAL ORDER UNDER SECTION 241(A)(5).—

''(1) REVIEW OF DECISION TO REINSTATE REMOVAL ORDER.—Judicial review of determinations under section 241(a)(5) is available in an action under subsection (a).

''(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, or sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from, or relating to, any challenge to the original order.''.

(C) EFFECTIVE DATE AND APPLICATION.—The amendments made by subparagraphs (A) and (B) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated or after that date by the Secretary of Homeland Security (or by the Attorney General before March 1, 2003), regardless of the date of the original order.

(6) INADMISSIBLE OR CRIMINAL ALIENS.—Section 241(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(6)) is amended—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed,''.

(7) PAROLE; ADDITIONAL RULES; JUDICIAL REVIEW.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(A) in paragraph (7), by striking ''Attorney General'' and inserting ''Secretary'';

(B) by redesignating paragraph (7) as paragraph (15); and

(C) by inserting after paragraph (6) the following:

''(7) PAROLE.—Except for aliens subject to detention under paragraph (6) and aliens subject to detention under section 236(c), 236A, or 238, if an alien who is detained is an applicant for admission, the Secretary, in the Secretary's sole and unreviewable discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless the alien violates the conditions of such parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO WERE PREVIOUSLY ADMITTED TO THE UNITED STATES.—

''(A) APPLICATION.—The procedures set out under this paragraph—

''(i) apply only to an alien who was previously admitted to the United States; and

''(ii) do not apply to any other alien, including an alien detained pursuant to paragraph (6).

''(B) ESTABLISHMENT OF DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—

''(i) REQUIREMENT TO ESTABLISH.—If an alien has made all reasonable efforts to comply with a removal order and to cooperate fully with the efforts of the Secretary to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions.

''(ii) DETERMINATIONS.—The Secretary shall—

''(I) make a determination whether to release an alien described in clause (i) after the end of the alien's removal period; and

''(II) in making a determination under subclause (I), consider any evidence submitted by the alien, and may consider any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

''(9) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—The Secretary, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C))—

''(A) until the alien is removed, if the Secretary determines that—

''(i) there is a significant likelihood that the alien will be removed in the reasonably foreseeable future;

''(ii) the alien would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal;

''(iii) the government of the foreign country of which the alien is a citizen, subject, national, or resident is denying or unreasonably delaying accepting the return of the alien after the Secretary asks whether the government will accept an alien under section 243(d); or

''(iv) the government of the foreign country of which the alien is a citizen, subject, national, or resident is refusing to issue any required travel or identity documents to allow the alien to return to that country;

''(B) until the alien is removed, if the Secretary certifies in writing—

''(i) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(ii) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(iii) based on information available to the Secretary (including classified, sensitive, or other information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

''(iv) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either—

''(I) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)), 1 or more crimes identified by the Secretary by regulation, or 1 or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, provided that the aggregate term of

imprisonment for such attempts or conspiracies is at least 5 years; or

''(II) the alien has committed 1 or more violent offenses (but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(v) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony (as defined in section 101(a)(43)); and

''(C) pending a determination under subparagraph (B), if the Secretary has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in paragraph (1)(C)).

''(10) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(A) RENEWAL.—The Secretary may renew a certification under paragraph (9)(B)(ii) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under paragraph (9)(B).

''(B) DELEGATION.—Notwithstanding section 103, the Secretary may not delegate the authority to make or renew a certification described in clause (ii), (iii), or (iv) of paragraph (9)(B) to an official below the level of the Director of U.S. Immigration and Customs Enforcement.

''(11) RELEASE ON CONDITIONS.—If the Secretary determines that an alien should be released from detention, the Secretary, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

''(12) REDETENTION.—The Secretary, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in paragraph (8), or if, upon reconsideration, the Secretary determines that the alien can be detained under paragraph (9). Paragraphs (6) through (14) shall apply to any alien returned to custody pursuant to this paragraph, as if the removal period terminated on the day of the redetention.

''(13) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has entered the United States, but has not been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately preceding the commencement of removal proceedings under this Act against the alien, the Secretary, in the exercise of discretion, may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

''(14) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6) through (14) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.''.

(c) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section while proceedings are pending, without limitation, until the alien is subject to an administratively final order of removal or final grant of relief.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(2) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) by redesignating subsection (e) as subsection (f);

(B) by inserting after subsection (d) the following new subsection (e):

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal or final grant of relief.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.''; and

(C) in subsection (f), as so redesignated, by adding at the end the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(d) ATTORNEY GENERAL'S DISCRETION IN DETERMINING COUNTRIES OF REMOVAL.—Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended—

(1) in paragraph (1)(C)(iv), by striking the period at the end and inserting '', or the Attorney General decides that removing the alien to such country is prejudicial to the interests of the United States.''; and

(2) in paragraph (2)(E)(vii), by inserting ''or the Attorney General decides that removing the alien to 1 or more of such countries is prejudicial to the interests of the United States,'' after ''this subparagraph,''.

(e) EFFECTIVE DATES AND APPLICATION.—

(1) AMENDMENTS MADE BY SUBSECTION (B).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act. Section 241 of the Immigration and Nationality Act, as amended by subsection (b), shall apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(2) AMENDMENTS MADE BY SUBSECTION (C).—The amendments made by subsection (c) shall take effect upon the date of the enactment of this Act. Sections 235 and 236 of the Immigration and Nationality Act, as amended by subsection (c), shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

SEC. 1705. GAO STUDY ON DEATHS IN CUSTODY.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the deaths in custody of detainees held by the Department of Homeland Security, which shall include, with respect to any such deaths—

(1) whether such death could have been prevented by the delivery of medical treatment administered while the detainee was in the custody of the Department of Homeland Security;

(2) whether Department practices and procedures were properly followed and obeyed;

(3) whether such practices and procedures are sufficient to protect the health and safety of such detainees; and

(4) whether reports of such deaths were made to the Deaths in Custody Reporting Program.

SEC. 1706. GAO STUDY ON MIGRANT DEATHS.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives a report that describes—

(1) the total number of migrant deaths along the southern border during the previous 7 years;

(2) the total number of unidentified deceased migrants found along the southern border in the previous 7 years;

(3) the level of cooperation between U.S. Customs and Border Protection, State and local law enforcement agencies, foreign diplomatic and consular posts, nongovernmental organizations, and family members to accurately identify deceased individuals;

(4) the use of DNA testing and sharing of such data between U.S. Customs and Border Protection, State and local law enforcement agencies, foreign diplomatic and consular posts, and nongovernmental organizations to accurately identify deceased individuals;

(5) the comparison of DNA data with information on Federal, State, and local missing person registries; and

(6) the procedures and processes U.S. Customs and Border Protection has in place for notification of relevant authorities or family members after missing persons are identified through DNA testing.

SEC. 1707. STATUTE OF LIMITATIONS FOR VISA, NATURALIZATION, AND OTHER FRAUD OFFENSES INVOLVING WAR CRIMES, CRIMES AGAINST HUMANITY, OR HUMAN RIGHTS VIOLATIONS.

(a) STATUTE OF LIMITATIONS FOR VISA FRAUD AND OTHER OFFENSES.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3302. Fraud in connection with certain human rights violations, crimes against humanity, or war crimes

''(a) IN GENERAL.—No person shall be prosecuted, tried, or punished for violation of any provision of section 1001, 1015, 1425, 1546, 1621, or 3291, or for attempt or conspiracy to violate any provision of such sections, if the fraudulent conduct, misrepresentation, concealment, or fraudulent, fictitious, or false statement concerns the alleged offender's—

''(1) participation, at any time, at any place, and irrespective of the nationality of the alleged offender or any victim, in a human rights violation, crime against humanity, or war crime; or

''(2) membership in, service in, or authority over a military, paramilitary, or law enforcement organization that participated in

such conduct during any part of any period in which the alleged offender was a member of, served in, or had authority over the organization, unless the indictment is found or the information is instituted within 20 years after the commission of the offense.

''(b) DEFINITIONS.—In this section—

''(1) the term 'extrajudicial killing under color of law' means conduct described in section 212(a)(3)(E)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(iii));

''(2) the term 'female genital mutilation' means conduct described in section 116;

''(3) the term 'genocide' means conduct described in section 1091(a);

''(4) the term 'human rights violation or war crime' means genocide, incitement to genocide, war crimes, torture, female genital mutilation, extrajudicial killing under color of law, persecution, particularly severe violations of religious freedom, the use or recruitment of child soldiers, or other serious violation of human rights;

''(5) the term 'incitement to genocide' means conduct described in section 1091(c);

''(6) the term 'particularly severe violation of religious freedom' means conduct described in section 3(3) of the International Religious Freedom Act of 1998 (22 U.S.C. 6402(13));

''(7) the term 'persecution' means conduct that is a bar to relief under section 208(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(i));

''(8) the term 'torture' means conduct described in paragraphs (1) and (2) of section 2340;

''(9) the term 'use or recruitment of child soldiers' means conduct described in subsections (a) and (d) of section 2442;

''(10) the term 'war crimes' means conduct described in subsections (c) and (d) of section 2441; and

''(11) the term 'crimes against humanity' means conduct described in section 212(a)(3)(E)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(iii)).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3302. Fraud in connection with certain human rights violations, crimes against humanity, or war crimes.''.

(c) APPLICATION.—The amendments made by this section shall apply to fraudulent conduct, misrepresentations, concealments, and fraudulent, fictitious, or false statements made or committed before, on, or after the date of enactment of this Act.

SEC. 1708. CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

''(e) DETENTION.—

''(1) IN GENERAL.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

''(2) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case described in subsection (f)(1), a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if the judicial officer finds that—

''(A) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;

''(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

''(C) not more than 5 years has elapsed since the later of the date of conviction or the date of the release of the person from imprisonment for the offense described in subparagraph (A).

''(3) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed—

''(A) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

''(B) an offense under section 924(c), 956(a), or 2332b;

''(C) an offense listed in section 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or

''(D) an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

''(4) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

''(A) has no lawful immigration status in the United States;

''(B) is the subject of a final order of removal; or

''(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426, or chapter 75 or 77, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, 1328).''.

(b) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(C) whether the person is in a lawful immigration status, has previously entered the United States illegally, has previously been removed from the United States, or has otherwise violated the conditions of his or her lawful immigration status; and''.

SEC. 1709. RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

''§ 2332c. Recruitment of persons to participate in terrorism

''(a) OFFENSES.—

''(1) IN GENERAL.—It shall be unlawful for any person to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the other person commit such act or crime of terrorism.

''(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful for any person to attempt or conspire to commit an offense under paragraph (1).

''(b) PENALTIES.—Any person who violates subsection (a)—

''(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

''(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

''(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

''(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed or applied to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

''(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been carried out.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b; and

''(2) the term 'serious bodily injury' has the meaning given that term in section 1365(h).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332b the following:

''2332c. Recruitment of persons to participate in terrorism.''.

SEC. 1710. BARRING AND REMOVING PERSECUTORS, WAR CRIMINALS, AND PARTICIPANTS IN CRIMES AGAINST HUMANITY FROM THE UNITED STATES.

(a) INADMISSIBILITY OF PERSECUTORS, WAR CRIMINALS, AND PARTICIPANTS IN CRIMES AGAINST HUMANITY.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) by striking the subparagraph heading and inserting ''PARTICIPANTS IN PERSECUTION (INCLUDING NAZI PERSECUTIONS), GENOCIDE, WAR CRIMES, CRIMES AGAINST HUMANITY, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING.—'';

(2) in clause (iii)(II)—

(A) by striking ''of any foreign nation'' and inserting ''(including acts taken as part of an armed group exercising de facto authority)''; and

(3) by adding after clause (iii) the following:

''(iv) PERSECUTORS, WAR CRIMINALS, AND PARTICIPANTS IN CRIMES AGAINST HUMANITY.—Any alien, including an alien who has or had superior responsibility, who committed, ordered, incited, assisted, or otherwise participated in a war crime (as defined in section 2441(c) of title 18, United States Code) or a crime against humanity, or in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion, is inadmissible.

''(v) CRIME AGAINST HUMANITY DEFINED.—In this subparagraph, the term 'crime against humanity' means conduct that is part of a widespread or systematic attack targeting any civilian population, with knowledge that the conduct was part of the attack or with the intent that the conduct be part of the attack—

''(I) that, if such conduct occurred in the United States or in the special maritime and territorial jurisdiction of the United States, would violate—

''(aa) section 1111 of title 18, United States Code (relating to murder);

''(bb) section 1201(a) of such title (relating to kidnapping);

''(cc) section 1203(a) of such title (relating to hostage taking), notwithstanding any exception under subsection (b) of such section 1203;

''(dd) section 1581(a) of such title (relating to peonage);

''(ee) section 1583(a)(1) of such title (relating to kidnapping or carrying away individuals for involuntary servitude or slavery);

''(ff) section 1584(a) of such title (relating to sale into involuntary servitude);

''(gg) section 1589(a) of such title (relating to forced labor);

''(hh) section 1590(a) of such title (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor);

''(ii) section 1591(a) of such title (relating to sex trafficking of children or by force, fraud, or coercion);

''(jj) section 2241(a) of such title (relating to aggravated sexual abuse by force or threat); or

''(kk) section 2242 of such title (relating to sexual abuse);

''(II) that would constitute torture (as defined in section 2340(1) of such title);

''(III) that would constitute cruel or inhuman treatment, as described in section 2441(d)(1)(B) of such title;

''(IV) that would constitute performing biological experiments, as described in section 2441(d)(1)(C) of such title;

''(V) that would constitute mutilation or maiming, as described in section 2441(d)(1)(E) of such title; or

''(VI) that would constitute intentionally causing serious bodily injury, as described in section 2441(d)(1)(F) of such title.

''(vi) DEFINITIONS.—In this subparagraph—

''(I) the term 'superior responsibility' means—

''(aa) a leader, a member of a military, or a person with effective control of military forces, or a person with de facto or de jure control of an armed group;

''(bb) who knew or should have known that a subordinate or someone under his or her de facto or de jure control is committing acts described in subsection (a), is about to commit such acts, or had committed such acts; and

''(cc) who fails to take the necessary and reasonable measures to prevent such acts or, for acts that have been committed, to punish the perpetrators of such acts;

''(II) the term 'systematic' means the commission of a series of acts following a regular pattern and occurring in an organized, nonrandom manner; and

''(III) the term 'widespread' means a single, large scale act or a series of acts directed against a substantial number of victims.''.

(b) REMOVAL OF PERSECUTORS.—Section 237(a)(4)(D) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) in the subparagraph heading, by striking ''NAZI''; and

(2) by striking ''or (iii)'' and inserting ''(iii), or (iv)''.

(c) SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G) is amended—

(1) in the subparagraph heading, by striking ''FOREIGN GOVERNMENT OFFICIALS'' and inserting ''ANY PERSONS''; and

(2) by striking '', while serving as a foreign government official,''.

(d) BARRING PERSECUTORS FROM ESTABLISHING GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking ''killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).'' and inserting ''killings), 212(a)(2)(G) (relating to severe violations of religious freedom), or 212(a)(3)(G) (relating to recruitment and use of child soldiers); or''; and

(3) by inserting after paragraph (9) the following:

''(10) one who at any time committed, ordered, incited, assisted, or otherwise participated in a war crime (as defined in section 2441(c) of title 18, United States Code), a crime against humanity, or the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.''.

(e) INCREASING CRIMINAL PENALTIES FOR ANYONE WHO AIDS AND ABETS THE ENTRY OF A PERSECUTOR.—Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) is amended by striking ''(other than subparagraph (E) thereof)''.

(f) INCREASING CRIMINAL PENALTIES FOR FEMALE GENITAL MUTILATION.—Section 116 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''shall be fined under this title or imprisoned not more than 5 years, or both'' and inserting ''has engaged in a violent crime against children under section 3559(f)(3), shall be imprisoned for life or for 10 years or longer''; and

(2) in subsection (d), by striking ''shall be fined under this title or imprisoned not more than 5 years, or both.'' and inserting ''shall be imprisoned for life or for 10 years or longer.''.

(g) TECHNICAL AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(42) (8 U.S.C. 1101(a)(42)), by inserting ''committed,'' before ''ordered'';

(2) in section 208(b)(2)(A)(i) (8 U.S.C. 1158(b)(2)(A)(i)), by inserting ''committed,'' before ''ordered''; and

(3) in section 241(b)(3)(B)(i) (8 U.S.C. 1231(b)(3)(B)(i)), by inserting ''committed,'' before ''ordered''.

(h) APPLICATION.—The amendments made by this section shall apply to any offense committed before, on, or after the date of the enactment of this Act.

SEC. 1711. CHILD SOLDIER RECRUITMENT INELIGIBILITY TECHNICAL CORRECTION.

Section 212(a)(3)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(G)) is amended by striking ''section 2442'' and inserting ''section 2442(a)''.

SEC. 1712. GANG MEMBERSHIP, REMOVAL, AND INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after paragraph (52) the following:

''(53)(A) The term 'criminal gang' means any ongoing group, club, organization, or association, inside or outside the United States, of 2 or more persons that—

''(i) has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B) and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses; or

''(ii) has been designated as a criminal gang by the Secretary, in consultation with the Secretary of State and the Attorney General, as meeting the criteria set forth in clause (i).

''(B) The offenses described in this subparagraph, whether in violation of Federal or State law or the law of a foreign country and regardless of whether the offenses occurred before, on, or after the date of the enactment of the SECURE and SUCCEED Act, are the following:

''(i) Any aggravated felony.

''(ii) A felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(iii) Any criminal offense described in section 212 or 237.

''(iv) An offense involving illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code).

''(v) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

''(vi) Any offense under Federal, State, or Tribal law, that has, as an element of the offense, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

''(vii) Any offense that has, as an element of the offense, the use, attempted use, or threatened use of any physical object to inflict or cause (either directly or indirectly) serious bodily injury, including an injury that may ultimately result in the death of a person.

''(viii) An offense involving obstruction of justice or tampering with or retaliating against a witness, victim, or informant.

''(ix) Any conduct punishable under section 1028 or 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(x) A conspiracy or attempt to commit an offense described in clauses (i) through (v).

''(C) Notwithstanding any other provision of law (including any effective date), a group, club, organization, or association shall be considered a criminal gang regardless of whether the conduct occurred before, on, or after the date of the enactment of the SECURE and SUCCEED Act.''.

(b) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—Any alien who a consular officer, the Secretary, or the Attorney General knows or has reasonable ground to believe—

''(I) to be or to have been a member of a criminal gang; or

''(II) to have participated in the activities of a criminal gang, knowing or having reason to know that such activities promoted or will promote, further, aid, or support the illegal activity of the criminal gang,

is inadmissible.

''(ii) EXCEPTION.—Clause (i) shall not apply to an alien who did not know, or should not reasonably have known, of the activity causing the alien to be found inadmissible under this section.''.

(c) DESIGNATION OF CRIMINAL GANGS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

"SEC. 220. DESIGNATION OF CRIMINAL GANGS.

''(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, and the Secretary of State, may designate a group or association as a criminal gang if their conduct is described in section 101(a)(53) or if the group's or association's conduct poses a significant risk that threatens the security and the public safety of United States nationals or the national security, homeland security, or economy of the United States.

''(b) EFFECTIVE DATE.—A designation under subsection (a) shall remain in effect until the designation is revoked, after consultation between the Secretary, the Attorney General, and the Secretary of State, or is terminated in accordance with Federal law.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 219 the following:

''220. Designation of criminal gangs.''

(d) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—Any alien who the Secretary or the Attorney General knows or has reason to believe—

''(I) is or has been a member of a criminal gang; or

''(II) has participated in the activities of a criminal gang, knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang,

is deportable.

''(ii) EXCEPTION.—Clause (i) shall not apply to an alien—

''(I) who did not know, or should not reasonably have known, of the activity causing the alien to be found deportable under this section; or

''(II) whom the Secretary or the Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found deportable under this section.''.

(e) CANCELLATION OF REMOVAL.—Section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)) is amended by adding at the end the following:

''(7) An alien who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) (relating to participation in criminal gangs).''.

(f) VOLUNTARY DEPARTURE.—Section 240B(c) of the Immigration and Nationality Act (8 U.S.C. 1229c(c)) is amended to read as follows:

''(c) LIMITATION ON VOLUNTARY DEPARTURE.—The Attorney General shall not permit an alien to depart voluntarily under this section if the alien—

''(1) was previously permitted to depart voluntarily after having been found inadmissible under section 212(a)(6)(A); or

''(2) is described in section 212(a)(2)(J)(i) or 237(a)(2)(G)(i) (relating to participation in criminal gangs).''.

(g) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended in the matter preceding clause (i) by inserting ''who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) or who is'' after ''to an alien''.

(2) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking ''or'' at the end;

(B) by redesignating clause (vi) as clause (vii);

(C) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) (relating to participation in criminal gangs); or''; and

(D) by amending clause (vii), as redesignated, to read as follows:

''(vii) the alien was firmly resettled in another country in any legal status prior to arriving in the United States.''.

(h) GOOD MORAL CHARACTER BAR FOR CRIMINAL GANG MEMBERS.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), as amended by section 1710(d), 1713(d), and 1822(a) of this Act, is further amended by inserting after paragraph (10) the following:

''(11) is a member of 1 or more classes of persons described in section 212(a)(2)(J) or 237(a)(2)(G) and has been convicted of any offense described in section 101(a)(43), 212(a)(2), or 237(a)(2); or''.

(i) ANNUAL REPORT ON DETENTION OF CRIMINAL GANG MEMBERS.—Not later than March 1 of the first calendar year beginning at least 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security, after consultation with the heads of appropriate Federal agencies, shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that identifies the number of aliens detained described in sections 212(a)(2)(J) and section 237(a)(2)(G) of the Immigration and Nationality Act, as added by subsections (b) and (d).

(j) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 1713. BARRING AGGRAVATED FELONS, BORDER CHECKPOINT RUNNERS, AND SEX OFFENDERS FROM ADMISSION TO THE UNITED STATES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(ii) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(iii) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) any statute relating to section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information)''; and

(B) by inserting after subparagraph (K), as added by section 1713(b) of this Act, the following:

''(L) CITIZENSHIP FRAUD.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code (relating to the procurement of citizenship or naturalization unlawfully), is inadmissible.

''(M) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, admits having committed, or admits committing acts which constitute the essential elements of, any law relating to, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law, is inadmissible. For purposes of this subparagraph the term 'any law' includes State laws that do not contain an exception for antique firearms. If the State law does not contain an exception for antique firearms, the Secretary or the Attorney General may consider documentary evidence related to the conviction, including, but not limited to, charging documents, plea agreements, plea colloquies, jury instructions, and police reports, to establish that the offense involved at least 1 firearm that is not an antique firearm.

''(N) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(O) HIGH SPEED FLIGHT.—Any alien who has been convicted of a violation of section 758 of title 18, United States Code (relating to high speed flight from an immigration checkpoint) is inadmissible.

''(P) FAILURE TO REGISTER AS A SEX OFFENDER.—Any alien convicted under section 2250 of title 18, United States Code, is inadmissible.

''(Q) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Except as provided in subsection (v), any alien who at any time is or has been convicted of a crime involving the use or attempted use of physical force, or threatened use of a deadly weapon, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' has the meaning given the term in section 237(a)(2)(E)(i).

''(ii) VIOLATORS OF PROTECTION ORDERS.—Except as provided in subsection (v), any alien who at any time is or has been enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' has the meaning given the term in section 237(a)(2)(E)(ii).'';

(2) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) in the matter preceding subparagraph (A), as redesignated and as amended by section 1713(e) of this Act—

(i) by inserting ''(1)'' before ''The Attorney General''; and

(ii) by striking '', and (K)'', and inserting ''(K), and (M)'';

(D) in the matter following subparagraph (B), as redesignated—

(i) by striking the first 2 sentences and inserting the following:

''(2) A waiver may not be provided under this subsection to an alien—

''(A) who has been convicted of (or who has admitted committing acts that constitute)—

''(i) murder or criminal acts of torture; or

''(ii) an attempt or conspiracy to commit murder or a criminal act involving torture;

''(B) who has been convicted of an aggravated felony; or

''(C) who has been lawfully admitted for permanent residence and who since the date of such admission has not lawfully resided continuously in the United States for at least 7 years immediately preceding the date on which proceedings were initiated to remove the alien from the United States.''; and

(ii) by striking ''No court'' and inserting the following:

''(3) No court'';

(3) by redesignating subsection (t), as added by section 1(b)(2)(B) of Public Law 108–449, as subsection (u); and

(4) by adding at the end the following:

''(v) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

''(1) IN GENERAL.—The Secretary or the Attorney General is not limited by the criminal court record and may waive the application of subsection (a)(2)(Q)(i) (with respect to crimes of domestic violence and crimes of stalking) and subsection (a)(2)(Q)(ii), in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination that—

''(A) the alien was acting in self-defense;

''(B) the alien was found to have violated a protection order intended to protect the alien; or

''(C) the alien committed or was convicted of committing a crime—

''(i) that did not result in serious bodily injury; and

''(ii) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

''(2) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications for a waiver under this subsection, the Secretary or the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary or the Attorney General.''.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by sections 1712(c) and 1713(c) of this Act, is further amended by adding at the end the following:

''(I) IDENTIFICATION FRAUD.—Any alien who is convicted of a violation of (or a conspiracy or attempt to violate) an offense relating to section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification) is deportable.''.

(c) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (i), by striking the comma at the end and inserting a semicolon;

(2) in clause (ii), by striking '', or'' at the end and inserting a semicolon;

(3) in clause (iii), by striking the comma at the end and inserting ''; or''; and

(4) by inserting after clause (iii) the following:

''(iv) of a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code (relating to the unlawful procurement of citizenship or naturalization),''.

(d) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act;

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(e) RULE OF CONSTRUCTION.—The amendments made by this section may not be construed to create eligibility for relief from removal under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), as in effect on the day before the date of the enactment of this Act, if such eligibility did not exist before such date of enactment.

SEC. 1714. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

''(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43) or a specified offense against a minor (as defined in section 111(7) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911(7))) unless the Secretary, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(2) in subparagraph (B)(i)—

(A) by redesignating the second subclause (I) as subclause (II); and

(B) by amending such subclause (II) to read as follows:

''(II) Subclause (I) shall not apply to an alien lawfully admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43) or a specified offense against a minor as defined in section 111(7) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911(7)) unless the Secretary, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended by striking ''204(a)(1)(A)(viii)(I))'' each place it appears and inserting ''204(a)(1)(A)(viii))''.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

SEC. 1715. ENHANCED CRIMINAL PENALTIES FOR HIGH SPEED FLIGHT.

(a) IN GENERAL.—Section 758 of title 18, United States Code, is amended to read as follows:

''§ 758. Unlawful flight from immigration or customs controls

''(a) EVADING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) FAILURE TO STOP.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly or recklessly disregards or disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the lawful command of any law enforcement agent assisting such officer, shall be fined under this title, imprisoned not more than 2 years, or both.

''(c) ALTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection—

''(1) shall be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel—

''(A) in excess of the applicable or posted speed limit;

''(B) in excess of the rated capacity of the motor vehicle, aircraft, or vessel; or

''(C) in an otherwise dangerous or reckless manner;

''(2) shall be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person;

''(3) shall be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or

''(4) shall be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.

''(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.

''(e) FORFEITURE.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture.

''(f) FORFEITURE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 (relating to civil forfeitures), including section 981(d), except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General. Nothing in this section may be construed to limit the authority of the Secretary of Homeland Security to seize and forfeit motor vehicles, aircraft, or vessels under the customs laws or any other laws of the United States.

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term 'checkpoint' includes any customs or immigration inspection at a port of entry or immigration inspection at a U.S. Border Patrol checkpoint;

''(2) the term 'law enforcement agent' means—

''(A) any Federal, State, local or tribal official authorized to enforce criminal law; and

''(B) when conveying a command described in subsection (b), an air traffic controller;

''(3) the term 'lawful command' includes a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other communication;

''(4) the term 'motor vehicle' means any motorized or self-propelled means of terrestrial transportation; and

''(5) the term 'serious bodily injury' has the meaning given in section 2119(2).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 18, United States Code, is amended by striking the item relating to section 758 and inserting the following:

''758. Unlawful flight from immigration or customs controls.''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) may not be construed to create eligibility for relief from removal under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), as in effect on the day before the date of the enactment of this Act, if such eligibility did not exist before such date of enactment.

SEC. 1716. PROHIBITION ON ASYLUM AND CANCELLATION OF REMOVAL FOR TERRORISTS.

(a) ASYLUM.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)), as amended by 1712(f) of this Act, is further amended—

(1) by inserting ''or the Secretary'' after ''if the Attorney General''; and

(2) by amending clause (v) to read as follows:

''(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3), unless, in the case of an alien described in section 212(a)(3)(B)(i)(IX), the Secretary or the Attorney General determines, in his or her sole and unreviewable discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;''.

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking ''inadmissible under'' and inserting ''described in''; and

(2) by striking ''deportable under'' and inserting ''described in''.

(c) RESTRICTION ON REMOVAL.—

(1) IN GENERAL.—Section 241(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(A)) is amended—

(A) by inserting ''or the Secretary'' after ''Attorney General'' both places it appears;

(B) by striking ''Notwithstanding'' and inserting the following:

''(i) IN GENERAL.—Notwithstanding''; and

(C) by adding at the end the following:

''(ii) BURDEN OF PROOF.—The alien has the burden of proof to establish that the alien's life or freedom would be threatened in such country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least 1 central reason for such threat.''.

(2) EXCEPTION.—Section 241(b)(3)(B) of such Act (8 U.S.C. 1231(b)(3)(B)) is amended—

(A) by inserting ''or the Secretary'' after ''Attorney General'' both places it appears;

(B) in clause (iii), striking ''or'' at the end;

(C) in clause (iv), striking the period at the end and inserting a semicolon;

(D) inserting after clause (iv) the following:

''(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3)(B), unless, in the case of an alien described in section 212(a)(3)(B)(i)(IX), the Secretary or the Attorney General determines, in his or her sole and unreviewable discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or

''(vi) the alien is convicted of an aggravated felony.''; and

(E) by striking the undesignated matter at the end.

(3) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—Section 241(b)(3)(C) of such Act (8 U.S.C. 1231(b)(3)(C)) is amended by striking ''In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A),'' and inserting ''For purposes of this paragraph,''.

(4) EFFECTIVE DATE AND APPLICATION.—The amendments made by paragraphs (1) and (2) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

(d) EFFECTIVE DATES; APPLICATIONS.—Except as provided in subsection (c)(4), the amendments made by this section shall take effect on the date of the enactment of this Act and sections 208(b)(2)(A), 240A(c), and 241(b)(3) of the Immigration and Nationality Act, as amended by this section, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2), acts and conditions constituting a ground for exclusion, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 1717. AGGRAVATED FELONIES.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

''(43)(A) The term 'aggravated felony' means—

''(i) any offense punishable by a maximum term of imprisonment of not less than 2 years regardless of the term of imprisonment, if any, actually imposed;

''(ii) any offense for which the term of imprisonment imposed was not less than 1 year even if that term is suspended or probated;

''(iii) any 2 or more offenses, regardless of whether the convictions for such offenses resulted from a single trial or plea or whether the offenses arose from a single scheme of misconduct, for which the aggregate term of imprisonment imposed was not less than 3 years;

''(iv) any offense not otherwise determined to be an aggravated felony offense under clauses (i) through (iii), regardless of the term of imprisonment imposed (unless otherwise indicated) or of the elements of the offense required for a conviction if the nature of the offense is described in 1 of the following subclauses:

''(I) Any crime of, or related to—

''(aa) murder, in any degree;

''(bb) voluntary or involuntary manslaughter;

''(cc) homicide (regardless of the required level of intent and including reckless or negligent homicide);

''(dd) sexual assault or battery;

''(ee) rape (including statutory rape);

''(ff) any offense for which the individual was required to register as a sex offender under Federal or state law;

''(gg) , or any other sex offense, including offenses related to the actual or attempted abuse of or contact with minors (defined as individuals under the age of 18 but including offenses in which the intended victim was actually a law enforcement officer), regardless of the reason and extent of the act.

''(II) Any drug trafficking crime (as defined in section 924(c) of title 18, United States Code).

''(III) Any other crime classified as a felony in the jurisdiction of conviction involving or related to a controlled substance that is classified as controlled in the jurisdiction of conviction, regardless of whether the substance is also classified as controlled by the Federal government and regardless of whether the crime would be classified as a felony under Federal law.

''(IV) Any offense relating to illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of such title).

''(V) Any offense relating to laundering of monetary instruments or engaging in monetary transactions in property derived from unlawful activity if the amount of the funds exceeded $10,000.

''(VI) A crime of violence (or an offense relating to a crime of violence), including any crime labeled as assault or battery by the relevant jurisdiction of conviction, state or Federal, regardless of whether the crime also meets the definition in section 16 of title 18, United States Code, for which the term of imprisonment imposed is at least 9 months.

''(VII) A theft offense (or an offense relating to a theft offense), including any crime labeled as theft, shoplifting, burglary, or embezzlement by the relevant jurisdiction of conviction, state or Federal, and regardless of the method of the theft , and regardless of whether any taking was temporary or permanent, for which the term of imprisonment imposed is at least 9 months.

''(VIII) Any offense relating to offenses described in—

''(aa) section 842 or 844 of title 18, United States Code;

''(bb) section 922 or 924 of such title; or

''(cc) section 5861 of the Internal Revenue Code of 1986.

''(IX) Any offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony.

''(X) Any offense relating to the demand for or receipt of ransom.

''(XI) Any offense relating to child pornography (as defined by the jurisdiction of conviction).

''(XII) Any offense relating to racketeer influenced corrupt organizations, or relating to transmission of wagering information (if it is a second or subsequent offense) or relating to illegal gambling business offenses.

''(XIII) Any offense relating to—

''(aa) the owning, controlling, managing, or supervising of a prostitution business;

''(bb) transportation for the purpose of prostitution, if committed for commercial advantage; or

''(cc) peonage, slavery, involuntary servitude, and trafficking in persons.

''(XIV) Any offense relating to—

''(aa) gathering or transmitting national defense information, disclosure of classified information, sabotage or treason;

''(bb) protecting the identity of undercover intelligence agents; or

''(cc) protecting the identity of undercover agents; or

''(XV) Any offense—

''(aa) involving fraud or deceit in which the loss to the victim or victims exceeds $10,000; or

''(bb) relating to those described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $10,000.

''(XVI) Any offense relating to an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling), except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act.

''(XVII) Any offense relating to offenses described in section 275(a) or 276 committed by an alien who was previously excluded, deported, or removed from the United States.

''(XVIII) An offense related to falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument relating to document fraud.

''(XIX) Any offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 3 years or more.

''(XX) Any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered.

''(XXI) Any offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness.

''(XXII)(aa) A single conviction for driving while intoxicated or impaired (as such terms are defined under the jurisdiction in which the conviction occurred), including a conviction for driving while under the influence of or impaired by alcohol or drugs, without regard to whether the conviction is classified as a misdemeanor or felony under State law when such impaired driving was a cause of serious bodily injury or death of another person.

''(bb) A second or subsequent conviction for driving while intoxicated or impaired (as such terms are defined under the jurisdiction in which the conviction occurred), including a conviction for driving while under the influence of or impaired by alcohol or drugs) without regard to whether the conviction is classified as a misdemeanor or felony under State law.

''(cc) A finding under this subclause does not require the Secretary or the Attorney General to prove the first conviction for driving while intoxicated or impaired (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense.

''(dd) The Secretary or the Attorney General need only make a factual determination that the alien was previously convicted for driving while intoxicated or impaired (as such terms are defined under the jurisdiction in which the conviction occurred), including a conviction for driving while under the influence of or impaired by alcohol or drugs.

''(XXIII) An offense relating to terrorism or national security, including a conviction for a violation under chapter 113B of title 18, United States Code.

''(XXIV) A conviction for violating section 295.

''(XXV) Any offense relating to those described in chapter 50A (genocide), 113C (torture), or 118 (war crimes and recruitment or use of child soldiers) of title 18, United States Code, or section 116 of such title (female genital mutilation), or a felony conviction under chapter 35 of title 50, United States Code (relating to violations of International Emergency Economic Powers Act licenses, orders, regulations, or prohibitions) or under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

''(XXVI) An attempt, conspiracy, or solicitation to commit an offense described in subclauses I through XXV or any other inchoate form of an offense described in this clause.

''(B) Notwithstanding any other provision of law (including any effective date), the term 'aggravated felony' applies, regardless of whether the conviction was entered before, on, or after the effective date of theSECURE and SUCCEED Act, to—

''(i) an offense described in subparagraph (A), whether in violation of Federal or State law; and

''(ii) an offense described in subparagraph (A) in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years.''.

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended to read as follows:

''(48)(A) The term 'conviction' means, with respect to an alien—

''(i) a formal judgment of guilt of the alien entered by a court; or

''(ii) if adjudication of guilt has been withheld or deferred, where—

''(I) a judge, jury, or other adjudicator has found the alien guilty or the alien has entered a plea of guilty, an Alford plea, or a plea of nolo contendere, or the alien has admitted sufficient facts to warrant a finding of guilt; and

''(II) the judge or other adjudicator has ordered some form of punishment, penalty, or restraint on the alien's liberty to be imposed, including, but not limited to, the imposition of probation or any fees or costs associated with the proceeding.

''(B) Any reference to a term of imprisonment or a sentence with respect to an offense is deemed to include the period of incarceration or confinement ordered by a court of law regardless of any suspension of the imposition or execution of that imprisonment or sentence in whole or in part, including a sentence of imprisonment that is probated.

''(C) Any reference to a term of imprisonment of at least '1 year' includes any sentence of 365 days or more, or as '1 year' was defined under State or local law in the jurisdiction in which the conviction occurred at the time of the conviction.

''(D) Any reference to a term of imprisonment that is 'punishable by' shall include the maximum statutory term of imprisonment authorized by law for the most aggravated instance of the offense without regard to the individual circumstances of the defendant or the specific facts of the conviction, provided that for convictions under Federal law, the maximum statutory term of imprisonment shall not include a statutory sentence enhancement under title 18, United States Code, or the title IV of the Controlled Substances Act (21 U.S.C. 841 et seq.) unless the defendant's record of conviction reflects that he was convicted or sentenced pursuant to such an enhancement.

''(E) Subject to subparagraphs (F) and (G), no order purporting to vacate a conviction, modify a sentence, or clarify a sentence shall have any effect under this Act unless all 4 of the following conditions are met:

''(i) The order was entered prior to the initiation of any proceeding to remove the alien from the United States.

''(ii) The order was entered not later than 1 year after the date of the original order of conviction or sentencing.

''(iii) The court issuing the order had jurisdiction and authority to do so.

''(iv) The order was not entered for purposes of ameliorating the immigration consequences of the conviction or sentence.

''(F) No nunc pro tunc order purporting to vacate a conviction, modify a sentence, or clarify a sentence shall have any effect under the immigration laws.

''(G) No reversal, vacatur, expungement, or modification of a conviction or sentence that was granted, solely or in part, to ameliorate the immigration consequences of the conviction or sentence or was granted, solely or in part, for rehabilitative purposes shall have any effect under the immigration laws. For purposes of this subparagraph, any reversal, vacatur, expungement, or modification of a conviction or sentence due to an alleged procedural or constitutional defect shall be insufficient to meet the alien's burden of proof, even if the conditions in subparagraphs (E) and (F) are otherwise satisfied, unless the record contains a clear statement of position from the prosecutor on the issue and a clear explanation in the relevant order of the alleged defect.

''(H) In all cases under the immigration laws, the alien shall bear the burden of establishing that all 4 conditions in subparagraph (E) have been met and that the limitations in subparagraph (F) and (G) do not apply.

''(I) Any order purporting to vacate a conviction, modify a sentence, or clarify a sentence shall not be given any effect for immigration purposes unless the requirements under this paragraph have been met. The fact that these requirements have been met shall not preclude a finding by the Attorney General or Secretary, in the exercise of discretion, that the conviction is still valid for immigration purposes. Notwithstanding any other provision of law (statutory or nonstatutory) and regardless of whether the determination is made in removal proceedings, no court shall have jurisdiction to review a determination by the Attorney General or Secretary of Homeland Security regarding whether such an order should be given any effect under the immigration laws.

''(J) All references to a criminal offense or criminal conviction in the immigration laws shall be deemed to include any attempt, conspiracy, or solicitation to commit the offense or any other inchoate form of the offense.

''(K) In making a determination of whether a criminal conviction is for an aggravated felony or a crime involving moral turpitude or for any other provision under the immigration laws, the Attorney General shall not be required to apply any single or particular methodology. In making such determinations, the Attorney General shall not be limited to applying a categorical or modified categorical approach (including determining if a statute of conviction is divisible), shall not limit his consideration to a single generic definition of a crime, and shall not consider any hypothetical criminal offense beyond the facts of the actual conviction at issue. In all cases, the Attorney General may look behind the record of conviction and consider all reliable evidence (including charging documents, plea agreements, plea colloquies, jury instructions, police reports, testimony during the removal hearing, and any prior statements by the respondent or any other person about the crime) of relevant facts (including the underlying conduct at issue, the actual type of firearm involved (if any), the amount of a controlled substance involved (if any), and the identity of the victim).''.

SEC. 1718. FAILURE TO OBEY REMOVAL ORDERS.

(a) IN GENERAL.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''212(a) or'' before ''237(a),''; and

(B) by striking paragraph (3);

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a)(1) shall take effect on the date of the enactment of this Act and shall apply to acts that are described in subparagraphs (A) through (D) of section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) that occur on or after such date of enactment.

SEC. 1719. SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPATRIATION OF THEIR NATIONALS.

Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253), as amended by section 1720(a), is further amended by adding at the end the following:

''(e) LISTING OF COUNTRIES WHO DELAY REPATRIATION OF REMOVED ALIENS.—

''(1) LISTING OF COUNTRIES.—Beginning on the date that is 6 months after the date of the enactment of the SECURE and SUCCEED Act, and every 6 months thereafter, the Secretary shall publish a report in the Federal Register that includes a list of—

''(A) countries that have refused or unreasonably delayed repatriation of an alien who

is a national of that country since the date of enactment of this Act and the total number of such aliens, disaggregated by nationality;

''(B) countries that have an excessive repatriation failure rate; and

''(C) each country that was reported as noncompliant in the most recent reporting period.

''(2) EXEMPTION.—The Secretary, in the Secretary's sole and unreviewable discretion, and in consultation with the Secretary of State, may exempt a country from inclusion on the list under paragraph (1) if there are significant foreign policy or security concerns that warrant such an exemption.

''(f) DISCONTINUING GRANTING OF VISAS TO NATIONALS OF COUNTRIES DENYING OR DELAYING ACCEPTING ALIEN.—

''(1) IN GENERAL.—Notwithstanding section 221(c), the Secretary shall take the action described in paragraph (2)(A), and may take an action described in paragraph (2)(B), if the Secretary determines that—

''(A) an alien who is a national of a foreign country is inadmissible under section 212 or deportable under section 237, or has been ordered removed from the United States; and

''(B) the government of the foreign country referred to in subparagraph (A) is—

''(i) denying or unreasonably delaying accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary asks whether the government will accept an alien under this section; or

''(ii) refusing to issue any required travel or identity documents to allow the alien who is citizen, subject, national, or resident of that country to return to that country.

''(2) ACTIONS DESCRIBED.—The actions described in this paragraph are the following:

''(A) Direct the Secretary of State to authorize consular officers in the foreign country referred to in paragraph (1) to deny visas under section 101(a)(15)(A)(iii) to attendants, servants, personal employees, and members of their immediate families, of the officials and employees of that country who receive nonimmigrant status under clause (i) or (ii) of section 101(a)(15)(A).

''(B) In consultation with the Secretary of State, deny admission to any citizens, subjects, nationals, or residents from the foreign country referred to in paragraph (1), consistent with other international obligations, and the imposition of any limitations, conditions, or additional fees on the issuance of visas or travel from that country, or the imposition of any other sanctions against that country that are authorized by law.

''(3) RESUMPTION OF VISA ISSUANCE.—Consular officers in the foreign country that refused or unreasonably delayed repatriation or refused to issue required identity or travel documents may resume visa issuance after the Secretary notifies the Secretary of State that the country has accepted the aliens.''.

SEC. 1720. ENHANCED PENALTIES FOR CONSTRUCTION AND USE OF BORDER TUNNELS.

Section 555 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''not more than 20 years.'' and inserting ''not less than 7 years and not more than 20 years.''; and

(2) in subsection (b), by striking ''not more than 10 years.'' and inserting ''not less than 3 years and not more than 10 years.''.

SEC. 1721. ENHANCED PENALTIES FOR FRAUD AND MISUSE OF VISAS, PERMITS, AND OTHER DOCUMENTS.

Section 1546(a) of title 18, United States Code, is amended—

(1) by striking ''Commissioner of the Immigration and Naturalization Service'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Shall be fined'' and all that follows and inserting ''Shall be fined under this title or imprisoned for not less than 12 years and not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331)), not less than 10 years and not more than 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a)), not less than 5 years and not more than 10 years (for the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or not less than 7 years and not more than 15 years (for any other offense), or both.''.

SEC. 1722. EXPANSION OF CRIMINAL ALIEN REPATRIATION PROGRAMS.

(a) EXPANSION OF CRIMINAL ALIEN REPATRIATION FLIGHTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall increase the number of criminal and illegal alien repatriation flights from the United States conducted by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement Air Operations by not less than 15 percent compared to the number of such flights operated, and authorized to be operated, under existing appropriations and funding on the date of the enactment of this Act.

(b) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AIR OPERATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue a directive to expand U.S. Immigration and Customs Enforcement Air Operations (referred to in this subsection as ''ICE Air Ops'') so that ICE Air Ops provides additional services with respect to aliens who are illegally present in the United States. Such expansion shall include—

(1) increasing the daily operations of ICE Air Ops with buses and air hubs in the top 5 geographic regions along the southern border;

(2) allocating a set number of seats for such aliens for each metropolitan area; and

(3) allowing a metropolitan area to trade or give some of seats allocated to such area under paragraph (2) for such aliens to other areas in the region of such area based on the transportation needs of each area.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts otherwise authorized to be appropriated, there is authorized to be appropriated $10,000,000 for each of the fiscal years 2018 through 2022 to carry out this section.

SEC. 1723. PROHIBITION ON FLIGHT TRAINING AND NUCLEAR STUDIES FOR NATIONALS OF HIGH-RISK COUNTRIES.

(a) IN GENERAL.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security may not admit or parole into the United States, any alien who—

(1) is a citizen of Libya, Iran, Syria, or any country designated by the Secretary of State as a state sponsor of terrorism; and

(2)(A)(i) is an applicant for a visa or for admission to the United States; and

(ii) the Secretary of State or the Secretary of Homeland Security determines seeks to enter the United States to participate in—

(I) coursework at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to prepare the alien for a career in nuclear science, nuclear engineering, or a related field; or

(II) coursework or training or otherwise engage in aviation maintenance or flight operations;

(B)(i) is in the United States; and

(ii) the Secretary of Homeland Security determines is applying to change status to participate in coursework, training, or activities described in subparagraph (A)(ii); or

(C)(i) is lawfully present in the United States, either as a nonimmigrant student or otherwise authorized to study at an institution of higher education; and

(ii) the Secretary of Homeland Security determines is participating in coursework, training, or activities described in subparagraph (A)(ii) or seeks to change his or her field of study to participate in such coursework, training, or activities.

(b) TERMINATION OF STATUS.—The Secretary of Homeland Security shall terminate the nonimmigrant status or otherwise revoke the authorization to remain in the United States of any alien in the United States who is described in subsection (a).

(c) HIGH-RISK COUNTRIES.—The Secretary of Homeland Security may, in the discretion of the Secretary, designate additional countries whose nationals are subject to the restrictions described in subsection (a) if the Secretary determines that the imposition of such restrictions on such nationals is in the national interest.

CHAPTER 2—STRONG VISA INTEGRITY SECURES AMERICA ACT

SEC. 1731. SHORT TITLE.

This chapter may be cited as the ''Strong Visa Integrity Secures America Act''.

SEC. 1732. VISA SECURITY.

(a) VISA SECURITY UNITS AT HIGH RISK POSTS.—Section 428(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)(1)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) AUTHORIZATION.—Subject to the minimum number specified in subparagraph (B), the Secretary''; and

(2) by adding at the end the following:

''(B) RISK-BASED ASSIGNMENTS.—

''(i) IN GENERAL.—In carrying out subparagraph (A), the Secretary shall assign employees of the Department to not fewer than 75 diplomatic and consular posts at which visas are issued. Assignments under this subparagraph shall be made—

''(I) in a risk-based manner;

''(II) after considering the criteria described in clause (iii); and

''(III) in accordance with Nationality Security Decision Directive 38, issued by President Reagan on June 2, 1982, or any superseding presidential directive concerning staffing at diplomatic and consular posts.

''(ii) PRIORITY CONSIDERATION.—In carrying out the presidential directive described in clause (i)(III), the Secretary of State shall ensure priority consideration of any staffing assignment under this subparagraph.

''(iii) CRITERIA DESCRIBED.—The criteria referred to in clause (i) are—

''(I) the number of nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year;

''(II) information on cooperation of the country referred to in subclause (I) with the counterterrorism efforts of the United States;

''(III) information analyzing the presence, activity, or movement of terrorist organizations (as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) within or through such country;

''(IV) the number of formal objections based on derogatory information issued by the Visa Security Advisory Opinion Unit pursuant to paragraph (10) regarding nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located;

''(V) the adequacy of the border and immigration control of such country; and

''(VI) any other criteria the Secretary determines appropriate.''.

(b) ACCOMMODATION OF VISA SECURITY UNITS.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by adding at the end the following:

''(j) EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT OVERSEAS EMBASSIES AND CONSULAR POSTS.—Notwithstanding any other provision of law, and the processes set forth in National Security Defense Directive 38, issued by President Reagan on June 2, 1982, or any successor Directive, the Chief of Mission of a post to which the Secretary of Homeland Security has assigned personnel under subsection (e) or (i) shall ensure, not later than 1 year after the date on which the Secretary of Homeland Security communicates such assignment to the Secretary of State, that such personnel have been stationed and accommodated at post and are able to carry out their duties.''.

(c) FUNDING FOR THE VISA SECURITY PROGRAM.—

(1) IN GENERAL.—The Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447) is amended, in the fourth paragraph under the heading ''Diplomatic and Consular Programs'', by striking ''Beginning'' and all that follows and inserting the following: ''Beginning in fiscal year 2005 and thereafter, the Secretary of State is authorized to charge surcharges related to consular services in support of enhanced border security that are in addition to the immigrant visa fees in effect on January 1, 2004: *Provided*, That funds collected pursuant to this authority shall be credited to the appropriation for U.S. Immigration and Customs Enforcement for the fiscal year in which the fees were collected, and shall be available until expended for the funding of the Visa Security Program established by the Secretary of Homeland Security under section 428(e) of the Homeland Security Act of 2002 (Public Law 107–296): *Provided further*, That such surcharges shall be 10 percent of the fee assessed on immigrant visa applications.''.

(2) REPAYMENT OF APPROPRIATED FUNDS.—Of the amounts collected each fiscal year under the heading ''Diplomatic and Consular Programs'' in the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447), as amended by paragraph (1), 20 percent shall be deposited into the general fund of the Treasury.

(d) COUNTERTERRORISM VETTING AND SCREENING.—Section 428(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) Screen any such applications against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''.

(e) TRAINING AND HIRING.—Section 428(e)(6)(A) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)(6)(A)) is amended—

(1) by striking ''The Secretary shall ensure, to the extent possible, that any employees'' and inserting ''The Secretary, acting through the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement, shall provide training to any employees''; and

(2) by striking ''shall be provided the necessary training''.

(f) PRE-ADJUDICATED VISA SECURITY ASSISTANCE AND VISA SECURITY ADVISORY OPINION UNIT.—Section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)) is amended by adding at the end the following:

''(9) REMOTE PRE-ADJUDICATED VISA SECURITY ASSISTANCE.—At the visa-issuing posts at which employees of the Department are not assigned pursuant to paragraph (1), the Secretary shall, in a risk-based manner, assign employees of the Department to remotely perform the functions required under paragraph (2) at not fewer than 50 of such posts.

''(10) VISA SECURITY ADVISORY OPINION UNIT.—The Secretary shall establish within U.S. Immigration and Customs Enforcement a Visa Security Advisory Opinion Unit to respond to requests from the Secretary of State to conduct a visa security review using information maintained by the Department on visa applicants, including terrorism association, criminal history, counter-proliferation, and other relevant factors, as determined by the Secretary.''.

(g) DEADLINES.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Homeland Security shall implement the requirements under paragraphs (1) and (9) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)), as amended and added by this section.

SEC. 1733. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

''(a) IN GENERAL.—Not later than 1 year after the date of the enactment of the Strong Visa Integrity Secures America Act, the Commissioner of U.S. Customs and Border Protection shall—

''(1) screen electronic passports at airports of entry by reading each such passport's embedded chip; and

''(2) to the greatest extent practicable, utilize facial recognition technology or other biometric technology, as determined by the Commissioner, to inspect travelers at United States airports of entry.

''(b) APPLICABILITY.—

''(1) ELECTRONIC PASSPORT SCREENING.—Subsection (a)(1) shall apply to passports belonging to individuals who are United States citizens, individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), and individuals who are nationals of any other foreign country that issues electronic passports.

''(2) FACIAL RECOGNITION MATCHING.—Subsection (a)(2) shall apply, at a minimum, to individuals who are nationals of a program country pursuant to section 217 of such Act.

''(c) ANNUAL REPORT.—

''(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Chief Privacy Officer of the Department, shall submit an annual report, through fiscal year 2022, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the utilization of facial recognition technology and other biometric technology pursuant to subsection (a)(2).

''(2) REPORT CONTENTS.—Each report submitted pursuant to paragraph (1) shall include—

''(A) information on the type of technology used at each airport of entry;

''(B) the number of individuals who were subject to inspection using either of such technologies at each airport of entry;

''(C) within the group of individuals subject to such inspection, the number of those individuals who were United States citizens and lawful permanent residents;

''(D) information on the disposition of data collected during the year covered by such report; and

''(E) information on protocols for the management of collected biometric data, including time frames and criteria for storing, erasing, destroying, or otherwise removing such data from databases utilized by the Department.

''SEC. 420A. CONTINUOUS SCREENING BY U.S. CUSTOMS AND BORDER PROTECTION.

''The Commissioner of U.S. Customs and Border Protection shall, in a risk-based manner, continuously screen individuals issued any visa, and individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), who are present, or expected to arrive within 30 days, in the United States, against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following:

''Sec. 420. Electronic passport screening and biometric matching.

''Sec. 420A. Continuous screening by U.S. Customs and Border Protection.''.

SEC. 1734. REPORTING VISA OVERSTAYS.

Section 2 of Public Law 105–173 (8 U.S.C. 1376) is amended—

(1) in subsection (a)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by inserting '', and any additional information that the Secretary determines necessary for purposes of the report under subsection (b)'' before the period at the end; and

(2) by amending subsection (b) to read as follows:

''(b) ANNUAL REPORT.—Not later than September 30, 2018, and annually thereafter, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that provides, for the preceding fiscal year, numerical estimates (including information on the methodology utilized to develop such numerical estimates) of—

''(1) for each country, the number of aliens from the country who are described in subsection (a), including—

''(A) the total number of such aliens within all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

''(B) the number of such aliens within each of the classes of nonimmigrant aliens, as well as the number of such aliens within each of the subclasses of such classes of nonimmigrant aliens, as applicable;

''(2) for each country, the percentage of the total number of aliens from the country who were present in the United States and were admitted to the United States as nonimmigrants who are described in subsection (a);

''(3) the number of aliens described in subsection (a) who arrived by land at a port of entry into the United States;

''(4) the number of aliens described in subsection (a) who entered the United States

using a border crossing identification card (as defined in section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)); and

''(5) the number of Canadian nationals who entered the United States without a visa and whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States.''.

SEC. 1735. STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM VERIFICATION.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure that the information collected under the program established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is available to officers of U.S. Customs and Border Protection conducting primary inspections of aliens seeking admission to the United States at each port of entry of the United States.

SEC. 1736. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et. seq.), as amended by sections 1127 and 1131, is further amended by adding at the end the following:

''SEC. 436. SOCIAL MEDIA SCREENING.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Strong Visa Integrity Secures America Act, the Secretary shall, to the greatest extent practicable, and in a risk based manner and on an individualized basis, review the social media accounts of visa applicants who are citizens of, or who reside in, high risk countries, as determined by the Secretary based on the criteria described in subsection (b).

''(b) HIGH-RISK CRITERIA DESCRIBED.—In determining whether a country is high-risk pursuant to subsection (a), the Secretary shall consider the following criteria:

''(1) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

''(2) The level of cooperation of the country with the counter-terrorism efforts of the United States.

''(3) Any other criteria the Secretary determines appropriate.

''(c) COLLABORATION.—To develop the technology and procedures required to carry out the requirements under subsection (a), the Secretary shall collaborate with—

''(1) the head of a national laboratory within the Department's laboratory network with relevant expertise;

''(2) the head of a relevant university-based center within the Department's centers of excellence network; and

''(3) the heads of other appropriate Federal agencies, including the Secretary of State, the Director of National Intelligence, and the Attorney General.

''(d) WAIVER.—The Secretary, in collaboration with the Secretary of State, is authorized to waive the requirements under subsection (a) to the extent necessary to comply with the international obligations of the United States.

''(e) RULE OF CONSTRUCTION.—The requirement to screen social information under subsection (a) may not be construed as limiting the authority of the Secretary or the Secretary of State to screen social media information from any individual filing an application, petition, or other request with the Department or the Department of State for—

''(1) an immigration benefit or immigration status;

''(2) other authorization, employment authorization, identity, or travel document; or

''(3) relief or protection under any provision of the immigration laws.

''SEC. 437. OPEN SOURCE SCREENING.

''The Secretary shall, to the greatest extent practicable, and in a risk-based manner, review open source information of visa applicants.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this Act, is further amended by inserting after the item relating to section 435 the following:

''Sec. 436. Social media screening.
''Sec. 437. Open source screening.''.

CHAPTER 3—VISA CANCELLATION AND REVOCATION

SEC. 1741. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General,'' and inserting ''Secretary,''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by adding ''or foreign residence'' after ''the alien's nationality''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date.

SEC. 1742. VISA INFORMATION SHARING.

(a) IN GENERAL.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) in the matter preceding paragraph (1), by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''and on the basis of reciprocity'' and all that follows and inserting ''may provide to a foreign government information in a Department of State computerized visa database and, when necessary and appropriate, other records covered by this section related to information in such database'';

(B) by amending subparagraph (A) to read as follows:

''(A) on the basis of reciprocity, with regard to individual aliens, at any time on a case-by-case basis for the purpose of—

''(i) preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

''(ii) determining a person's removability or eligibility for a visa, admission, or other immigration benefit;'';

(C) in subparagraph (B)—

(i) by inserting ''on basis of reciprocity,'' before ''with regard to'';

(ii) by striking ''in the database'' and inserting ''such database'';

(iii) by striking ''for the purposes'' and inserting ''for 1 of the purposes''; and

(iv) by striking ''or to deny visas to persons who would be inadmissible to the United States.'' and inserting ''; or''; and

(D) by adding at the end the following:

''(C) with regard to any or all aliens in such database, specified data elements from each record, if the Secretary of State determines that it is required for national security or public safety or in the national interest to provide such information to a foreign government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of the Act.

SEC. 1743. VISA INTERVIEWS.

(a) IN GENERAL.—Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1202(h)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(D) by the Secretary of State, if the Secretary, in his or her sole and unreviewable discretion, determines, after reviewing the application, that an interview is unnecessary because the alien is ineligible for a visa; and''.

(2) in paragraph (2)—

(A) in subparagraph (E), by striking ''or'' at the end;

(B) in subparagraph (F), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(G) is an individual within a class of aliens that the Secretary of State, in his or her sole and unreviewable discretion, has determined may pose a threat to national security or public safety.''.

SEC. 1744. VISA REVOCATION AND LIMITS ON JUDICIAL REVIEW.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended—

(1) by inserting ''(1)'' after ''(i)'';

(2) in paragraph (1), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(B) by striking ''shall invalidate the visa or other documentation from the date of issuance: *Provided*, That carriers'' and inserting ''of any visa or documentation shall take effect immediately. Carriers''; and

(C) by striking the last sentence and inserting the following:

''(2) Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation, provided that the revocation is executed by the Secretary.

''(3) A revocation under this subsection of a visa or other documentation from an alien shall automatically cancel any other valid visa that is in the alien's possession.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all revocations made on or after such date.

CHAPTER 4—SECURE VISAS ACT

SEC. 1751. SHORT TITLE.

This chapter may be cited as the ''Secure Visas Act''.

SEC. 1752. AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND THE SECRETARY OF STATE.

(a) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

''(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

''(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) and any other provision of law, and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary—

''(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the

Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in connection with the granting and refusal of a visa; and

''(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary, or his or her designee, determines that such refusal or revocation is necessary or advisable in the security interests of the United States.

''(2) EFFECT OF REVOCATION.—The revocation of any visa under paragraph (1)(B)—

''(A) shall take effect immediately; and

''(B) shall automatically cancel any other valid visa that is in the alien's possession.

''(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no United States court has jurisdiction to review a decision by the Secretary or a consular officer to refuse or revoke a visa.

''(c) VISA REFUSAL AUTHORITY OF THE SECRETARY OF STATE.—

''(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse or revoke a visa to an alien if the Secretary determines that such refusal or revocation is necessary or advisable in the foreign policy interests of the United States.

''(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary under subsection (b).''.

(b) VISA REVOCATION.—Section 428 of the Homeland Security Act (6 U.S.C. 236) is amended by adding at the end the following:

''(j) VISA REVOCATION INFORMATION.—If the Secretary or the Secretary of State revokes a visa—

''(1) the relevant consular, law enforcement, and terrorist screening databases shall be immediately updated on the date of the revocation; and

''(2) look-out notices shall be posted to all Department port inspectors and Department of State consular officers.''.

(c) CONFORMING AMENDMENT.—Section 104(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1104(a)(1)) is amended by inserting ''and the power authorized under section 428(c) of the Homeland Security Act of 2002 (6 U.S.C. 236(c))'' after ''United States,''.

CHAPTER 5—VISA FRAUD AND SECURITY IMPROVEMENT ACT OF 2018

SEC. 1761. SHORT TITLE.

This chapter may be cited as the ''Visa Fraud and Security Improvement Act of 2018''.

SEC. 1762. EXPANDED USAGE OF FRAUD PREVENTION AND DETECTION FEES.

Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''at United States embassies and consulates abroad'';

(2) by amending clause (i) to read as follows:

''(i) to increase the number of diplomatic security personnel assigned exclusively or primarily to the function of preventing and detecting visa fraud;''; and

(3) in clause (ii), by striking '', including primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15)''.

SEC. 1763. INADMISSIBILITY OF SPOUSES AND SONS AND DAUGHTERS OF TRAFFICKERS.

Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) in subparagraph (C)(ii), by inserting '', or has been,'' after ''is''; and

(2) in subparagraph (H)(ii), by inserting '', or has been,'' after ''is''.

SEC. 1764. DNA TESTING AND CRIMINAL HISTORY.

(a) DNA TESTING FOR VISA APPLICANTS.—Section 222(b) of the Immigration and Nationality Act (8 U.S.C. 1202(b)) is amended by inserting after the second sentence the following: ''If considered necessary by a consular officer to establish the bona fides of a family relationship, the immigrant shall provide DNA evidence of such relationship in accordance with procedures established for submitting such evidence. The Secretary of State may issue regulations to require the submission of DNA evidence to establish family relationship from applicants for certain visa classifications.''.

(b) REQUIRED DOCUMENTARY EVIDENCE AND DNA TESTING.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) REQUIRED DOCUMENTARY EVIDENCE AND DNA TESTING FOR ADJUSTMENT OF STATUS.—

''(1) REQUIRED DOCUMENTARY EVIDENCE.—Any alien applying for adjustment of status under the immigration laws shall present a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such documentation is required under regulations issued by the Secretary of Homeland Security. The alien shall furnish, with his or her application—

''(A) a copy of a certification by the appropriate police authorities, stating what their records show concerning the alien;

''(B) a certified copy of any existing prison record, military record, and record of his or her birth; and

''(C) a certified copy of all other records or documents concerning the alien or his or her case, which may be required by the Secretary or the Attorney General.

''(2) DNA TESTING.—If the Secretary or the Attorney General determine that DNA evidence is necessary to establish the bona fides of a family relationship, the immigrant shall provide DNA evidence of such relationship in accordance with procedures established for submitting such evidence. The Secretary may issue regulations to require the submission of DNA evidence to establish family relationship from applicants for certain visa classifications. If the alien establishes, to the satisfaction of the Secretary or the Attorney General, that any document or record required under this subsection is unobtainable, the Secretary or the Attorney General may permit the alien to submit, in lieu of such document or record, other satisfactory evidence of the fact to which such document or record, if obtainable, pertains.''.

SEC. 1765. ACCESS TO NCIC CRIMINAL HISTORY DATABASE FOR DIPLOMATIC VISAS.

Subsection (a) of article V of section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (34 U.S.C. 40316(V)(a)) is amended by inserting '', except for diplomatic visa applications for which only full biographical information is required'' before the period at the end.

SEC. 1766. ELIMINATION OF SIGNED PHOTOGRAPH REQUIREMENT FOR VISA APPLICATIONS.

Section 221(b) of the Immigration and Nationality Act (8 U.S.C. 1201(b)) is amended by striking the first sentence and insert the following: ''Each alien who applies for a visa shall be registered in connection with his or her application and shall furnish copies of his or her photograph for such use as may be required by regulation.''.

CHAPTER 6—OTHER MATTERS

SEC. 1771. REQUIREMENT FOR COMPLETION OF BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 of Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(h) COMPLETION OF BACKGROUND AND SECURITY CHECKS.—

''(1) REQUIREMENT TO COMPLETE.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, the Secretary and the Attorney General may not approve or grant to an alien any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an adjustment of status to lawful permanent residence or a grant of United States citizenship or issue to the alien any documentation evidencing a status or grant of any status, relief, protection from removal, employment authorization, or other benefit under the immigration laws until—

''(A) all background and security checks required by statute or regulation or deemed necessary by the Secretary or the Attorney General, in his or her sole and unreviewable discretion, for the alien have been completed; and

''(B) the Secretary or the Attorney General has determined that the results of such checks do not preclude the approval or grant of any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws or approval, grant, or the issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.

''(2) PROHIBITION ON JUDICIAL ACTION.—No court shall have authority to order the approval of, grant, mandate, or require any action in a certain time period, or award any relief for the Secretary's or Attorney General's failure to complete or delay in completing any action to provide any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an adjustment of status to lawful permanent residence, naturalization, or a grant of United States citizenship for an alien until—

''(A) all background and security checks for the alien have been completed; and

''(B) the Secretary or the Attorney General has determined that the results of such checks do not preclude the approval or grant of such status, relief, protection, authorization, or benefit, or issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any application, petition, or request for any benefit or relief or any other case or matter under the immigration laws pending with on or filed with the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or a consular officer on or after such date of enactment.

SEC. 1772. WITHHOLDING OF ADJUDICATION.

(a) IN GENERAL.—Section 103 of Immigration and Nationality Act (8 U.S.C. 1103), as amended by section 1771 of this Act, is further amended by adding at the end the following:

''(i) WITHHOLDING OF ADJUDICATION.—

''(1) IN GENERAL.—Except as provided in paragraph (4), nothing in this Act or in any other law, including sections 1361 and 1651 of title 28, United States Code, may be construed to require, and no court can order, the Secretary, the Attorney General, the Secretary of State, the Secretary of Labor, or a consular officer to grant any visa or other application, approve any petition, or grant or continue any relief, protection from removal, employment authorization, or any

other status or benefit under the immigration laws by, to, or on behalf of any alien with respect to whom a criminal proceeding or investigation is open or pending (including the issuance of an arrest warrant or indictment), if such proceeding or investigation is deemed by such official to be material to the alien's eligibility for the status, relief, protection, or benefit sought.

''(2) WITHHOLDING OF ADJUDICATION.—The Secretary, the Attorney General, the Secretary of State, or the Secretary of Labor may, in his or her discretion, withhold adjudication any application, petition, request for relief, request for protection from removal, employment authorization, status or benefit under the immigration laws pending final resolution of the criminal or other proceeding or investigation.

''(3) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a decision to withhold adjudication pursuant to this subsection.

''(4) WITHHOLDING OF REMOVAL AND TORTURE CONVENTION.—This subsection does not limit or modify the applicability of section 241(b)(3) or the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States Senate resolution of ratification of the Convention, as implemented by section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277) with respect to an alien otherwise eligible for protection under such provisions.''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any application, petition, or request for any benefit or relief or any other case or matter under the immigration laws pending with or filed with the Secretary of Homeland Security on or after such date of enactment.

SEC. 1773. ACCESS TO THE NATIONAL CRIME INFORMATION CENTER INTERSTATE IDENTIFICATION INDEX.

(a) CRIMINAL JUSTICE ACTIVITIES.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

''(f) Notwithstanding any other provision of law, any Department of State personnel with authority to grant or refuse visas or passports may carry out activities that have a criminal justice purpose.''.

(b) LIAISON WITH INTERNAL SECURITY OFFICERS; DATA EXCHANGE.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended by striking subsections (b) and (c) and inserting the following:

''(b) ACCESS TO NCIC-III.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General and the Director of the Federal Bureau of Investigation shall provide to the Department of Homeland Security and the Department of State access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III) and the Wanted Persons File and to any other files maintained by the National Crime Information Center for the purpose of determining whether an applicant or petitioner for a visa, admission, or any benefit, relief, or status under the immigration laws, or any beneficiary of an application, petition, relief, or status under the immigration laws, has a criminal history record indexed in the file.

''(2) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—The Secretary and the Secretary of State—

''(i) shall have direct access, without any fee or charge, to the information described in paragraph (1) to conduct name-based searches, file number searches, and any other searches that any criminal justice or other law enforcement officials are entitled to conduct; and

''(ii) may contribute to the records maintained by the National Crime Information Center.

''(B) SECRETARY OF HOMELAND SECURITY.—The Secretary shall receive, upon request, access to the information described in paragraph (1) by means of extracts of the records for placement in the appropriate database without any fee or charge.

''(c) CRIMINAL JUSTICE AND LAW ENFORCEMENT PURPOSES.—Notwithstanding any other provision of law, adjudication of eligibility for benefits, relief, or status under the immigration laws, and other purposes relating to citizenship and immigration services, shall be considered to be criminal justice or law enforcement purposes with respect to access to or use of any information maintained by the National Crime Information Center or other criminal history information or records.''.

SEC. 1774. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) LIMITATION ON CLASS ACTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no court may certify, or continue the certification of, a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action that—

(A) is pending or filed on or after the date of the enactment of this Act; and

(B) pertains to the administration or enforcement of the immigration laws.

(2) EXCEPTION.—A court may certify a class upon a motion by the Government if the Government is requesting such a certification to ensure efficiency in case management or uniformity in application of precedent decisions or interpretations of laws when there is a nationwide class.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and shall be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief granted under paragraph (1) shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) finds that such relief meets the requirements described in subparagraphs (A) through (D) of paragraph (1) for the entry of permanent prospective relief; and

(B) orders the preliminary relief to become a final order granting prospective relief before the expiration of such 90-day period.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on a motion made by the United States Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the United States Government in any civil action pertaining to the administration or enforcement of the immigration laws shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C)—

(i) shall be treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(ii) shall be immediately appealable under section 1292(a)(1) of title 28, United States Code.

(d) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with the requirements under subsection (b)(1).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection may be construed to preclude parties from entering into a private settlement agreement that does not comply with subsection (b)(1).

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(f) CONSENT DECREE DEFINED.—In this section, the term ''consent decree''—

(1) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(2) does not include private settlements.

(g) COSTS AND FEES.—Section 2412(d)(2)(B) of title 28, United States Code, is amended—

(1) by striking ''an individual'' and inserting ''a United States citizen''; and

(2) by inserting ''United States citizen'' before ''owner''.

SEC. 1775. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

(a) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary'';

(2) in subparagraph (A), in the matter preceding clause (i), by striking ''Justice'' and inserting ''Homeland Security'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(4) inserting after subparagraph (B) the following:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary may provide, in the Secretary's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.''.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary may provide, in the Secretary's discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.

''(iii) SUBSEQUENT APPLICATIONS FOR IMMIGRATION BENEFITS.—The Secretary may use the information furnished under this section to adjudicate subsequent applications, petitions, or requests for immigration benefits filed by the alien.

''(iv) ALIEN CONSENT.—The Secretary may use the information furnished under this section for any purpose when the alien consents to its disclosure or use by the Secretary.

''(v) OTHER CIRCUMSTANCES.—The Secretary may use the information furnished under this section for other purposes and in other circumstances in which disclosure of the information is not related to removal of the alien from the United States.''; and

(5) in subparagraph (D), as redesignated, striking ''Service'' and inserting ''Department of Homeland Security''.

(b) ADJUSTMENT OF STATUS.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary'';

(2) in subparagraph (A), in the matter preceding clause (i), by striking ''Justice'' and inserting ''Homeland Security''; and

(3) by amending subparagraph (C) to read as follows:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary may provide, in the Secretary's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary may provide, in the Secretary's discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.''.

SEC. 1776. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended to read as follows:

''§ 3291. Nationality, citizenship and passports

''No person shall be prosecuted, tried, or punished for a violation of any section of chapter 69 (relating to nationality and citizenship offenses) or 75 (relating to passport, visa, and immigration offenses), for a violation of any criminal provision of section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within 10 years after the commission of the offense.''.

SEC. 1777. CONFORMING AMENDMENT TO THE DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking ''section 1542'' and all that follows through ''section 1546 (relating to fraud and misuse of visas, permits, and other documents)'' and inserting ''sections 1541 through 1546 (relating to passports and visas)''.

SEC. 1778. VALIDITY OF ELECTRONIC SIGNATURES.

(a) CIVIL CASES.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1351 et seq.), as amended by section 1126(a) of this Act, is further amended by adding at the end the following:

''SEC. 296. VALIDITY OF SIGNATURES.

''(a) IN GENERAL.—In any proceeding, adjudication, or any other matter arising under the immigration laws, an individual's hand written or electronic signature on any petition, application, or any other document executed or provided for any purpose under the immigration laws establishes a rebuttable presumption that the signature executed is that of the individual signing, that the individual is aware of the contents of the document, and intends to sign it.''.

''(b) RECORD INTEGRITY.—The Secretary shall establish procedures to ensure that when any electronic signature is captured for any petition, application, or other document submitted for purposes of obtaining an immigration benefit, the identity of the person is verified and authenticated, and the record of such identification and verification is preserved for litigation purposes.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 295, as added by section 1126(a)(2) of this Act, the following:

''Sec. 296. Validity of signatures.''.

(b) CRIMINAL CASES.—

(1) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''§ 3513. Signatures relating to immigration matters

''In a criminal proceeding in a court of the United States, if an individual's handwritten or electronic signature appears on a petition, application, or other document executed or provided for any purpose under the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), the trier of fact may infer that the document was signed by that individual, and that the individual knew the contents of the document and intended to sign the document.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3512 the following:

''3513. Signatures relating to immigration matters.''.

Subtitle H—Prohibition on Terrorists Obtaining Lawful Status in the United States

CHAPTER 1—PROHIBITION ON ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS

SEC. 1801. LAWFUL PERMANENT RESIDENTS AS APPLICANTS FOR ADMISSION.

Section 101(a)(13)(C) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)) is amended—

(1) in clauses (i), (ii), (iii), and (iv), by striking the comma at the end of each clause and inserting a semicolon;

(2) in clause (v), by striking the '', or'' and inserting a semicolon;

(3) in clause (vi), by striking the period at the end and inserting ''; or'' and

(4) by adding at the end the following:

''(vii) is described in section 212(a)(3) or 237(a)(4).''.

SEC. 1802. DATE OF ADMISSION FOR PURPOSES OF ADJUSTMENT OF STATUS.

(a) APPLICANTS FOR ADMISSION.—Section 101(a)(13) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)), as amended by section 1801, is further amended by adding at the end the following:

''(D) Notwithstanding subparagraph (A), adjustment of status of an alien to that of an alien lawfully admitted for permanent residence under section 245 or under any other provision of law is an admission of the alien.''.

(b) ELIGIBILITY TO BE REMOVED FOR A CRIME INVOLVING MORAL TURPITUDE.—Section 237(a)(2)(A)(i)(I) of such Act (8 U.S.C. 1227(a)(2)(A)(i)(I)) is amended by striking ''date of admission,'' inserting ''alien's most recent date of admission;''.

SEC. 1803. PRECLUDING ASYLEE AND REFUGEE ADJUSTMENT OF STATUS FOR CERTAIN GROUNDS OF INADMISSIBILITY AND DEPORTABILITY.

(a) GROUNDS OF INADMISSIBILITY.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by striking ''(other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3))'', and inserting ''(other than subparagraph (C) or (G) of paragraph (2) or subparagraph (A), (B), (C), (E), (F), or (G) of paragraph (3))''.

(b) GROUNDS OF DEPORTABILITY.—Section 209 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

''(d) An alien's status may not be adjusted under this section if the alien is in removal proceedings under section 238 or 240 and is charged with any ground of deportability under paragraph (2), (3), (4), or (6) of section 237(a).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act; and

(2) all aliens who are required to establish admissibility on or after such date in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

SEC. 1804. REVOCATION OF LAWFUL PERMANENT RESIDENT STATUS FOR HUMAN RIGHTS VIOLATORS.

Section 240(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(5)) is amended by adding at the end the following:

''(F) ADDITIONAL APPLICATION TO CERTAIN ALIENS OUTSIDE OF THE UNITED STATES WHO ARE ASSOCIATED WITH HUMAN RIGHTS VIOLATIONS.—Subparagraphs (A) through (E) shall apply to any alien placed in proceedings under this section who—

''(i) is outside of the United States;

''(ii) has been provided written notice in accordance with section 239(a) (whether the alien is within or outside the United States); and

''(iii) is described in section 212(a)(2)(G) (persons who have committed particularly severe violations of religious freedom), 212(a)(3)(E) (Nazi and other persecution, genocide, war crimes, crimes against humanity, extrajudicial killing, torture, or specified human rights violations), or 212(a)(3)(G) (recruitment or use of child soldiers).''.

SEC. 1805. REMOVAL OF CONDITION ON LAWFUL PERMANENT RESIDENT STATUS PRIOR TO NATURALIZATION.

Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended—

(1) in section 216(e) (8 U.S.C. 1186a(e)), by inserting '', if the alien has had the conditional basis removed pursuant to this section'' before the period at the end; and

(2) in section 216A(e) (8 U.S.C. 1186b(e)), by inserting '', if the alien has had the conditional basis removed pursuant to this section'' before the period at the end.

SEC. 1806. PROHIBITION ON TERRORISTS AND ALIENS WHO POSE A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY FROM RECEIVING AN ADJUSTMENT OF STATUS.

(a) APPLICATION FOR ADJUSTMENT OF STATUS IN THE UNITED STATES.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by striking the section heading and subsection (a) and inserting the following:

''SEC. 245. ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE.

''(a) IN GENERAL.—

''(1) ELIGIBILITY FOR ADJUSTMENT.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who has been battered or subjected to extreme cruelty may be adjusted by the Secretary or by the Attorney General, in the discretion of the Secretary or the Attorney General, and under such regulations as the Secretary or the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

''(A) the alien files an application for such adjustment;

''(B) the alien is eligible to receive an immigrant visa, is admissible to the United States for permanent residence, and is not subject to exclusion, deportation, or removal from the United States; and

''(C) an immigrant visa is immediately available to the alien at the time the alien's application is filed.

''(2) REQUIREMENT TO OBTAIN AN IMMIGRANT VISA OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this section, if the Secretary determines that an alien may be a threat to national security or public safety or if the Secretary determines that a favorable exercise of discretion to allow an alien to seek to adjust his or her status in the United States is not warranted, the Secretary, in the Secretary's sole and unreviewable discretion, may deny the application for adjustment of status. If the Secretary denies an application for adjustment of status under this paragraph, the Secretary shall notify the Attorney General of such decision and the Attorney General shall deny any application for adjustment of status filed by the alien in an immigration proceeding.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by striking the item relating to section 245 and inserting the following:

''Sec. 245. Adjustment of status to that of a person admitted for permanent residence.''.

(b) PROHIBITION ON TERRORISTS AND ALIENS WHO POSE A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY ON ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended to read as follows:

''(c) Except for an alien who has an approved petition for classification as a VAWA self-petitioner, subsection (a) shall not apply to—

''(1) an alien crewman;

''(2) subject to subsection (k), any alien (other than an immediate relative (as defined in section 201(b)) or a special immigrant (as described in subparagraph (H), (I), (J), or (K) of section 101(a)(27))) who—

''(A) continues in or accepts unauthorized employment before filing an application for adjustment of status;

''(B) is in unlawful immigration status on the date he or she files an application for adjustment of status; or

''(C) has failed (other than through no fault of his or her own or for technical reasons) to maintain continuously a lawful status since entry into the United States;

''(3) any alien admitted in transit without a visa under section 212(d)(4)(C);

''(4) an alien (other than an immediate relative (as defined in section 201(b))) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or 217;

''(5) an alien who was admitted as a nonimmigrant under section 101(a)(15)(S);

''(6) an alien described in section 212(a)(3)(B) or in subparagraph (B), (F), or (G) of section 237(a)(4);

''(7) any alien who seeks adjustment of status to that of an immigrant under section 203(b) and is not in a lawful nonimmigrant status;

''(8) any alien who has committed, ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; or

''(9) any alien who—

''(A) was employed while the alien was an unauthorized alien (as defined in section 274A(h)(3)); or

''(B) has otherwise violated the terms of a nonimmigrant visa.''.

SEC. 1807. TREATMENT OF APPLICATIONS FOR ADJUSTMENT OF STATUS DURING PENDING DENATURALIZATION PROCEEDINGS.

(a) VISA ISSUANCE.—Section 221(g) of the Immigration and Nationality Act (8 U.S.C. 1201(g)) is amended—

(1) by inserting ''(1)'' before ''No visa'';

(2) by striking ''if (1) it appears'' and inserting the following: ''if—

''(A) it appears'';

(3) by striking ''law, (2) the application'' and inserting the following: ''law;

''(B) the application'';

(4) by striking ''thereunder, or (3) the consular officer'' and inserting the following: ''thereunder;

''(C) the consular officer'';

(5) by striking ''provision of law: *Provided,* That a visa'' and inserting the following: ''provision of law; or

''(D) the approved petition for classification under section 203 or 204 that is the underlying basis for the application for a visa was filed by an individual who has a judicial proceeding pending against him or her that would result in the individual's denaturalization under section 340.

''(2) A visa''; and

(6) by striking ''section 213: *Provided further,* That a visa'' and inserting the following: ''section 213.

''(3) A visa''.

(b) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1451), as amended by sections 1764 and 1806, is further amended by adding at the end the following:

''(o) An application for adjustment of status may not be considered or approved by the Secretary or the Attorney General, and no court may order the approval of an application for adjustment of status if the approved petition for classification under section 204 that is the underlying basis for the application for adjustment of status was filed by an individual who has a judicial proceeding pending against him or her that would result in the revocation of the individual's naturalization under section 340.''.

SEC. 1808. EXTENSION OF TIME LIMIT TO PERMIT RESCISSION OF PERMANENT RESIDENT STATUS.

Section 246 of the Immigration and Nationality Act (8 U.S.C. 1256) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking ''within five years'' and inserting ''within 10 years'';

(C) by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(D) by adding at the end the following:

''(2) In any removal proceeding involving an alien whose status has been rescinded under this subsection, the determination by the Secretary that the alien was not eligible for adjustment of status is not subject to review or reconsideration during such proceedings.''.

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Nothing in subsection (a) may be construed to require the Secretary to rescind the alien's status before the commencement of removal proceedings under section 240. The Secretary may commence removal proceedings at any time against any alien who is removable, including aliens whose status was adjusted to that of an alien lawfully admitted for permanent residence under section 245 or 249 or under any other provision of law. There is no statute of limitations with respect to the commencement of removal proceedings under section 240. An order of removal issued by an immigration judge shall be sufficient to rescind the alien's status.''.

SEC. 1809. BARRING PERSECUTORS AND TERRORISTS FROM REGISTRY.

Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended to read as follows:

''SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972.

''(a) IN GENERAL.—The Secretary, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

''(1) entered the United States before January 1, 1972;

''(2) has continuously resided in the United States since such entry;

''(3) has been a person of good moral character since such entry;

''(4) is not ineligible for citizenship;

''(5) is not described in paragraph (1)(A)(iv), (2), (3), (6)(C), (6)(E), (8), or (9)(C) of section 212(a);

''(6) is not described in paragraph (1)(E), (1)(G), (2), (4) of section 237(a); and

''(7) did not, at any time, without reasonable cause, fail or refuse to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability.

''(b) RECORDATION DATE OF PERMANENT RESIDENCE.—The record of an alien's lawful admission for permanence residence shall be the date on which the Secretary approves the application for such status under this section.''.

CHAPTER 2—PROHIBITION ON NATURALIZATION AND UNITED STATES CITIZENSHIP

SEC. 1821. BARRING TERRORISTS FROM BECOMING NATURALIZED UNITED STATES CITIZENS.

(a) IN GENERAL.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

''(g)(1)(A) Except as provided in subparagraph (B), a person may not be naturalized if the Secretary determines, in the discretion of the Secretary, that the alien is described in section 212(a)(3) or 237(a)(4) at any time, including any period before or after the filing of an application for naturalization.

''(B) Subparagraph (A) shall not apply to an alien described in section 212(a)(3) if—

''(i) the alien received an exemption under section 212(d)(3)(B)(i); and

''(ii) the only conduct or actions by the alien that are described in section 212(a)(3) (and would bar the alien from naturalization under this paragraph) are specifically covered by the exemption referred to in clause (i).

''(2) A determination under paragraph (1) may be based upon any relevant information or evidence, including classified, sensitive, or national security information.''.

(b) APPLICABILITY TO CITIZENSHIP THROUGH NATURALIZATION OF PARENT OR SPOUSE.—Section 340(d) of such Act (8 U.S.C. 1451(d)) is amended—

(1) by striking the first sentence and inserting the following:

''(1) A person who claims United States citizenship through the naturalization of a parent or spouse shall be deemed to have lost his or her citizenship, and any right or privilege of citizenship which he or she may have acquired, or may hereafter acquire by virtue of the naturalization of such parent or spouse, if the order granting citizenship to such parent or spouse is revoked and set aside under the provisions of—

''(A) subsection (a) on the ground that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation; or

''(B) subsection (e) pursuant to a conviction under section 1425 of title 18, United States Code.'';

(2) in the second sentence, by striking ''Any person'' and inserting the following:

''(2) Any person''.

SEC. 1822. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), as amended by sections 1710(d), 1712(h), and 1713(d), is further amended—

(1) in paragraph (8), by inserting '', regardless of whether the crime was classified as an aggravated felony at the time of conviction'' before the semicolon at the end;

(2) by inserting after paragraph (11), the following:

''(12) one who the Secretary or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been an alien described in section 212(a)(3) or 237(a)(4), which determination—

''(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

''(B) shall be binding upon any court regardless of the applicable standard of review.''; and

(3) in the undesignated matter at the end, by striking the first sentence and inserting following:

''The fact that a person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good moral character. The Secretary or the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time. The Secretary or the Attorney General, in the unreviewable discretion of the Secretary or the Attorney General, may determine that paragraph (8) shall not apply to a single aggravated felony conviction (other than murder, manslaughter, homicide, rape, or any sex offense when the victim of such sex offense was a minor) for which completion of the term of imprisonment or the sentence (whichever is later) occurred 15 years or longer before the date on which the person filed an application under this Act.''.

(b) AGGRAVATED FELONS.—Section 509(b) of the Immigration Act of 1990 (8 U.S.C. 1101 note; Public Law 101–649) is amended by striking ''convictions'' and all that follows and inserting ''convictions occurring before, on, or after such date.''.

(c) EFFECTIVE DATES; APPLICATION.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date of enactment, and shall apply to any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws pending on or filed after such date of enactment.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect as if included in the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

SEC. 1823. PROHIBITION ON JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS FOR ALIENS IN REMOVAL PROCEEDINGS.

Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended to read as follows:

''SEC. 318. PREREQUISITE TO NATURALIZATION; BURDEN OF PROOF.

''(a) IN GENERAL.—Except as otherwise provided in this chapter, no person may be naturalized unless he or she has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this chapter.

''(b) BURDEN OF PROOF.—A person described in subsection (a) shall have the burden of proof to show that he or she entered the United States lawfully, and the time, place, and manner of such entry into the United States. In presenting such proof, the person is entitled to the production of his or her immigrant visa, if any, or of other entry document, if any, and of any other documents and records, not considered by the Secretary to be confidential, pertaining to such entry, in the custody of the Department.

''(c) LIMITATIONS ON REVIEW.—Notwithstanding section 405(b), and except as provided in sections 328 and 329—

''(1) a person may not be naturalized against whom there is outstanding a final finding of removal, exclusion, or deportation;

''(2) an application for naturalization may not be considered by the Secretary or by any court if there is pending against the applicant any removal proceeding or other proceeding to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced; and

''(3) the findings of the Attorney General in terminating removal proceedings or in cancelling the removal of an alien pursuant to this Act may not be deemed binding in any way upon the Secretary with respect to the question of whether such person has established his or her eligibility for naturalization under this Act.''.

SEC. 1824. LIMITATION ON JUDICIAL REVIEW WHEN AGENCY HAS NOT MADE DECISION ON NATURALIZATION APPLICATION AND ON DENIALS.

(a) LIMITATION ON REVIEW OF PENDING NATURALIZATION APPLICATIONS.—Section 336 of the Immigration and Nationality Act (8 U.S.C. 1447) is amended—

(1) in subsection (a), by striking ''If,'' and inserting the following:

''(b) IN GENERAL.—If,''; and

(2) by amending subsection (b) to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If a final administrative determination is not made on an application for naturalization under section 335 before the end of the 180-day period beginning on the date on which the Secretary completes all examinations and interviews under such section (as such terms are defined by the Secretary, by regulation), the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary for the Secretary's determination on the application.''.

(b) LIMITATIONS ON REVIEW OF DENIAL.—Section 310 of the Immigration and Nationality Act (8 U.S.C. 1421) is amended—

(1) by amending subsection (c) to read as follows:

''(c) JUDICIAL REVIEW.—

''(1) JUDICIAL REVIEW OF DENIAL.—A person whose application for naturalization under this title is denied may, not later than 120 days after the date of the Secretary's administratively final determination on the application and after a hearing before an immigration officer under section 336(a), seek review of such denial before the United States district court for the district in which such person resides in accordance with chapter 7 of title 5, United States Code.

''(2) BURDEN OF PROOF.—The petitioner shall have burden of proof to show that the Secretary's denial of the application for naturalization was not supported by facially legitimate and bona fide reasons.

''(3) LIMITATIONS ON REVIEW.—Except in a proceeding under section 340, and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, whether, for purposes of an application for naturalization, an alien—

''(A) is a person of good moral character;

''(B) understands and is attached to the principles of the Constitution of the United States; or

''(C) is well disposed to the good order and happiness of the United States.'';

(2) in subsection (d)—

(A) by inserting ''**SUBPOENAS.**—'' before ''The immigration officer'';

(B) by striking ''subpena'' and inserting ''subpoena''; and

(C) by striking ''subpenas'' each place such term appears and inserting ''subpoenas''; and

(3) in subsection (e), by inserting ''NAME CHANGE.—'' before ''It shall''.

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act;

(2) shall apply to any act that occurred before, on, or after such date of enactment; and

(3) shall apply to any application for naturalization or any other case or matter under the immigration laws that is pending on, or filed after, such date of enactment.

SEC. 1825. CLARIFICATION OF DENATURALIZATION AUTHORITY.

Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended—

(1) in subsection (a), by striking ''United States attorneys for the respective districts'' and inserting ''Attorney General''; and

(2) by amending subsection (c) to read as follows:

''(c) The Government shall have the burden of proof to establish, by clear, unequivocal, and convincing evidence, that an order granting citizenship to an alien should be revoked and a certificate of naturalization cancelled because such order and certificate were illegally procured or were procured by concealment of a material fact or by willful misrepresentation.''.

SEC. 1826. DENATURALIZATION OF TERRORISTS.

(a) DENATURALIZATION FOR TERRORISTS ACTIVITIES.—Section 340 of the Immigration and Nationality Act, as amended by section 1825, is further amended—

(1) by redesignating subsections (d) through (h) as subsections (f) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d)(1) If a person who has been naturalized, during the 15-year period after such naturalization, participates in any act described in paragraph (2)—

''(A) such act shall be considered prima facie evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization; and

''(B) in the absence of countervailing evidence, such act shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation; and

''(C) such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

''(2) The acts described in this paragraph that shall subject a person to a revocation and setting aside of his or her naturalization under paragraph (1)(B) are—

''(A) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means;

''(B) engaging in a terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B));

''(C) endorsing or espousing terrorist activity, or persuading others to endorse or espouse terrorist activity or a terrorist organization; and

''(D) receiving military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in section 212(a)(3)(B)(vi)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur on or after such date.

SEC. 1827. TREATMENT OF PENDING APPLICATIONS DURING DENATURALIZATION PROCEEDINGS.

(a) IN GENERAL.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended—

(1) by striking ''After'' and inserting ''(1) Except as provided in paragraph (2), after''; and

(2) by adding at the end the following:

''(2) The Secretary may not adjudicate or approve any petition filed under this section by an individual who has a judicial proceeding pending against him or her that would result in the individual's denaturalization under section 340 until—

''(A) such proceedings have concluded; and

''(B) the period for appeal has expired or any appeals have been finally decided, if applicable.''.

(b) WITHHOLDING OF IMMIGRATION BENEFITS.—Section 340 of such Act (8 U.S.C. 1451), as amended by sections 1825 and 1826, is further amended by inserting after subsection (d), as added by section 1826(a)(2), the following:

''(e) The Secretary may not approve any application, petition, or request for any immigration benefit from an individual against whom there is a judicial proceeding pending that would result in the individual's denaturalization under this section until—

''(1) such proceedings have concluded; and

''(2) the period for appeal has expired or any appeals have been finally decided, if applicable.''.

SEC. 1828. NATURALIZATION DOCUMENT RETENTION.

(a) IN GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended by inserting after section 344 the following:

''SEC. 345. NATURALIZATION DOCUMENT RETENTION.

''(a) IN GENERAL.—The Secretary shall retain all documents described in subsection (b) for a minimum of 7 years for law enforcement and national security investigations and for litigation purposes, regardless of whether such documents are scanned into U.S. Citizenship and Immigration Services' electronic immigration system or stored in any electronic format.

''(b) DOCUMENTS TO BE RETAINED.—The documents described in this subsection are—

''(1) the original paper naturalization application and all supporting paper documents submitted with the application at the time of filing, subsequent to filing, and during the course of the naturalization interview; and

''(2) any paper documents submitted in connection with an application for naturalization that is filed electronically.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 344 the following:

''Sec. 345. Naturalization document retention.''.

CHAPTER 3—FORFEITURE OF PROCEEDS FROM PASSPORT AND VISA OFFENSES, AND PASSPORT REVOCATION.

SEC. 1831. FORFEITURE OF PROCEEDS FROM PASSPORT AND VISA OFFENSES.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(J) Any real or personal property that has been used to commit, or to facilitate the commission of, a violation of chapter 75, the gross proceeds of such violation, and any property traceable to any such property or proceeds.''.

SEC. 1832. PASSPORT REVOCATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Passport Revocation Act''.

(b) REVOCATION OR DENIAL OF PASSPORTS AND PASSPORT CARDS TO INDIVIDUALS WHO ARE AFFILIATED WITH FOREIGN TERRORIST ORGANIZATIONS.—The Act entitled ''An Act to regulate the issue and validity of passports, and for other purposes'', approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the ''Passport Act of 1926'', is amended by adding at the end the following:

''SEC. 5. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.

''(a) INELIGIBILITY.—

''(1) ISSUANCE.—Except as provided under subsection (b), the Secretary of State shall refuse to issue a passport or a passport card to any individual—

''(A) who has been convicted of a violation of chapter 113B of title 18, United States Code; or

''(B)(i) whom the Secretary has determined is a member of or is otherwise affiliated with an organization the Secretary has designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

''(ii) has aided, abetted, or provided material support to an organization described in clause (i).

''(2) REVOCATION.—The Secretary of State shall revoke a passport previously issued to any individual described in paragraph (1).

''(b) EXCEPTIONS.—

''(1) EMERGENCY CIRCUMSTANCES, HUMANITARIAN REASONS, AND LAW ENFORCEMENT PURPOSES.—Notwithstanding subsection (a), the Secretary of State may issue, or decline to revoke, a passport of an individual described in such subsection in emergency circumstances, for humanitarian reasons, or for law enforcement purposes.

''(2) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a)(2), the Secretary of State, before revocation, may—

''(A) limit a previously issued passport for use only for return travel to the United States; or

''(B) issue a limited passport that only permits return travel to the United States.

''(c) RIGHT OF REVIEW.—Any individual who, in accordance with this section, is denied issuance of a passport by the Secretary of State, or whose passport is revoked or otherwise limited by the Secretary of State, may request a hearing before the Secretary of State not later than 60 days after receiving notice of such denial, revocation, or limitation.

''(d) REPORT.—If the Secretary of State denies, issues, limits, or declines to revoke a passport or passport card under subsection (b), the Secretary, not later than 30 days after such denial, issuance, limitation, or revocation, shall submit a report to Congress that describes such denial, issuance, limitation, or revocation, as appropriate.''.

TITLE II—PERMANENT REAUTHORIZATION OF VOLUNTARY E–VERIFY

SEC. 2001. PERMANENT REAUTHORIZATION.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''Unless the Congress otherwise provides, the Secretary of Homeland Security shall terminate a pilot program on September 30, 2015.''.

SEC. 2002. PREEMPTION; LIABILITY.

Section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

''(g) LIMITATION ON STATE AUTHORITY.—

''(1) PREEMPTION.—A State or local government may not prohibit a person or other entity from verifying the employment authorization of new hires or current employees through E-Verify.

''(2) LIABILITY.—A person or other entity that participates in E-Verify may not be held liable under any Federal, State, or local law for any employment-related action taken with respect to the wrongful termination of an individual in good faith reliance on information provided through E-Verify.''.

SEC. 2003. INFORMATION SHARING.

The Commissioner of Social Security, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly establish a program to share information among their respective agencies that could lead to the identification of unauthorized aliens (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)), including no-match letters and any information in the earnings suspense file.

SEC. 2004. SMALL BUSINESS DEMONSTRATION PROGRAM.

Section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) SMALL BUSINESS DEMONSTRATION PROGRAM.—Not later than 9 months after the date of enactment of the SECURE and SUCCEED Act, the Director of U.S. Citizenship and Immigration Services shall establish a demonstration program that assists small businesses in rural areas or areas without internet capabilities to verify the employment eligibility of newly hired employees solely through the use of publicly accessible internet terminals.''.

SEC. 2005. FRAUD PREVENTION.

(a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which Social Security account numbers that have been identified to be subject to unusual multiple use in the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of the number.

(b) ALLOWING SUSPENSION OF USE OF CERTAIN SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program that provides a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their Social Security account number or other identifying information for purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)). The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

(c) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILD'S IDENTITY.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program that provides a reliable, secure method by which parents or legal guardians may suspend or limit the use of the Social Security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)). The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 2006. IDENTITY AUTHENTICATION EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAMS.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Commissioner of Social Security and the Director of the National Institute of Standards and Technology, shall establish, by regulation, not fewer than 2 Identity Authentication Employment Eligibility Verification pilot programs (referred to in this section as the ''Authentication Pilots''), each of which shall use a separate and distinct technology.

(b) PURPOSE.—The purpose of the Authentication Pilots shall be to provide for identity authentication and employment eligibility verification with respect to enrolled new employees to any employer that elects to participate in an Authentication Pilot.

(c) CANCELLATION.—Any participating employer may cancel the employer's participation in an Authentication Pilot after 1 year after electing to participate without prejudice to future participation.

(d) REPORT.—Not later than 12 months after commencement of the Authentication Pilots, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes the Secretary's findings on the Authentication Pilots and the authentication technologies chosen.

TITLE III—SUCCEED ACT

SEC. 3001. SHORT TITLES.

This title may be cited as the ''Solution for Undocumented Children through Careers, Employment, Education, and Defending our Nation Act'' or the ''SUCCEED Act''.

SEC. 3002. DEFINITIONS.

In this title:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this title that is also used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ALIEN ENLISTEE.—The term ''alien enlistee'' means a conditional temporary resident that seeks to maintain or extend such status by complying with the requirements under this title relating to enlistment and service in the Armed Forces of the United States.

(3) ALIEN POSTSECONDARY STUDENT.—The term ''alien postsecondary student'' means a conditional temporary resident that seeks to maintain or extend such status by complying with the requirements under this title relating to enrollment in, and graduation from, an institution of higher education in the United States.

(4) CONDITIONAL TEMPORARY RESIDENT.—

(A) DEFINITION.—The term ''conditional temporary resident'' means an alien described in subparagraph (B) who is granted conditional temporary resident status under this title.

(B) DESCRIPTION.—An alien granted conditional temporary resident status under this title—

(i) shall not be considered to be an alien who is unlawfully present in the United States for purposes of the immigration laws, including section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623);

(ii) shall not be permitted to apply for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) until the date on which the alien is permitted to so apply under section 3005;

(iii) has the intention to permanently reside in the United States;

(iv) is not required to have a foreign residence which the alien has no intention of abandoning; and

(v) on the date on which the alien is eligible to apply for adjustment of status to that of an alien lawfully admitted for permanent residence under section 3005, the shall be considered to have been inspected and admitted for the purposes of section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)).

(5) FEDERAL PUBLIC BENEFIT.—The term ''Federal public benefit'' means—

(A) the American Opportunity Tax Credit authorized under section 25A(i) of the Internal Revenue Code of 1986;

(B) the Earned Income Tax Credit authorized under section 32 of the Internal Revenue Code of 1986;

(C) the Health Coverage Tax Credit authorized under section 35 of the Internal Revenue Code of 1986;

(D) Social Security benefits authorized under title II of the Social Security Act (42 U.S.C. 401 et seq.);

(E) Medicare benefits authorized under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(F) benefits received under the Federal-State Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(6) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given the term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(7) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), except that the term does not include an institution of higher education outside of the United States.

(8) MILITARY-RELATED TERMS.—The terms ''active duty'', ''active service'', ''active status'', and ''armed forces'' have the meanings given those terms in section 101 of title 10, United States Code.

(9) APPLICABLE FEDERAL TAX LIABILITY.—The term ''applicable Federal tax liability'' means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest on such taxes.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(11) SIGNIFICANT MISDEMEANOR.—The term ''significant misdemeanor'' means—

(A) a criminal offense involving—

(i) domestic violence;

(ii) sexual abuse or exploitation, including sexually explicit conduct involving minors (as such terms are defined in section 2256 of title 18, United States Code);

(iii) burglary;

(iv) unlawful possession or use of a firearm;

(v) drug distribution or trafficking; or

(vi) driving under the influence or driving while intoxicated; or

(B) any other misdemeanor for which the individual was sentenced to a term of imprisonment of not less than 90 days (excluding a suspended sentence).

SEC. 3003. CANCELLATION OF REMOVAL OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this title, the Secretary may cancel the removal of an alien who is inadmissible or deportable from the United States and grant the alien conditional temporary resident status under this title, if—

(A) the alien has been physically present in the United States for a continuous period since June 15, 2012;

(B) the alien was younger than 16 years of age on the date on which the alien initially entered the United States;

(C) on June 15, 2012, the alien—

(i) was younger than 31 years of age; and

(ii) had no lawful status in the United States;

(D) in the case of an alien who is 18 years of age or older on the date of enactment of this Act, the alien—

(i) meets the other requirements of this section; and

(ii)(I) has, while in the United States, earned a high school diploma, obtained a general education development certificate recognized under State law, or received a high school equivalency diploma;

(II) has been admitted to an institution of higher education in the United States; or

(III) has served, is serving, or has enlisted in the Armed Forces of the United States;

(E) in the case of an alien who is younger than 18 years of age on the date of enactment of this Act, the alien—

(i) meets the other requirements of this section; and

(ii)(I) is attending, or has enrolled in, a primary or secondary school; or

(II) is attending, or has enrolled in, a postsecondary school;

(F) the alien has been a person of good moral character (as defined in section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f))) since the date on which the alien initially entered the United States;

(G) the alien has paid any applicable Federal tax liability or has agreed to cure such liability through a payment installment plan that has been approved by the Internal Revenue Service; and

(H) the alien, subject to paragraph (2)—

(i) is not inadmissible under paragraph (1), (2), (3), (4), (6)(C), (6)(E), (8), (9)(C), or (10) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and is not inadmissible under subparagraph (A) of section 212(a)(9) of such Act (unless the Secretary determines that the sole basis for the alien's removal under such subparagraph was unlawful presence under subparagraph (B) or (C) of such section 212(a)(9));

(ii) is not deportable under paragraph (1)(D), (1)(E), (1)(G), (2), (3), (4), (5), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(iii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(iv) does not, in the sole and unreviewable discretion of the Secretary, pose a threat to national security or public safety;

(v) is not a person who the Secretary knows, or has reason to believe—

(I) is a member of a criminal gang; or

(II) has participated in an activity of a criminal gang, knowing or having reason to believe that the activity promoted, furthered, aided, or supported, or will promote, further, aid, or support, the illegal activity of the criminal gang; and

(vi) has not been convicted of—

(I) a felony under Federal or State law, regardless of the sentence imposed;

(II) any combination of offenses under Federal or State law for which the alien was sentenced to imprisonment for at least 1 year;

(III) a significant misdemeanor; and

(IV) 3 or more misdemeanors; and

(I) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such final order was issued; or

(ii) received the final order before attaining 18 years of age.

(2) WAIVER.—

(A) IN GENERAL.—The Secretary, in the discretion of the Secretary, may waive, on a case-by-case basis, a ground of inadmissibility under paragraph (1), (4), (6)(B), or (6)(E) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), and a ground of deportability under paragraph (A), (B), (C), or (E) of section 237(a)(1) of such Act (8 U.S.C. 1227(a)(1)) for humanitarian purposes or if such waiver is otherwise in the public interest.

(B) QUARTERLY REPORT.—Not later than 180 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary shall submit a report to Congress that identifies—

(i) the number of waivers under this paragraph that were requested by aliens during the preceding quarter;

(ii) the number of such requests that were granted; and

(iii) the number of such requests that were denied.

(C) JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including sections 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of title 28, United States Code, a court shall not have jurisdiction to review a determination made by the Secretary under subparagraph (A).

(3) PROCEDURES.—

(A) APPLICATION FOR AFFIRMATIVE RELIEF.—

(i) REGULATIONS.—

(I) IN GENERAL.—The Secretary shall issue regulations that provide a procedure for eligible individuals to affirmatively apply for the relief available under this subsection without being placed in removal proceedings.

(II) REQUIREMENTS.—The regulations issued under subclause (I)—

(aa) shall establish a date after which an alien may not seek relief under this title; and

(bb) shall not allow an affidavit or a sworn statement to be considered sufficient evidence to establish any claim under this title.

(ii) ELECTRONIC SUBMISSION.—An alien shall submit electronically an application for relief under this title that includes all supporting documentation, in accordance with the regulations issued under clause (i).

(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including sections 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of title 28, United States Code, a court shall not have jurisdiction to review a determination by the Secretary with respect to an application under this subsection.

(iv) DEADLINE FOR APPLICATION.—An alien shall submit an application under this section not later than the later of—

(I) in the case of an alien who is 18 years of age or older, 1 year after the date on which the Secretary begins accepting applications; and

(II) 180 days after the date on which the alien attains 18 years of age.

(v) FEE.—With respect to an application under this subsection, the Secretary shall collect a fee in an amount that will ensure the recovery of the full costs of administering the application and adjudication process.

(B) ACKNOWLEDGMENT TO BARS TO RELIEF.—

(i) ACKNOWLEDGMENT OF NOTIFICATION.—The regulations issued pursuant to subparagraph (A) shall include a requirement that each alien applying for conditional temporary resident status under this title who is at least 18 years of age sign, under penalty of perjury, an acknowledgment confirming that the alien was notified and understands that he or she will be ineligible for any form of relief or immigration benefit under this title or other immigration laws other than withholding of removal under section 241(b)(3), or relief from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if the alien violates a term for conditional temporary resident status under this title.

(ii) EXCEPTION.—Notwithstanding an acknowledgment under clause (ii), the Secretary, in the discretion of the Secretary, may allow an alien who violated the terms of conditional temporary resident status (other than a criminal alien or an alien deemed to be a national security or public safety risk) to seek relief from removal if the Secretary determines that such relief is warranted for humanitarian purposes or if otherwise in the public interest.

(iii) JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a determination by the Secretary under clause (ii).

(4) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

(A) IN GENERAL.—The Secretary may not cancel the removal of, or grant temporary permanent resident status to, an alien under this title before the date on which—

(i) the alien submits biometric and biographic data, in accordance with procedures established by the Secretary; and

(ii) the Secretary receives and reviews the results of the background and security checks of the alien under paragraph (5).

(B) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any applicant who is unable to provide the biometric or biographic data referred to in subparagraph (A) due to a physical disability or impairment.

(5) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines to be appropriate, including information obtained pursuant to subparagraph (C)—

(i) to conduct security and law enforcement background checks of an alien seeking relief under this subsection; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such relief.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary cancels the removal of an alien under this title.

(C) CRIMINAL RECORD REQUESTS.—The Secretary, in cooperation with the Secretary of State, shall seek to obtain information about any criminal activity the alien engaged in, or for which the alien was convicted in his or her country of nationality, country of citizenship, or country of last habitual residence, from INTERPOL, EUROPOL, or any other international or national law enforcement agency of the alien's country of nationality, country of citizenship, or country of last habitual residence.

(6) MEDICAL EXAMINATION.—An alien applying for relief available under this subsection shall undergo a medical examination conducted by a designated civil surgeon pursuant to procedures established by the Secretary.

(7) INTERVIEW.—The Secretary may conduct an in-person interview of an applicant for conditional temporary resident status as part of a determination with respect to whether the alien meets the eligibility requirements described in this section.

(8) MILITARY SELECTIVE SERVICE.—An alien applying for relief available under this subsection shall establish that the alien has registered for the Selective Service under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) if the alien is subject to such registration requirement under such Act.

(9) TREATMENT OF EXPUNGED CONVICTIONS.—

(A) IN GENERAL.—The Secretary shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, an alien may be eligible for—

(i) conditional temporary resident status under this title; or

(ii) adjustment to that of an alien lawfully admitted for permanent residence under section 3005.

(B) JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a determination by the Secretary under subparagraph (A).

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under subsection (a) shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a)(1)(A) if the alien has departed from the United States for—

(A) any period exceeding 90 days; or

(B) any periods exceeding 180 days, in the aggregate, during a 5-year period.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may extend the periods described in paragraph (1) by 90 days if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be not less compelling than the serious illness of the alien, or the death or serious illness of the alien's parent, grandparent, sibling, or child.

(3) EXCEPTION FOR MILITARY SERVICE.—Any time spent outside of the United States that is due to the alien's active service in the Armed Forces of the United States shall not be counted towards the time limits set forth in paragraph (1).

(d) RULEMAKING.—

(1) INITIAL PUBLICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish regulations implementing this section.

(2) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations required under paragraph (1) shall be effective, on an interim basis, immediately upon publication but may be subject to change and revision after public notice and opportunity for a period of public comment.

(3) FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations under paragraph (1), the Secretary shall publish final regulations implementing this section.

(e) REMOVAL OF ALIEN.—The Secretary may not seek to remove an alien who establishes prima facie eligibility for cancellation of removal and conditional temporary resident status under this title until the alien has been provided with a reasonable opportunity to file an application for conditional temporary resident status under this title.

SEC. 3004. CONDITIONAL TEMPORARY RESIDENT STATUS.

(a) INITIAL LENGTH OF STATUS.—Conditional temporary resident status granted to an alien under this title shall be valid—

(1) for an initial period of 7 years, subject to termination under subsection (c), if applicable; and

(2) if the alien will not reach 18 years of age before the end of the period described in paragraph (1), until the alien reaches 18 years of age.

(b) TERMS OF CONDITIONAL TEMPORARY RESIDENT STATUS.—

(1) EMPLOYMENT.—A conditional temporary resident may—

(A) be employed in the United States incident to conditional temporary resident status under this title; and

(B) enlist in the Armed Forces of the United States in accordance with section 504(b)(1)(D) of title 10, United States Code.

(2) TRAVEL.—A conditional temporary resident may travel outside the United States and may be admitted (if otherwise admissible) upon returning to the United States without having to obtain a visa if—

(A) the alien is the bearer of valid, unexpired documentary evidence of conditional temporary resident status under this title; and

(B) the alien's absence from the United States—

(i) was not for a period of 180 days or longer, or for multiple periods exceeding 180 days in the aggregate; or

(ii) was due to active service in the Armed Forces of the United States.

(c) TERMINATION OF STATUS.—The Secretary shall immediately terminate the conditional temporary resident status of an alien under this title—

(1) in the case of an alien who is 18 years of age or older, if the Secretary determines that the alien is a postsecondary student who was admitted to an accredited institution of higher education in the United States, but failed to enroll in such institution within 1 year after the date on which the alien was granted conditional temporary resident status under this title or to remain so enrolled;

(2) in the case of an alien who is younger than 18 years of age, if the Secretary determines that the alien enrolled in a primary or secondary school as a full-time student, but has failed to attend such school for a period exceeding 1 year during the 7-year period beginning on the date on which the alien was granted conditional temporary resident status under this title;

(3) in the case of an alien who was granted conditional temporary resident status under this title as an enlistee, if the alien—

(A) failed to complete basic training and begin active duty service or service in Selected Ready Reserve of the Ready Reserve of the Armed Forces of the United States within 1 year after the date on which the alien was granted conditional temporary resident status under this title; or

(B) has received a dishonorable or other than honorable discharge from the Armed Forces of the United States;

(4) if the alien was granted conditional temporary resident status under this title as a result of fraud or misrepresentation;

(5) if the alien ceases to meet a requirement under subparagraph (F), (G), (H), or (I) of section 3003(a)(1);

(6) if the alien violated a term or condition of his or her conditional resident status;

(7) if the alien has become a public charge;

(8) if the alien has not maintained employment in the United States for a period of at least 1 year since the alien was granted conditional temporary resident status under this title and while the alien was not enrolled as a student in a postsecondary school or institution of higher education or serving in the Armed Forces of the United States; or

(9) if the alien has not completed a combination of employment, military service, or postsecondary school totaling 62 months during the 7-year period beginning on the date on which the alien was granted conditional temporary resident status under this title.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—The immigration status of an alien the conditional temporary resident status of whom is terminated under subsection (c) shall return to the immigration status of the alien on the day before the date on which the alien received conditional temporary resident status under this title.

(e) EXTENSION OF CONDITIONAL TEMPORARY RESIDENT STATUS.—The Secretary shall extend the conditional temporary resident status of an alien granted such status under this title for 1 additional 5-year period beyond the period specified in subsection (a) if the alien—

(1) has demonstrated good moral character during the entire period the alien has been a conditional temporary resident under this title;

(2) is in compliance with section 3003(a)(1);

(3) has not abandoned the alien's residence in the United States by being absent from the United States for a period of 180 days, or multiple periods of at least 180 days, in the aggregate, during the period of conditional temporary resident status under this title, unless the absence of the alien was due to active service in the Armed Forces of the United States;

(4) does not have any delinquent tax liabilities;

(5) has not received any Federal public benefit; and

(6) while the alien has been a conditional temporary resident under this title—

(A) has graduated from an accredited institution of higher education in the United States;

(B) has attended an accredited institution of higher education in the United States on a full-time basis for not less than 8 semesters;

(C)(i) has served as a member of a regular or reserve component of the Armed Forces of the United States in an active duty status for at least 3 years; and

(ii) if discharged from such service, received an honorable discharge; or

(D) has, for a cumulative total of not less than 48 months—

(i) attended an accredited institution of higher education in the United States on a full-time basis;

(ii)(I) honorably served in the Armed Forces of the United States; and

(II) maintained employment in the United States; or

(iii)(I) attended an accredited institution of higher education in the United States;

(II) honorably served in the Armed Forces of the United States; and

(III) otherwise maintained lawful employment in the United States.

(f) RETURN TO PREVIOUS STATUS.—The immigration status of an alien receiving an extension of conditional temporary resident status shall return to the immigration status of the alien on the day before the date on which the alien received conditional temporary resident status if the alien has not filed to adjust status to that of an alien lawfully admitted for permanent residence under section 3005 by the date on which the 5-year period referred to in subsection (e) ends.

SEC. 3005. REMOVAL OF CONDITIONAL BASIS FOR TEMPORARY RESIDENCE.

(a) IN GENERAL.—An alien who has been a conditional temporary resident under this title for at least 7 years may file an application with the Secretary, in accordance with subsection (c), to adjust status to that of an alien lawfully admitted for permanent residence. The application shall include the required fee and shall be filed in accordance with the procedures established by the Secretary.

(b) ADJUDICATION OF APPLICATION FOR ADJUSTMENT OF STATUS.—

(1) ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.—If the Secretary determines that an alien who filed an application under subsection (a) meets the requirements described in subsection (d), the Secretary shall—

(A) notify the alien of such determination; and

(B) adjust the alien's status to that of an alien lawfully admitted for permanent residence.

(2) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that an alien who files an application under subsection (a) does not meet the requirements described in subsection (d), the Secretary shall—

(A) notify the alien of such determination; and

(B) terminate the conditional temporary status of the alien.

(c) TIME TO FILE APPLICATION.—

(1) IN GENERAL.—Applications for adjustment of status described in subsection (a) shall be filed during the period—

(A) beginning 180 days before the expiration of the 7-year period of conditional temporary resident status under this title; and

(B) ending—

(i) 7 years after the date on which conditional temporary resident status was initially granted to the alien under this title; or

(ii) after the conditional temporary resident status has been terminated.

(2) STATUS DURING PENDENCY.—An alien shall be deemed to be in conditional temporary resident status in the United States during the period in which an application filed by the alien under subsection (a) is pending.

(d) CONTENTS OF APPLICATION.—

(1) IN GENERAL.—Each application filed by an alien under subsection (a) shall contain information to permit the Secretary to determine whether the alien—

(A) has been a conditional temporary resident under this title for at least 7 years;

(B) has demonstrated good moral character during the entire period the alien has been a conditional temporary resident under this title;

(C) is in compliance with section 3003(a)(1); and

(D) has not abandoned the alien's residence in the United States.

(2) PRESUMPTIONS.—For purposes of paragraph (1)—

(A) the Secretary shall presume that an alien has abandoned the alien's residence in the United States if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional temporary resident status under this title, unless the alien demonstrates that the alien has not abandoned the alien's residence; and

(B) an alien who is absent from the United States due to active service in the Armed Forces of the United States has not abandoned the alien's residence in the United States during the period of such service.

(e) CITIZENSHIP REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien granted conditional temporary resident status under this title may not be adjusted to permanent resident status unless the alien demonstrates to the satisfaction of the Secretary that the alien satisfies the requirements under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

(2) EXCEPTION.—Paragraph (1) shall not apply to an alien whom the Secretary determines is unable because of a physical or developmental disability or mental impairment to meet the requirements of such paragraph. The Secretary, in coordination with the Secretary of Health and Human Services and the Surgeon General, shall establish procedures for making determinations under this subsection.

(f) PAYMENT OF FEDERAL TAXES.—Not later than the date on which an application for adjustment of status is filed under subsection (a), the alien shall satisfy any applicable Federal tax liability due and owing on such date, as determined and verified by the Commissioner of Internal Revenue, notwithstanding section 6103 of title 26, United States Code, or any other provision of law.

(g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

(1) IN GENERAL.—The Secretary may not adjust the status of an alien under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

(2) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for an applicant who is unable to provide the biometric or biographic data referred to in paragraph (1) due to a physical disability or impairment.

(h) BACKGROUND CHECKS.—

(1) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines to be appropriate—

(A) to conduct security and law enforcement background checks of an alien applying for adjustment of status under this section; and

(B) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such adjustment of status.

(2) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required under paragraph (1) shall be completed with respect to an alien, to the satisfaction of the Secretary, before the date on which the Secretary makes a decision on the application for adjustment of status of the alien.

(i) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status under this section.

(j) TREATMENT OF ALIENS MEETING REQUIREMENTS FOR EXTENSION OF CONDITIONAL TEMPORARY RESIDENT STATUS.—If an alien has satisfied all of the requirements under section 3003(a)(1) as of the date of enactment of this Act, the Secretary may cancel the removal of the alien and permit the alien to apply for conditional temporary resident status under this title. After the initial period of conditional temporary resident status described in section 3004(a), the Secretary shall extend such alien's conditional temporary resident status and permit the alien to apply for adjustment of status in accordance with subsection (a) if the alien has met the requirements under section 3004(e) during the entire period of conditional temporary resident status under this title.

SEC. 3006. BENEFITS FOR RELATIVES OF ALIENS GRANTED CONDITIONAL TEMPORARY RESIDENT STATUS.

Notwithstanding any other provision of law, a natural parent, prior adoptive parent, spouse, parent, child, or any other family member of an alien provided conditional temporary resident status or lawful permanent resident status under this title shall not thereafter be accorded, by virtue of parentage or familial relationship, any right, privilege, or status under the immigration laws.

SEC. 3007. EXCLUSIVE JURISDICTION.

(a) SECRETARY OF HOMELAND SECURITY.—Except as provided in subsection (b), the Secretary shall have exclusive jurisdiction to determine eligibility for relief under this title. If a final order of deportation, exclusion, or removal is entered, the Secretary shall resume all powers and duties delegated to the Secretary under this title. If a final order is entered before relief is granted under this title, the Attorney General shall terminate such order only after the alien has been granted conditional temporary resident status under this title.

(b) ATTORNEY GENERAL.—The Attorney General shall have exclusive jurisdiction to determine eligibility for relief under this title for any alien who has been placed into deportation, exclusion, or removal proceedings, whether such placement occurred before or after the alien filed an application for cancellation of removal and conditional temporary resident status or adjustment of status under this title. Such exclusive jurisdiction shall continue until such proceedings are terminated.

SEC. 3008. CONFIDENTIALITY OF INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—The Secretary shall establish procedures to protect the confidentiality of information provided by an alien under this title.

(b) PROHIBITION.—Except as provided in subsection (c), an officer or employee of the United States may not—

(1) use the information provided by an individual pursuant to an application filed under this title as the sole basis to initiate removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against the parent or spouse of the individual;

(2) make any publication whereby the information provided by any particular individual pursuant to an application under this title can be identified; or

(3) permit anyone other than an officer or employee of the United States Government to examine such application filed under this title.

(c) REQUIRED DISCLOSURE.—The Attorney General or the Secretary shall disclose the information provided by an individual under this title and any other information derived from such information to—

(1) a Federal, State, Tribal, or local government agency, court, or grand jury in connection with an administrative, civil, or criminal investigation or prosecution;

(2) a background check conducted pursuant to the Brady Handgun Violence Protection Act (Public Law 103–159; 107 Stat. 1536) or an amendment made by that Act;

(3) for homeland security or national security purposes;

(4) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime); or

(5) the Bureau of the Census in the same manner and circumstances as the information may be disclosed under section 8 of title 13, United States Code.

(d) FRAUD IN APPLICATION PROCESS OR CRIMINAL CONDUCT.—Nothing in this section may be construed to prevent the disclosure and use of information provided by an alien under this title to determine whether an alien seeking relief under this title has engaged in fraud in an application for such relief or at any time committed a crime from

being used or released for immigration enforcement, law enforcement, or national security purposes.

(e) SUBSEQUENT APPLICATIONS FOR IMMIGRATION BENEFITS.—The Secretary may use the information provided by an individual pursuant to an application filed under this title to adjudicate an application, petition, or other request for an immigration benefit made by the individual on a date after the date on which the individual filed the application under this title.

(f) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 3009. RESTRICTION ON WELFARE BENEFITS FOR CONDITIONAL TEMPORARY RESIDENTS.

An individual who has met the requirements under section 3005 for adjustment from conditional temporary resident status to lawful permanent resident status shall be considered, as of the date of such adjustment, to have completed the 5-year eligibility waiting period under section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613).

SEC. 3010. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that sets forth—

(1) the number of aliens who were eligible for cancellation of removal and grant of conditional temporary resident status under section 3003(a);

(2) the number of aliens who applied for cancellation of removal and grant of conditional temporary resident status under section 3003(a);

(3) the number of aliens who were granted conditional temporary resident status under section 3003(a); and

(4) the number of aliens whose status was adjusted to that of an alien lawfully admitted for permanent residence pursuant to section 3005.

SEC. 3011. MILITARY ENLISTMENT.

Section 504(b)(1) of title 10, United States Code, is amended by adding at the end the following:

''(D) An alien who is a conditional temporary resident (as defined in section 3002 of the SUCCEED Act).''.

SEC. 3012. ELIGIBILITY FOR NATURALIZATION.

Notwithstanding sections 319(b), 328, and 329 of the Immigration and Nationality Act (8 U.S.C. 1430(b), 1439, and 1440), an alien whose status is adjusted under section 3005 to that of an alien lawfully admitted for permanent residence may apply for naturalization under chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 310 et seq.) not earlier than 7 years after such adjustment of status.

SEC. 3013. FUNDING.

(a) DEPARTMENT OF HOMELAND SECURITY IMMIGRATION REFORM IMPLEMENTATION ACCOUNT.—

(1) IN GENERAL.—There is established in the Treasury a separate account, which shall be known as the ''Department of Homeland Security Immigration Reform Implementation Account'' (referred to in this section as the ''Implementation Account'').

(2) AUTHORIZATION AND APPROPRIATIONS.—There are appropriated to the Implementation Account, out of any funds in the Treasury not otherwise appropriated, $400,000,000, which shall remain available until September 30, 2022.

(3) USE OF APPROPRIATIONS.—The Secretary is authorized to use funds appropriated to the Implementation Account to pay for one-time and startup costs necessary to implement this title, including, but not limited to—

(A) personnel required to process applications and petitions;

(B) equipment, information technology systems, infrastructure, and human resources;

(C) outreach to the public, including development and promulgation of any regulations, rules, or other public notice; and

(D) anti-fraud programs and actions related to implementation of this title.

(4) REPORTING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a plan to the Committee on Appropriations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on the Judiciary of the House of Representatives for spending the funds appropriated under paragraph (2) that describes how such funds will be obligated in each fiscal year, by program.

(b) DEPOSIT AND USE OF PROCESSING FEES.—

(1) REPAYMENT OF STARTUP COSTS.—Notwithstanding section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), 75 percent of fees collected under this title shall be deposited monthly in the general fund of the Treasury until the funding provided by subsection (a)(2) has been repaid.

(2) DEPOSIT IN THE IMMIGRATION EXAMINATIONS FEE ACCOUNT.—Fees collected under this title in excess of the amount referenced in paragraph (1) shall be deposited in the Immigration Examinations Fee Account, pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), and shall remain available until expended pursuant to section 286(n) of such Act (8 U.S.C. 1356(n)).

TITLE IV—ENSURING FAMILY REUNIFICATION

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Ensuring Family Reunification Act of 2018''.

SEC. 4002. FAMILY-SPONSORED IMMIGRATION PRIORITIES.

(a) REDEFINITION OF IMMEDIATE RELATIVE.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(b)(1), in the matter preceding subparagraph (A), by striking ''under twenty-one years of age who'' and inserting ''who is younger than 18 years of age and''; and

(2) in section 201 (8 U.S.C. 1151)—

(A) in subsection (b)(2)(A)—

(i) in clause (i), by striking ''children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.'' and inserting ''children and spouse of a citizen of the United States.''; and

(ii) in clause (ii), by striking ''such an immediate relative'' and inserting ''the immediate relative spouse of a United States citizen'';

(B) by amending subsection (c) to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—(1) The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 39 percent of 226,000 minus the number computed under paragraph (2).

''(2) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year who—

''(A) did not depart from the United States (without advance parole) within 1 year; and

''(B)(i) did not acquire the status of an alien lawfully admitted to the United States for permanent residence during the 2 preceding fiscal years; or

''(ii) acquired such status during such period under a provision of law (other than subsection (b)) that exempts adjustment to such status from the numerical limitation on the worldwide level of immigration under this section.''; and

(C) in subsection (f)—

(i) in paragraph (2), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)'';

(ii) by striking paragraph (3);

(iii) by redesignating paragraph (4) as paragraph (3); and

(iv) in paragraph (3), as redesignated, by striking ''(1) through (3)'' and inserting ''(1) and (2)''.

(b) FAMILY-BASED VISA PREFERENCES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) SPOUSES AND MINOR CHILDREN OF PERMANENT RESIDENT ALIENS.—Family-sponsored immigrants described in this subsection are qualified immigrants who are the spouse or a child of an alien lawfully admitted for permanent residence.''.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF V NONIMMIGRANT.—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended by striking ''section 203(a)(2)(A)'' each place such term appears and inserting ''section 203(a)''.

(2) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of such Act (8 U.S.C. 1152) is amended—

(A) in subsection (a)(4)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) 75 PERCENT OF FAMILY-SPONSORED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION.—Of the visa numbers made available under section 203(a) in any fiscal year, 75 percent shall be issued without regard to the numerical limitation under paragraph (2).

''(B) TREATMENT OF REMAINING 25 PERCENT FOR COUNTRIES SUBJECT TO SUBSECTION (e).—

''(i) IN GENERAL.—Of the visa numbers made available under section 203(a) in any fiscal year, 25 percent shall be available, in the case of a foreign state or dependent area that is subject to subsection (e) only to the extent that the total number of visas issued in accordance with subparagraph (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling.

''(ii) SUBSECTION (e) CEILING DEFINED.—In clause (i), the term 'subsection (e) ceiling' means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area, consistent with subsection (e).''; and

(ii) by striking subparagraphs (C) and (D); and

(B) in subsection (e)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) by striking paragraph (2);

(iii) by redesignating paragraph (3) as paragraph (2); and

(iv) in the undesignated matter after paragraph (2), as redesignated, by striking '', respectively,'' and all that follows and inserting a period.

(3) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE CHILDREN.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by striking ''(a)(2)(A)'' each place such term appears and inserting ''(a)(2)''.

(4) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking ''to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or'';

(ii) in subparagraph (B), by striking ''203(a)(2)(A)'' each place such term appears and inserting ''203(a)''; and

(iii) in subparagraph (D)(i)(I), by striking ''a petitioner'' and all that follows through ''(a)(1)(B)(iii).'' and inserting ''an individual younger than 18 years of age for purposes of adjudicating such petition and for purposes of admission as an immediate relative under section 201(b)(2)(A)(i) or a family-sponsored immigrant under section 203(a), as appropriate, notwithstanding the actual age of the individual.'';

(B) in subsection (f)(1), by striking '', 203(a)(1), or 203(a)(3), as appropriate''; and

(C) by striking subsection (k).

(5) WAIVERS OF INADMISSIBILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(A) in subsection (a)(6)(E)(ii), by striking ''section 203(a)(2)'' and inserting ''section 203(a)''; and

(B) in subsection (d)(11), by striking ''(other than paragraph (4) thereof)''.

(6) EMPLOYMENT OF V NONIMMIGRANTS.—Section 214(q)(1)(B)(i) of such Act (8 U.S.C. 1184(q)(1)(B)(i)) is amended by striking ''section 203(a)(2)(A)'' each place such term appears and inserting ''section 203(a)''.

(7) DEFINITION OF ALIEN SPOUSE.—Section 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C)) is amended by striking ''section 203(a)(2)'' and inserting ''section 203(a)''.

(8) CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(1)(E)(ii) of such Act (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking ''section 203(a)(2)'' and inserting ''section 203(a)''.

(d) CREATION OF NONIMMIGRANT CLASSIFICATION FOR ALIEN PARENTS OF ADULT UNITED STATES CITIZENS.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semicolon;

(B) in subparagraph (U)(iii), by striking ''or'' at the end;

(C) in subparagraph (V)(ii)(II), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(W) Subject to section 214(s), an alien who is a parent of a citizen of the United States, if the citizen is at least 21 years of age.''.

(2) CONDITIONS ON ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s)(1) The initial period of authorized admission for a nonimmigrant described in section 101(a)(15)(W) shall be 5 years, but may be extended by the Secretary of Homeland Security for additional 5-year periods if the United States citizen son or daughter of the nonimmigrant is still residing in the United States.

''(2) A nonimmigrant described in section 101(a)(15)(W)—

''(A) is not authorized to be employed in the United States; and

''(B) is not eligible for any Federal, State, or local public benefit.

''(3) Regardless of the resources of a nonimmigrant described in section 101(a)(15)(W), the United States citizen son or daughter who sponsored the nonimmigrant parent shall be responsible for the nonimmigrant's support while the nonimmigrant resides in the United States.

''(4) An alien is ineligible to receive a visa or to be admitted into the United States as a nonimmigrant described in section 101(a)(15)(W) unless the alien provides satisfactory proof that the United States citizen son or daughter has arranged for health insurance coverage for the alien, at no cost to the alien, during the anticipated period of the alien's residence in the United States.''.

(e) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) NEW PETITIONS.—

(A) IN GENERAL.—The Director of U. S. Citizenship and Immigration Services shall only accept new family-based petitions for spouses and minor children of United States citizens and lawful permanent residents under—

(i) section 201(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)(A)); or

(ii) subsection (a) or (b) of section 203 of such Act (8 U.S.C. 1153).

(B) LIMITATION.—The Director of U. S. Citizenship and Immigration Services may not accept any new family-based petition other than a petition described in subparagraph (A).

(3) GRANDFATHERED PETITIONS AND VISAS.—Notwithstanding the termination by this title of the family-sponsored immigrant visa categories under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) (as of the date before the date of enactment of this Act), the amendments made by this section shall not apply, and visas shall remain available to, any alien who has—

(A) an approved family-based petition that has not been terminated or revoked, or

(B) a properly-filed family-based petition that is—

(i) pending with U.S. Citizenship and Immigration Services; and

(ii) based on subsection (a) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a)) (as in effect on the day before the date of enactment of this Act).

(4) AVAILABILITY OF VISAS FOR GRANDFATHERED PETITIONS.—The Secretary shall continue to allocate a sufficient number of visas in family-sponsored immigrant visa categories until the date on which a visa has been made available, in conformance with the numeric and per country limitations in effect on the day before the date of enactment of this Act, to each beneficiary of an approved or pending petition described in subparagraph (A) or (B) of paragraph (3), if the beneficiary—

(A) indicates an intent to pursue the immigrant visa not later than 1 year after the date on which the Secretary of State notifies the beneficiary of the availability of the visa; and

(B) is otherwise qualified to receive a visa under this Act.

(f) TERMINATION OF REGISTRATION.—Section 203(g) of the Immigration and Nationality Act (8 U.S.C. 1153(g)) is amended—

(1) by striking the second sentence;

(2) by striking the subsection designation and heading and all that follows through ''For purposes'' in the first sentence and inserting the following:

''(g) LISTS.—

''(1) IN GENERAL.—For purposes''; and

(3) by adding at the end the following:

''(2) TERMINATION OF REGISTRATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within the 1-year period beginning on the date on which the Secretary of State notifies the alien of the availability of the immigrant visa.

''(B) EXCEPTION.—The Secretary of State shall not terminate the registration of an alien under subparagraph (A) if the alien demonstrates that the failure of the alien to apply for an immigrant visa during the period described in that subparagraph was due to an extenuating circumstance beyond the control of the alien.''.

SEC. 4003. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively;

(3) in subsection (c), as redesignated, by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)'';

(4) in subsection (d), as redesignated—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2);

(5) in subsection (e), as redesignated, by striking ''subsection (a), (b), or (c) of this section'' and inserting ''subsection (a) or (b)'';

(6) in subsection (f), as redesignated, by striking ''subsections (a), (b), and (c)'' and inserting ''subsections (a) and (b)''; and

(7) in subsection (g), as redesignated—

(A) by striking ''(d)'' each place it appears and inserting ''(c)''; and

(B) in paragraph (2)(B), by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(2) in section 201 (8 U.S.C. 1151)—

(A) in subsection (a)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) in paragraph (2), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3);

(B) by striking subsection (e); and

(C) by redesignating subsection (f) as subsection (e);

(3) in section 203(b)(2)(B)(ii)(IV) (8 U.S.C. 1153(b)(2)(B)(ii)(IV)), by striking ''section 203(b)(2)(B)'' each place such term appears and inserting ''clause (i)'';

(4) in section 204 (8 U.S.C. 1154)—

(A) in subsection (a)(1)—

(i) by striking subparagraph (I); and

(ii) by redesignating subparagraphs (J) through (L) as subparagraphs (I) through (K), respectively;

(B) in subsection (e), by striking ''subsection (a), (b), or (c) of section 203'' and inserting ''subsection (a) or (b) of section 203''; and

(C) in subsection (l)(2)—

(i) in subparagraph (B), by striking ''section 203 (a) or (d)'' and inserting ''subsection (a) or (c) of section 203''; and

(ii) in subparagraph (C), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(5) in section 214(q)(1)(B)(i) (8 U.S.C. 1184(q)(1)(B)(i)), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(6) in section 216(h)(1) (8 U.S.C. 1186a(h)(1)), in the undesignated matter following subparagraph (C), by striking ''section 203(d)'' and inserting ''section 203(c)''; and

(7) in section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)), by striking ''section 203(d)'' and inserting ''section 203(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning on or after the date of the enactment of this Act.

(d) REALLOCATION OF VISAS; GRANDFATHERED PETITIONS.—

(1) GRANDFATHERED PETITIONS AND VISAS.—Notwithstanding the elimination under this section of the diversity visa program described in sections 201(e) and 203(c) of the Immigration and Nationality Act (8 U.S.C. 1151(e); 1153(c)) (as in effect on the day before the date of enactment of this Act), the amendments made by this section shall not apply, and visas shall remain available, to any alien whom the Secretary of State has selected to participate in the diversity visa lottery for fiscal year 2018.

(2) REALLOCATION OF VISAS.—

(A) REALLOCATION.—

(i) IN GENERAL.—Beginning in fiscal year 2019 and ending on the date on which the number of visas allocated for aliens who qualify for visas under the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is exhausted, the Secretary of Homeland Security shall make available the annual allocation of diversity visas as follows:

(I) 25,000 visas shall be made available to aliens who have an approved family-based petition based on section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) that has not been terminated or revoked as of the date of enactment of this Act.

(II) 25,000 visas shall be made available to qualified aliens who have an approved employment-based petition based on paragraphs (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153) that has not been terminated or revoked as of the date of enactment of this Act.

(ii) NACARA VISAS.—On the exhaustion of 5,000 visas made available under the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note), the remainder of the visas made available under that Act shall be equally divided and added to the visas provided under subclauses (I) and (II) of clause (i).

(B) NOTIFICATION.—

(i) FEDERAL REGISTER.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall publish a notice in the Federal Register to notify affected aliens with respect to—

(I) the availability of visas under subparagraph (A);

(II) the manner in which the visas shall be allocated.

(ii) VISA BULLETIN.—The Secretary of State shall publish a notice in the monthly visa bulletin of the Department of State with respect to—

(I) the availability of visas under subparagraph (A);

(II) the manner in which the visas shall be allocated.

TITLE V—OTHER MATTERS

SEC. 5001. OTHER IMMIGRATION AND NATIONALITY ACT AMENDMENTS.

(a) NOTICE OF ADDRESS CHANGE.—Section 265(a) of the Immigration and Nationality Act (8 U.S.C. 1305(a)) is amended to read as follows:

''(a) Each alien required to be registered under this Act who is physically present in the United States shall notify the Secretary of Homeland Security of each change of address and new address not later than 10 days after the date of such change and shall furnish such notice in the manner prescribed by the Secretary.''.

(b) PHOTOGRAPHS FOR NATURALIZATION CERTIFICATES.—Section 333 of the Immigration and Nationality Act (8 U.S.C. 1444) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G);

(B) by inserting ''(1)'' after ''(b)''; and

(C) by striking the undesignated matter at the end and inserting the following:

''(2) Of the photographs furnished pursuant to paragraph (1)—

''(A) 1 shall be affixed to each certificate issued by the Attorney General; and

''(B) 1 shall be affixed to the copy of such certificate retained by the Department.''; and

(2) by adding at the end the following:

''(c) The Secretary may modify the technical requirements under this section in the Secretary's discretion and as the Secretary may consider necessary to provide for photographs to be furnished and used in a manner that is efficient, secure, and consistent with the latest developments in technology.''.

SEC. 5002. EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT.

Except for regulations promulgated pursuant to this Act, section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'' (5 U.S.C. 522)), and section 552a of such title (commonly known as the ''Privacy Act'' (5 U.S.C. 552a)), chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act''), and any other law relating to rulemaking, information collection, or publication in the Federal Register, shall not apply to any action to implement this Act or the amendments made by this Act, to the extent the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that compliance with any such law would impede the expeditious implementation of this Act or the amendments made by this Act.

SEC. 5003. EXEMPTION FROM THE PAPERWORK REDUCTION ACT.

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, shall not apply to any action to implement this Act or the amendments made by this Act to the extent the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that compliance with such law would impede the expeditious implementation of this Act or the amendments made by this Act.

(2) SUNSET.—

(A) IN GENERAL.—The exemption provided under this section shall sunset not later than 3 years after the date of enactment of this Act.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) does not impose any requirement on, or affect the validity of, any rule issued or other action taken by the Secretary under the exemption described in paragraph (1).

SEC. 5004. EXEMPTION FROM GOVERNMENT CONTRACTING AND HIRING RULES.

(1) COMPETITION REQUIREMENTS.—

(A) IN GENERAL.—For purposes of implementing this Act, the competition requirements of section 253(a) of title 41, United States Code, shall not apply.

(B) AGENCY DETERMINATION.—The determination of an agency under section 253(c) of title 41, United States Code, shall not be subject to challenge by protest to—

(i) the Government Accountability Office, under sections 3551 through 3556 of title 31, United States Code; or

(ii) the Court of Federal Claims, under section 1491 of title 28, United States Code.

(C) NOTICE TO CONGRESS.—An agency shall immediately advise the Congress of the exercise of the authority granted under this paragraph.

(2) CONTRACTING.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in advance of the receipt of any fees imposed on any beneficiary or petitioner for benefits under this Act, may enter into 1 or more contracts for the purpose of implementing the programs under this Act.

(B) LIMITATION.—With respect to a contract under subparagraph (A), the Secretary shall not enter into an obligation that exceeds the amount necessary to defray the cost of the programs under this Act.

(3) NOTICE TO CONGRESS.—The Secretary shall—

(A) immediately advise Congress of the exercise of authority granted in paragraph (2); and

(B) shall report quarterly on the estimated obligations incurred pursuant to that paragraph.

(4) APPOINTMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall have authority to make term, temporary limited, and part-time appointments without regard to—

(i) the number of such employees;

(ii) the ratio of such employees to permanent full-time employees; or

(iii) the duration of employment of such employees.

(B) RULE OF CONSTRUCTION.—Chapter 71 of title 5, United States Code, shall not affect the authority of any management official of the Department to hire term, temporary limited, or part-time employees under this paragraph.

SEC. 5005. ABILITY TO FILL AND RETAIN DEPARTMENT OF HOMELAND SECURITY POSITIONS IN UNITED STATES TERRITORIES.

(a) IN GENERAL.—Section 530C of title 28, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting ''or the Department of Homeland Security'' after ''Department of Justice''; and

(B) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or to the Secretary of Homeland Security'' after ''Attorney General''; and

(ii) in subparagraph (K)—

(I) in clause (i)—

(aa) by inserting ''or within United States territories or commonwealths'' after ''outside United States''; and

(bb) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'';

(II) in clause (ii), by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''for the Drug Enforcement Administration, and for the Immigration and Naturalization Service'' and inserting ''and for the Drug Enforcement Administration''; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking ''the Immigration and Naturalization Service'' and inserting ''the Department of Homeland Security'';

(C) in paragraph (5), by striking ''IMMIGRATION AND NATURALIZATION SERVICE.—Funds available to the Attorney General'' and replacing with ''DEPARTMENT OF HOMELAND SECURITY.—Funds available to the Secretary of Homeland Security''; and

(D) in paragraph (7)—

(i) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General''; and

(ii) by striking ''the Immigration and Naturalization Service'' and inserting ''U.S. Immigration and Customs Enforcement''; and

(3) in subsection (d), by inserting ''or the Department of Homeland Security'' after ''Department of Justice''.

SEC. 5006. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or any application of

such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act and the application of the provision or amendment to any other person or circumstance shall not be affected.

SEC. 5007. FUNDING.

(a) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify—

(1) the appropriation accounts which have unobligated funds that could be rescinded and used to fund the provisions of this Act; and

(2) the amount of the rescission that shall be applied to each such account.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress and to the Secretary of the Treasury a report that describes the accounts and amounts determined and identified for rescission pursuant to subsection (a).

(c) EXCEPTIONS.—This section shall not apply to unobligated funds of—

(1) the Department of Homeland Security;

(2) the Department of Defense; or

(3) the Department of Veterans Affairs.

TITLE VI—TECHNICAL AMENDMENTS

SEC. 6001. REFERENCES TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 6002. TECHNICAL AMENDMENTS TO TITLE I OF THE IMMIGRATION AND NATIONALITY ACT.

(a) SECTION 101.—

(1) DEPARTMENT.—Section 101(a)(8) (8 U.S.C. 1101(a)(8)) is amended to read as follows:

''(8) The term 'Department' means the Department of Homeland Security.''.

(2) IMMIGRANT.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (F)(i)—

(i) by striking the term ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(ii) by striking ''214(l)'' and inserting ''214(m)'';

(B) in subparagraph (H)(i)—

(i) in subclause (b), by striking ''certifies to the Attorney General that the intending employer has filed with the Secretary'' and inserting ''certifies to the Secretary of Homeland Security that the intending employer has filed with the Secretary of Labor''; and

(ii) in subclause (c), by striking ''certifies to the Attorney General'' and inserting ''certifies to the Secretary of Homeland Security''; and

(C) in subparagraph (M)(i), by striking the term ''Attorney General'' each place that term appears and inserting ''Secretary''.

(3) IMMIGRATION OFFICER.—Section 101(a)(18) (8 U.S.C. 1101(a)(18)) is amended by striking ''Service or of the United States designated by the Attorney General,'' and inserting ''Department or of the United States designated by the Secretary,''.

(4) SECRETARY.—Section 101(a)(34) (8 U.S.C. 1101(a)(34)) is amended to read as follows:

''(34) The term 'Secretary' means the Secretary of Homeland Security, except as provided in section 219(d)(4).''.

(5) SPECIAL IMMIGRANT.—Section 101(a)(27)(L)(iii) (8 U.S.C. 1101(a)(27)(L)(iii)) is amended by adding ''; or'' at the end.

(6) MANAGERIAL CAPACITY; EXECUTIVE CAPACITY.—Section 101(a)(44)(C) (8 U.S.C. 1101(a)(44)(C)) is amended by striking ''Attorney General'' and inserting ''Secretary''.

(7) ORDER OF REMOVAL.—Section 101(a)(47)(A) (8 U.S.C. 1101(a)(47)(A)) is amended to read as follows:

''(A) The term 'order of removal' means the order of the immigration judge, or other such administrative officer to whom the Attorney General or the Secretary has delegated the responsibility for determining whether an alien is removable, concluding that the alien is removable or ordering removal.''.

(8) TITLE I AND II DEFINITIONS.—Section 101(b) (8 U.S.C. 1101(b)) is amended—

(A) in paragraph (1)(F)(i), by striking ''Attorney General'' and inserting ''Secretary''; and

(B) in paragraph (4), by striking ''Immigration and Naturalization Service.'' and inserting ''Department.''.

(b) SECTION 103.—

(1) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by striking the section heading and subsection (a)(1) and inserting the following:

''SEC. 103. POWERS AND DUTIES.

''(a)(1) The Secretary shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens, except insofar as this Act or such laws relate to the powers, functions, and duties conferred upon the President, the Attorney General, the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health and Human Services, the Commissioner of Social Security, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers. A determination and ruling by the Attorney General with respect to all questions of law shall be controlling.''.

(2) TECHNICAL AND CONFORMING CORRECTIONS.—Section 103 (8 U.S.C. 1103), as amended by paragraph (1), is further amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''He'' and inserting ''The Secretary'';

(ii) in paragraph (3)—

(I) by striking ''He'' and inserting ''The Secretary'';

(II) by striking ''he'' and inserting ''the Secretary''; and

(III) by striking ''his authority'' and inserting ''the authority of the Secretary'';

(iii) in paragraph (4)—

(I) by striking ''He'' and inserting ''The Secretary''; and

(II) by striking ''Service or the Department of Justice'' and insert the ''Department'';

(iv) in paragraph (5)—

(I) by striking ''He'' and inserting ''The Secretary'';

(II) by striking ''his discretion,'' and inserting ''the discretion of the Secretary,'' and

(III) by striking ''him'' and inserting ''the Secretary'';

(v) in paragraph (6)—

(I) by striking ''He'' and inserting ''The Secretary'';

(II) by striking ''Department'' and inserting ''agency, department,''; and

(III) by striking ''Service.'' and inserting ''Department or upon consular officers with respect to the granting or refusal of visas'';

(vi) in paragraph (7)—

(I) by striking ''He'' and inserting ''The Secretary'';

(II) by striking ''countries;'' and inserting ''countries'';

(III) by striking ''he'' and inserting ''the Secretary''; and

(IV) by striking ''his judgment'' and inserting ''the judgment of the Secretary'';

(vii) in paragraph (8), by striking ''Attorney General'' and inserting ''Secretary'';

(viii) in paragraph (10), by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(ix) in paragraph (11), by striking ''Attorney General,'' and inserting ''Secretary,'';

(B) by amending subsection (c) to read as follows:

''(c) SECRETARY; APPOINTMENT.—The Secretary shall be a citizen of the United States and shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary shall be charged with any and all responsibilities and authority in the administration of the Department and of this Act. The Secretary may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws.'';

(C) in subsection (e)—

(i) in paragraph (1), by striking ''Commissioner'' and inserting ''Secretary''; and

(ii) in paragraph (2), by striking ''Service'' and inserting ''U.S. Citizenship and Immigration Services'';

(D) in subsection (f)—

(i) by striking ''Attorney General'' and inserting ''Secretary'';

(ii) by striking ''Immigration and Naturalization Service'' and inserting ''Department''; and

(iii) by striking ''Service,'' and inserting ''Department,''; and

(E) in subsection (g)(1), by striking ''Immigration Reform, Accountability and Security Enhancement Act of 2002'' and inserting ''Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135)''.

(3) CLERICAL AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 103 and inserting the following:

''Sec. 103. Powers and duties.''.

(c) SECTION 105.—Section 105(a) is amended (8 U.S.C. 1105(a)) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

SEC. 6003. TECHNICAL AMENDMENTS TO TITLE II OF THE IMMIGRATION AND NATIONALITY ACT.

(a) SECTION 202.—Section 202(a)(1)(B) (8 U.S.C. 1152(a)(1)(B)) is amended by inserting ''the Secretary or'' after ''the authority of''.

(b) SECTION 203.—Section 203 (8 U.S.C. 1153) is amended—

(1) in subsection (b)(2)(B)(ii)—

(A) in subclause (II)—

(i) by inserting ''the Secretary or'' before ''the Attorney General''; and

(ii) by moving such subclause 4 ems to the left; and

(B) by moving subclauses (III) and (IV) 4 ems to the left; and

(2) in subsection (f) (as redesignated by section 4003(a)(2))—

(A) by striking ''Secretary's'' and inserting ''Secretary of State's''; and

(B) by inserting ''of State'' after ''but the Secretary''.

(c) SECTION 204.—Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (a)(1)(G)(ii), by inserting ''of State'' after ''by the Secretary'';

(2) in subsection (c), by inserting ''the Secretary or'' before ''the Attorney General'' each place that term appears; and

(3) in subsection (e), by inserting ''to'' after ''admitted''.

(d) SECTION 208.—Section 208 (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''the Secretary or'' before ''Attorney General'' in subparagraph (A);

(B) by inserting ''the Secretary or'' before ''Attorney General'' in subparagraph (D);

(2) in subsection (b)(2)—

(A) in subparagraph (B)(ii), by inserting ''the Secretary or'' before ''Attorney General'';

(B) in subparagraph (C), by inserting ''the Secretary or'' before ''Attorney General''; and

(C) in subparagraph (D), by inserting ''the Secretary or'' before ''Attorney General''.

(3) in subsection (c)—

(A) in paragraph (1), by striking ''the Attorney General'' and inserting ''the Secretary'';

(B) in paragraphs (2) and (3), by inserting ''the Secretary or'' before ''Attorney General'' each place that term appears; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ''the Secretary or'' before ''the Attorney General'',

(B) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary'';

(C) in paragraph (3)—

(i) by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(ii) by striking ''Attorney General's'' and inserting ''Secretary's''; and

(D) in paragraphs (4) through (6), by inserting ''the Secretary or'' before ''the Attorney General''; and

(e) SECTION 209.—Section 209(a)(1)(A) (8 U.S.C. 1159(a)(1)(A)) is amended by striking ''Secretary of Homeland Security or the Attorney General'' each place that term appears and inserting ''Secretary''.

(f) SECTION 212.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in subparagraphs (C), (H)(ii), and (I), by inserting '', the Secretary,'' before ''or the Attorney General'' each place that term appears;

(B) in paragraph (3)—

(i) in subparagraph (B)(ii)(II), by inserting '', the Secretary,'' before ''or the Attorney General'' each place that term appears; and

(ii) in subparagraph (D), by inserting ''the Secretary or'' before ''the Attorney General'' each place that term appears;

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting ''the Secretary or'' before ''the Attorney General''; and

(ii) in subparagraph (B), by inserting '', the Secretary,'' before ''or the Attorney General'' each place that term appears;

(D) in paragraph (5)(C), by striking ''or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General'' and inserting ''or, in the case of an adjustment of status, the Secretary or the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Secretary'';

(E) in paragraph (9)—

(i) in subparagraph (B)(v)—

(I) by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears; and

(II) by striking ''has sole discretion'' and inserting ''have discretion''; and

(ii) in subparagraph (C)(iii), by inserting ''or the Attorney General'' after ''Secretary of Homeland Security''; and

(F) in paragraph (10)(C), in clauses (ii)(III) and (iii)(II), by striking ''Secretary's'' and inserting ''Secretary of State's'';

(2) in subsection (d), in paragraphs (11) and (12), by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears;

(3) in subsection (e), by striking the first proviso and inserting the following: ''Provided, That upon the favorable recommendation of the Director, pursuant to the request of an interested United States Government agency (or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent), or of the Secretary after the Secretary has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his or her nationality or last residence because the alien would be subject to persecution on account of race, religion, or political opinion, the Secretary may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Secretary to be in the public interest except that in the case of a waiver requested by a State Department of Public Health, or its equivalent, or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii), the waiver shall be subject to the requirements under section 214(l):'';

(4) in subsections (g), (h), (i), and (k), by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears;

(5) in subsection (m)(2)(E)(iv), by inserting ''of Labor'' after ''Secretary'' the second and third place that term appears;

(6) in subsection (n), by inserting ''of Labor'' after ''Secretary'' each place that term appears, except that this amendment shall not apply to references to the ''Secretary of Labor''; and

(7) in subsection (s), by inserting '', the Secretary,'' before ''or the Attorney General''.

(g) SECTION 213A.—Section 213A (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1), in the matter preceding paragraph (1), by inserting '', the Secretary,'' after ''the Attorney General''; and

(2) in subsection (f)(6)(B), by inserting ''the Secretary,'' after ''The Secretary of State,''.

(h) SECTION 214.—Section 214(c)(9)(A) (8 U.S.C. 1184(c)(9)(A) is amended, in the matter preceding clause (i), by striking ''before''.

(i) SECTION 217.—Section 217 (8 U.S.C. 1187) is amended—

(1) in subsection (e)(3)(A), by inserting a comma after ''Regulations'';

(2) in subsection (f)(2)(A), by striking ''section (c)(2)(C),'' and inserting ''subsection (c)(2)(C),''; and

(3) in subsection (h)(3)(A), by striking ''the alien'' and inserting ''an alien''.

(j) SECTION 218.—Section 218 (8 U.S.C. 1188) is amended—

(1) by inserting ''of Labor'' after ''Secretary'' each place that term appears, except that this amendment shall not apply to references to the ''Secretary of Labor'' or to the ''Secretary of Agriculture'';

(2) in subsection (c)(3)(B)(iii), by striking ''Secretary's'' and inserting ''Secretary of Labor's''; and

(3) in subsection (g)(4), by striking ''Secretary's'' and inserting ''Secretary of Agriculture's''.

(k) SECTION 219.—Section 219 (8 U.S.C. 1189) is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a close parenthesis after ''section 212(a)(3)(B)''; and

(B) by striking the close parenthesis before the semicolon;

(2) in subsection (c)(3)(D), by striking ''(2),'' and inserting ''(2);''; and

(3) in subsection (d)(4), by striking ''the Secretary of the Treasury'' and inserting ''the Secretary of Homeland Security, the Secretary of the Treasury,''.

(l) SECTION 222.—Section 222 (8 U.S.C. 1202)—

(1) by inserting ''or the Secretary'' after ''Secretary of State'' each place that term appears; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting '', the Department,'' after ''Department of State''; and

(B) in paragraph (2), by striking ''Secretary's'' and inserting ''their''.

(m) SECTION 231.—Section 231 (8 U.S.C. 1221) is amended—

(1) in subsection (c)(10), by striking ''Attorney General,'' and inserting ''Secretary,'';

(2) in subsection (f), by striking ''Attorney General'' each place that term appears and inserting ''Secretary'';

(3) in subsection (g)—

(A) by striking ''Attorney General'' each places that term appears and inserting ''Secretary'';

(B) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''; and

(4) in subsection (h), by striking ''Attorney General'' each place that term appears and inserting ''Secretary''.

(n) SECTION 236.—Section 236(e) (8 U.S.C. 1226(e)) is amended—

(1) by striking ''review.'' and inserting ''review, other than administrative review by the Attorney General pursuant to the authority granted under section 103(g).''; and

(2) by inserting ''the Secretary or'' before ''the Attorney General under''.

(o) SECTION 236A.—Section 236A(a)(4) (8 U.S.C. 1226a(a)(4)) is amended by striking ''Deputy Attorney General'' both places that term appears and inserting ''Deputy Secretary of Homeland Security''.

(p) SECTION 237.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''following the initiation by the Secretary of removal proceedings'' after ''upon the order of the Attorney General''; and

(2) in paragraph (2)(E), in the subparagraph heading, by striking '', CRIMES AGAINST CHILDREN AND'' and inserting ''; CRIMES AGAINST CHILDREN''.

(q) SECTION 238.—Section 238 (8 U.S.C. 1228) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(B) in paragraphs (3) and (4)(A), by inserting ''and the Secretary'' after ''Attorney General'' each place that term appears; and

(2) in subsection (e) (as redesignated by section 1703(a)(4))—

(A) by striking ''Commissioner'' each place that term appears and inserting ''Secretary'';

(B) by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(C) in subparagraph (D)(iv), by striking ''Attorney General'' and inserting ''United States Attorney''.

(r) SECTION 239.—Section 239(a)(1) (8 U.S.C. 1229(a)(1)) is amended by inserting ''and the Secretary'' after ''Attorney General'' each place that term appears.

(s) SECTION 240.—Section 240 (8 U.S.C. 1229a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting '', with the concurrence of the Secretary with respect to employees of the Department'' after ''Attorney General''; and

(B) in paragraph (5)(A), by inserting ''the Secretary or'' before ''the Attorney General''; and

(2) in subsection (c)—

(A) in paragraph (2), by inserting '', the Secretary of State, or the Secretary'' before ''to be confidential''; and

(B) in paragraph (7)(C)(iv)(I), by striking ''240A(b)(2)'' and inserting ''section 240A(b)(2)''.

(t) SECTION 240A.—Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (3), by striking ''Attorney General shall'' and inserting ''Secretary shall''; and

(2) in paragraph (4)(A), by striking ''Attorney General'' and inserting ''Secretary''.

(u) SECTION 240B.—Section 240B(a) (8 U.S.C. 1229c(a)) is amended in paragraphs (1) and (3), by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears.

(v) SECTION 241.—Section 241 (8 U.S.C. 1231) is amended—

(1) in subsection (a)(4)(B)(i), by inserting a close parenthesis after ''(L)'';

(2) in subsection (g)(2)—

(A) by striking the paragraph heading and inserting ''DETENTION FACILITIES OF THE DEPARTMENT OF HOMELAND SECURITY.—''; and

(B) by striking ''Service, the Commissioner'' and inserting ''Department, the Secretary''.

(w) SECTION 242.—Section 242(g) (8 U.S.C. 1252(g)) is amended by inserting ''the Secretary or'' before ''the Attorney General''.

(x) SECTION 243.—Section 243 (8 U.S.C. 1253) (as amended by section 1720) is amended in subsection (b)(1)—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(2) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

(y) SECTION 244.—Section 244 (8 U.S.C. 1254a) is amended—

(1) in subsection (c)(2), by inserting ''or the Secretary'' after ''Attorney General'' each place the term appears; and

(2) in subsection (g), by inserting ''or the Secretary'' after ''Attorney General''.

(z) SECTION 245.—Section 245 (8 U.S.C. 1255) is amended—

(1) by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears except in subsections (j) (other than the first reference), (l), and (m);

(2) in subsection (k)(1), adding an ''and'' at the end; and

(3) in subsection (l)—

(A) in paragraph (1), by inserting a comma after ''appropriate''; and

(B) in paragraph (2)—

(i) in the matter preceding paragraph (1), by striking ''Attorney General's'' and inserting ''Secretary's''; and

(ii) in subparagraph (B), by striking ''(10(E))'' and inserting ''(10)(E))''.

(aa) SECTION 245A.—Section 245A (8 U.S.C. 1255a) is amended—

(1) in subsection (c)(7), by striking subparagraph (C); and

(2) in subsection (h)—

(A) in paragraph (4)(C), by striking ''The The'' and inserting ''The''; and

(B) in paragraph (5), by striking ''(Public Law 96–122),'' and inserting ''(8 U.S.C. 1522 note),''.

(bb) SECTION 251.—Section 251(d) (8 U.S.C. 1281(d)) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(2) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

(cc) SECTION 254.—Section 254(a) (8 U.S.C. 1284(a)) is amended by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

(dd) SECTION 255.—Section 255 (8 U.S.C. 1285) is amended by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

(ee) SECTION 256.—Section 256 (8 U.S.C. 1286) is amended—

(1) by striking ''Commissioner'' each place that term appears and inserting ''Secretary'';

(2) in the first and second sentences, by striking ''Attorney General'' each place that term appears and inserting ''Secretary''.

(ff) SECTION 258.—Section 258 (8 U.S.C. 1288) is amended—

(1) by inserting ''of Labor'' after ''Secretary'' each place that term appears (except for in subsection (e)(2)), except that this amendment shall not apply to references to the ''Secretary of Labor'', ''the Secretary of State'';

(2) in subsection (d)(2)(A), by striking ''at'' after ''while''; and

(3) in subsection (e)(2), by striking ''the Secretary shall'' and inserting ''the Secretary of State shall''.

(gg) SECTION 264.—Section 264(f) (8 U.S.C. 1304(f)) is amended by striking ''Attorney General is'' and inserting ''Attorney General and the Secretary are''.

(hh) SECTION 272.—Section 272 (8 U.S.C. 1322) is amended by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

(ii) SECTION 273.—Section 273 (8 U.S.C. 1323) is amended—

(1) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''; and

(2) by striking ''Attorney General'' each place that term appears (except in subsection (e), in the matter preceding paragraph (1)) and inserting ''Secretary''.

(jj) SECTION 274.—Section 274(b)(2) (8 U.S.C. 1324(b)(2)) is amended by striking ''Secretary of the Treasury'' and inserting ''Secretary''.

(kk) SECTION 274B.—Section 274B(f)(2) (8 U.S.C. 1324b(f)(2)) is amended by striking ''subsection'' and inserting ''section''.

(ll) SECTION 274C.—Section 274C(d)(2)(A) (8 U.S.C. 1324c(d)(2)(A)) is amended by inserting ''or the Secretary'' after ''subsection (a), the Attorney General''.

(mm) SECTION 274D.—Section 274D(a)(2) (8 U.S.C. 1324d(a)(2)) is amended by striking ''Commissioner'' and inserting ''Secretary''.

(nn) SECTION 286.—Section 286 (8 U.S.C. 1356) is amended—

(1) in subsection (q)(1)(B), by striking '', in consultation with the Secretary of the Treasury,'';

(2) in subsection (r)(2), by striking ''section 245(i)(3)(b)'' and inserting ''section 245(i)(3)(B)''; and

(3) in subsection (s)(5)—

(A) by striking ''5 percent'' and inserting ''USE OF FEES FOR DUTIES RELATING TO PETITIONS.—Five percent''; and

(B) by striking ''paragraph (1) (C) or (D) of section 204'' and inserting ''subparagraph (C) or (D) of section 204(a)(1)''.

(oo) SECTION 294.—Section 294 (8 U.S.C. 1363a) is amended—

(1) in subsection (a), in the undesignated matter following paragraph (4), by striking ''Commissioner, in consultation with the Deputy Attorney General,'' and inserting ''Secretary''; and

(2) in subsection (d), by striking ''Deputy Attorney General'' and inserting ''Secretary''.

SEC. 6004. TECHNICAL AMENDMENTS TO TITLE III OF THE IMMIGRATION AND NATIONALITY ACT.

(a) SECTION 316.—Section 316 (8 U.S.C. 1427) is amended—

(1) in subsection (d), by inserting ''or by the Secretary'' after ''Attorney General''; and

(2) in subsection (f)(1), by striking ''Intelligence, the Attorney General and the Commissioner of Immigration'' and inserting ''Intelligence and the Secretary''.

(b) SECTION 322.—Section 322(a)(1) (8 U.S.C. 1433(a)(1)) is amended—

(1) by inserting ''is'' before ''(or,''; and

(2) by striking ''is'' before ''a citizen''.

(c) SECTION 342.—

(1) SECTION HEADING.—

(A) IN GENERAL.—Section 342 (8 U.S.C. 1453) is amended by striking the section heading and inserting ''**CANCELLATION OF CERTIFICATES; ACTION NOT TO AFFECT CITIZENSHIP STATUS**''.

(B) CLERICAL AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 342 and inserting the following:

''Sec. 342. Cancellation of certificates; action not to affect citizenship status.''.

(2) IN GENERAL.—Section 342 (8 U.S.C. 1453) is amended—

(A) by striking ''heretofore issued or made by the Commissioner or a Deputy Commissioner or hereafter made by the Attorney General''; and

(B) by striking ''practiced upon, him or the Commissioner or a Deputy Commissioner;''.

SEC. 6005. TECHNICAL AMENDMENT TO TITLE IV OF THE IMMIGRATION AND NATIONALITY ACT.

Section 412(a)(2)(C)(i) (8 U.S.C. 1522(a)(2)(C)(i)) is amended by striking ''insure'' and inserting ''ensure''.

SEC. 6006. TECHNICAL AMENDMENTS TO TITLE V OF THE IMMIGRATION AND NATIONALITY ACT.

(a) SECTION 504.—Section 504 (8 U.S.C. 1534) is amended—

(1) in subsection (a)(1)(A), by striking ''a'' before ''removal proceedings'';

(2) in subsection (i), by striking ''Attorney General'' inserting ''Government''; and

(3) in subsection (k)(2), by striking ''by''.

(b) SECTION 505.—Section 505(e)(2) (8 U.S.C. 1535(e)(2)) is amended by inserting ''and the Secretary'' after ''Attorney General''.

SEC. 6007. OTHER AMENDMENTS.

(a) CORRECTION OF COMMISSIONER OF IMMIGRATION AND NATURALIZATION.—

(1) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) as amended by this Act, is further amended by striking ''Commissioner'' and ''Commissioner of Immigration and Naturalization'' each place those terms appear and inserting ''Secretary''.

(2) EXCEPTION FOR COMMISSIONER OF SOCIAL SECURITY.—The amendment made by paragraph (1) shall not apply to any reference to the ''Commissioner of Social Security''.

(b) CORRECTION OF BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES.—Section 451(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 271(a)(1)) is amended by striking ''a bureau to be known as the 'Bureau of Citizenship and Immigration Services' '' and inserting ''an agency to be known as the 'United States Citizenship and Immigration Services', the headquarters of which shall be in the same State as the office of the Secretary.''.

(c) CORRECTION OF IMMIGRATION AND NATURALIZATION SERVICE.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking ''Service'' and ''Immigration and Naturalization Service'' each place those terms appear and inserting ''Department''.

(d) CORRECTION OF DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking ''Department of Justice'' each place

that term appears and inserting ''Department''.

(2) EXCEPTIONS.—The amendment made by paragraph (1) shall not apply in—

(A) subsections (d)(3)(A) and (r)(5)(A) of section 214 (8 U.S.C. 1184);

(B) section 274B(c)(1) (8 U.S.C. 1324b(c)(1)); or

(C) title V (8 U.S.C. 1531 et seq.).

(e) CORRECTION OF ATTORNEY GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) as amended by this Act, is further amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary'', except for in the following:

(1) Any joint references to the ''Attorney General and the Secretary of Homeland Security'' or ''the Secretary of Homeland Security and the Attorney General''.

(2) Section 101(a)(5).

(3) Subparagraphs (S), (T), and (V) of section 101(a)(15).

(4) Section 101(a)(47)(A).

(5) Section 101(b)(4).

(6) Subsections (a)(1) and (g) of section 103.

(7) Subsections (b)(1) and (c) of section 105.

(8) Section 204(c).

(9) Section 208.

(10) Subparagraphs (C), (H), and (I) of section 212(a)(2).

(11) Subparagraphs (A), (B)(ii)(II), and (D) of section 212(a)(3).

(12) Section 212(a)(9)(C)(iii).

(13) Paragraphs (11) and (12) of section 212(d).

(14) Subsections (g), (h), (i), (k), and (s) of section 212.

(15) Subsections (a)(1) and (f)(6)(B) of section 213A.

(16) Section 216(d)(2)(c).

(17) Section 219(d)(4).

(18) Section 235(b)(1)(B)(iii)(III).

(19) The second sentence of section 236(e).

(20) Section 237.

(21) Paragraphs (1), (3), and (4)(A) of section 238(a).

(22) Paragraphs (1) and (5) of section 238(b).

(23) Section 238(c)(2)(D)(iv).

(24) Subsections (a) and (b) of section 239.

(25) Section 240.

(26) Section 240A.

(27) Subsections (a)(1), (a)(3), (b), and (c) of section 240B.

(28) The first reference in section 241(a)(4)(B)(i).

(29) Section 241(b)(3) (except for the first reference in subparagraph (A), to which the amendment shall apply).

(30) Section 241(i) (except for paragraph (3)(B)(i), to which the amendment shall apply).

(31) Section 242(a)(2)(B).

(32) Section 242(b) (except for paragraph (8), to which the amendment shall apply).

(33) Section 242(g).

(34) Subsections (a)(3)(C), (c)(2), (e), and (g) of section 244.

(35) Section 245 (except for subsection (i)(1)(B)(i), subsection (i)(3)) and the first reference to the Attorney General in subsection 245(j)).

(36) Section 245A(a)(1)(A).

(37) Section 246(a).

(38) Section 249.

(39) Section 264(f).

(40) Section 274(e).

(41) Section 274A.

(42) Section 274B.

(43) Section 274C.

(44) Section 292.

(45) Subsections (d) and (f)(1) of section 316.

(46) Section 342.

(47) Section 412(f)(1)(A).

(48) Title V (except for subsections 506(a)(1) and 507(b), (c), and (d) (first reference), to which the amendment shall apply).

SEC. 6008. REPEALS; RULE OF CONSTRUCTION.

(a) REPEALS.—

(1) IMMIGRATION AND NATURALIZATION SERVICE.—

(A) IN GENERAL.—Section 4 of the Act of February 14, 1903 (32 Stat. 826, chapter 552; 8 U.S.C. 1551) is repealed.

(B) 8 U.S.C. 1551.—The language of the compilers set out in section 1551 of title 8 of the United States Code shall be removed from the compilation of such title 8.

(2) COMMISSIONER OF IMMIGRATION AND NATURALIZATION; OFFICE.—

(A) IN GENERAL.—Section 7 of the Act of March 3, 1891 (26 Stat. 1085, chapter 551; 8 U.S.C. 1552) is repealed.

(B) 8 U.S.C. 1552.—The language of the compilers set out in section 1552 of title 8 of the United States Code shall be removed from the compilation of such title 8.

(3) ASSISTANT COMMISSIONERS AND DISTRICT DIRECTOR; COMPENSATION AND SALARY GRADE.—Title II of the Department of Justice Appropriation Act, 1957 (70 Stat. 307, chapter 414; 8 U.S.C. 1553) is amended, in the matter under the heading ''Immigration and Naturalization Service'' and under the subheading ''SALARIES AND EXPENSES'', by striking ''That the compensation of the five assistant commissioners and one district director shall be at the rate of grade GS–16: Provided further''.

(4) SPECIAL IMMIGRANT INSPECTORS AT WASHINGTON.—The Act of March 2, 1895 (28 Stat. 780, chapter 177; 8 U.S.C. 1554) is amended in the matter following the heading ''Bureau of Immigration:'' by striking ''That hereafter special immigrant inspectors, not to exceed three, may be detailed for duty in the Bureau at Washington: And provided further,''.

(b) RULE OF CONSTRUCTION.—Nothing in this title may be construed to repeal or limit the applicability of sections 462 and 1512 of the Homeland Security Act of 2002 (6 U.S.C. 279 and 552) with respect to any provision of law or matter not specifically addressed by the amendments made by this title.

SEC. 6009. MISCELLANEOUS TECHNICAL CORRECTION.

Section 7 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3508) is amended by striking ''Commissioner of Immigration'' and inserting ''Secretary of Homeland Security''.

SA 1960. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—EMPLOYMENT-BASED VISAS

Subtitle A—Employment-based Nonimmigrant Visas

SEC. __11. SECURING A SUPPLY OF HIGHLY SKILLED WORKERS.

(a) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) by inserting after subparagraph (B) the following:

''(C) has earned a master's or higher degree from a United States institution of higher education (as defined in section 1001(a) of title 20) and whose employer has certified that the employer has filed or will file an Immigrant Petition on behalf of the alien; or''; and

(C) by amending subparagraph (D), as redesignated, to read as follows:

''(D) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and whose employer has not certified that the employer has filed or will file an Immigrant Petition on behalf of the alien, until the number of such aliens who are exempted from such numerical limitations during such year exceeds 20,000.''; and

(2) in paragraph (6)—

(A) by inserting ''(A)'' before ''Any alien''; and

(B) by adding at the end the following:

''(B)(i) The initial period of validity of a nonimmigrant visa issued under section 101(a)(15)(H)(i)(b) to an alien described in paragraph (5)(C) who is exempted from the numerical limitations under paragraph (1)(A) shall be 12 months.

''(ii) The period of validity of a visa described in clause (i) may be extended beyond the initial period described in such clause if the employer provides evidence to the Secretary that—

''(I) the employer has filed, on the alien's behalf, a nonfrivolous Application for Permanent Employment Certification or a nonfrivolous Immigrant Petition; and

''(II) such application or petition has not been denied in a final agency action.''.

(b) ANTI-HOARDING.—

(1) IN GENERAL.—Section 214(g)(10) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(10)) is amended—

(A) by inserting ''(A)'' before ''The numerical limitations''; and

(B) by adding at the end the following:

''(B)(i) Subject to clause (ii), if 5 or more petitions for H–1B classification subject to the cap established under paragraph (1)(A) filed by an employer in a fiscal year are approved, the employer shall pay a penalty for each such approved petition subject to such cap for which the H–1B beneficiary works in the United States for less than 25 percent of the first year of the beneficiary's approved work authorization period for the employer that initially secured the cap-subject petition approval.

''(ii)(I) Except as provided in subclause (IV), an employer shall not be subject to the penalties set forth in clause (i) if the employer withdraws the petition for an H–1B visa—

''(aa) as a result of an unexpected change in the need for the alien worker;

''(bb) because the alien worker commences employment in the United States for the employer under another lawful status; or

''(cc) because the alien worker quit or resigned the worker's position with the employer.

''(II) An employer withdrawing a petition under subclause (I) shall file with the Secretary a description of the circumstances—

''(aa) resulting in the unexpected change in the need for the alien worker;

''(bb) surrounding the alien worker's commencement of employment in the United States for the employer withdrawing the H–1B approval under another lawful status; or

''(cc) surrounding the alien worker's decision to quit or resign the worker's position with the employer.

''(III) Any unused visas associated with petitions withdrawn under subclause (I) that were subject to the cap established under paragraph (1)(A) shall be reassigned to another H–1B petition filed by another employer either in the fiscal year in which the withdrawal was received or in the following fiscal year.

''(IV) Subclause (I) shall not apply to an employer in a fiscal year if—

''(aa)(AA) at least 20 and not more than 49 petitions filed by the employer in a fiscal

year for H–1B visa classification subject to the cap established under paragraph (1)(A) are approved; and

''(BB) the employer withdraws more than 25 percent of the approved H–1B visa petitions subject to the numerical limitation under paragraph (1)(A) that were received by the employer in the fiscal year or the employer withdraws more than 10 percent of such petitions because the alien worker resigned his or her employment with the employer before completing 3 months of employment; or

''(bb)(AA) more than 50 petitions filed by the employer in a fiscal year for H–1B visa classification subject to the cap established under paragraph (1)(A) are approved; and

''(BB) the employer withdraws more than 20 percent of the approved H–1B visa petitions subject to the numerical limitation under paragraph (1)(A) that were received by the employer in the fiscal year or the employer withdraws more than 5 percent of such petitions because the alien worker resigned his or her employment with the employer before completing 3 months of employment.

''(iii)(I) The penalty for a violation of clause (i) shall be—

''(aa) $10,000 for each petition described in such clause that was filed during the first fiscal year that a penalty is imposed; and

''(bb) $25,000 for each such petition that was filed after the first fiscal year that a penalty is imposed.

''(II) A penalty under clause (iii)(I) may not be reimbursed or indemnified by an H–1B nonimmigrant.

''(III) An employer subject to a penalty under clause (i) in any 3 fiscal years shall be barred from filing any petitions for H–1B visas subject to the numerical limitation under paragraph (1)(A) for the fiscal year immediately following the third year of noncompliance.

''(iv) Each employer that has 5 or more approved petitions for H–1B classification subject to the cap established under paragraph (1)(A) shall submit an annual report to the Secretary of Homeland Security that identifies—

''(I) the date on which each such H–1B nonimmigrant approved during the most recent fiscal year began working for the employer in the United States; and

''(II) the total period of employment in the first year of available work authorization for each such H–1B nonimmigrant during the most recent fiscal year.

''(v) Penalties assessed under this subparagraph shall be deposited into the H–1B Nonimmigrant Petitioner Account established under section 286(s).''.

(2) EFFECTIVE DATE.—Section 214(g)(10)(B) of the Immigration and Nationality Act, as added by paragraph (1), shall take effect on the date that is 1 year after the date of the enactment of this Act.

(c) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall identify the number of previously approved visas that—

(1) were the subject of withdrawn petitions under section 214(g)(10)(B)(ii) of the Immigration and Nationality Act, as added by subsection (b); and

(2) are available for reassignment to another employer.

SEC. __12. DEPENDENT H–1B EMPLOYERS; EXEMPT H–1B NONIMMIGRANTS.

Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(1) in paragraph (1)(E)—

(A) in clause (i), by striking ''(as defined in paragraph (4))''; and

(B) by striking clause (ii) and inserting the following:

''(ii) Except as provided in clause (iii), an application described in this clause is an application filed by—

''(I) an H–1B-dependent employer; or

''(II) an employer that has been found under paragraph (2)(C) or (5) to have committed a willful failure or misrepresentation during the 5-year period preceding the filing of the application.

''(iii)(I) Except as provided in subclause (II), an application is not described in clause (ii) if the only H–1B nonimmigrants sought in the application are exempt H–1B nonimmigrants.

''(II) Subclause (I) shall not apply if the employer has more than 50 employees and more than 50 percent of the employer's employees are H–1B nonimmigrants.'';

(2) in paragraph (3)(B)—

(A) by amending clause (i) to read as follows:

''(i) the term 'exempt H–1B nonimmigrant' means an H–1B nonimmigrant who—

''(I) receives wages (including cash bonuses) at an annual rate equal to not less than the higher of—

''(aa) 105 percent of the occupational mean wage, as determined based on Bureau of Labor Statistics data for the geographic area of employment; or

''(bb) $100,000 (or the adjusted amount under clause (iii), if applicable); or

''(II) has attained a doctoral degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States in a specialty related to the intended employment;'';

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) the amount under clause (i)(I)(bb) shall be increased, for the third fiscal year beginning after the date of the enactment of this clause and for every third fiscal year thereafter, by the percentage (if any) by which the Consumer Price Index for the month of June preceding the date on which such increase takes effect exceeds the Consumer Price Index for the same month of the third preceding calendar year.''.

SEC. __13. STRENGTHENING THE PREVAILING WAGE SYSTEM.

Section 212(p)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(4)) is amended by adding at the end the following: ''With regard to the prevailing wage required to be paid under subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) (as added by section 402(b)(2) of Public Law 108–77), the first level of wages shall be not less than the mean of the lowest 50 percent of the wages surveyed.''.

Subtitle B—Employment-based Immigrant Visas

SEC. __21. ELIMINATION OF PER-COUNTRY NUMERICAL LIMITATIONS.

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended to read as follows:

''(2) PER COUNTRY LEVELS FOR FAMILY-SPONSORED IMMIGRANTS.—Subject to paragraphs (3) and (4), the total number of immigrant visas made available to natives of any single foreign state or dependent area under section 203(a) in any fiscal year may not exceed 15 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such section in that fiscal year.''.

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)''; and

(B) by striking paragraph (5); and

(2) by amending subsection (e) to read as follows:

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, the number of visas for natives of that state or area shall be allocated under section 203(a) so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).''.

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking ''subsection (e))'' and inserting ''subsection (d))''; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on October 1, 2017, and shall apply to fiscal years beginning with fiscal year 2018.

SEC. __22. ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT BASED IMMIGRANTS.—

''(1) PETITION.—Any alien, and any eligible dependent of such alien, who has an approved petition for immigrant status, may file an application with the Secretary of Homeland Security for adjustment of status regardless of whether an immigrant visa is immediately available at the time the application is filed.

''(2) SUPPLEMENTAL FEE.—If a visa is not immediately available at the time an application is filed under paragraph (1), the beneficiary of such application shall pay a supplemental fee of $500, which shall be deposited into the H–1B Nonimmigrant Petitioner Account established under section 286(s). This fee shall not be collected from any dependent accompanying or following to join such beneficiary.

''(3) AVAILABILITY.—An application filed under this subsection may not be approved until the date on which an immigrant visa becomes available.''.

SA 1961. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SECURING A SUPPLY OF HIGHLY-SKILLED WORKERS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) by inserting after subparagraph (B) the following:

''(C) has earned a master's or higher degree from a United States institution of higher education (as defined in section 1001(a) of title 20) and whose employer has certified that the employer has filed or will file an Immigrant Petition on behalf of the alien; or''; and

(C) by amending subparagraph (D), as redesignated, to read as follows:

''(D) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and whose employer has not certified that the employer has filed or will file an Immigrant Petition on behalf of the alien, until the number of such aliens who are exempted from such numerical limitations during such year exceeds 20,000.''; and

(2) in paragraph (6)—

(A) by inserting ''(A)'' before ''Any alien''; and

(B) by adding at the end the following:

''(B)(i) The initial period of validity of a nonimmigrant visa issued under section 101(a)(15)(H)(i)(b) to an alien described in paragraph (5)(C) who is exempted from the numerical limitations under paragraph (1)(A) shall be 12 months.

''(ii) The period of validity of a visa described in clause (i) may be extended beyond the initial period described in such clause if the employer provides evidence to the Secretary that—

''(I) the employer has filed, on the alien's behalf, a nonfrivolous Application for Permanent Employment Certification or a nonfrivolous Immigrant Petition; and

''(II) such application or petition has not been denied in a final agency action.''.

SA 1962. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT-BASED NONIMMIGRANT VISAS.

(a) PROHIBITION ON HOARDING H–1B VISAS.—

(1) IN GENERAL.—Section 214(g)(10) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(10)) is amended—

(A) by inserting ''(A)'' before ''The numerical limitations''; and

(B) by adding at the end the following:

''(B)(i) Subject to clause (ii), if 5 or more petitions for H–1B classification subject to the cap established under paragraph (1)(A) filed by an employer in a fiscal year are approved, the employer shall pay a penalty for each such approved petition subject to such cap for which the H–1B beneficiary works in the United States for less than 25 percent of the first year of the beneficiary's approved work authorization period for the employer that initially secured the cap-subject petition approval.

''(ii)(I) Except as provided in subclause (IV), an employer shall not be subject to the penalties set forth in clause (i) if the employer withdraws the petition for an H–1B visa—

''(aa) as a result of an unexpected change in the need for the alien worker;

''(bb) because the alien worker commences employment in the United States for the employer under another lawful status; or

''(cc) because the alien worker quit or resigned the worker's position with the employer.

''(II) An employer withdrawing a petition under subclause (I) shall file with the Secretary a description of the circumstances—

''(aa) resulting in the unexpected change in the need for the alien worker;

''(bb) surrounding the alien worker's commencement of employment in the United States for the employer withdrawing the H–1B approval under another lawful status; or

''(cc) surrounding the alien worker's decision to quit or resign the worker's position with the employer.

''(III) Any unused visas associated with petitions withdrawn under subclause (I) that were subject to the cap established under paragraph (1)(A) shall be reassigned to another H–1B petition filed by another employer either in the fiscal year in which the withdrawal was received or in the following fiscal year.

''(IV) Subclause (I) shall not apply to an employer in a fiscal year if—

''(aa)(AA) at least 20 and not more than 49 petitions filed by the employer in a fiscal year for H–1B visa classification subject to the cap established under paragraph (1)(A) are approved; and

''(BB) the employer withdraws more than 25 percent of the approved H–1B visa petitions subject to the numerical limitation under paragraph (1)(A) that were received by the employer in the fiscal year or the employer withdraws more than 10 percent of such petitions because the alien worker resigned his or her employment with the employer before completing 3 months of employment; or

''(bb)(AA) more than 50 petitions filed by the employer in a fiscal year for H–1B visa classification subject to the cap established under paragraph (1)(A) are approved; and

''(BB) the employer withdraws more than 20 percent of the approved H–1B visa petitions subject to the numerical limitation under paragraph (1)(A) that were received by the employer in the fiscal year or the employer withdraws more than 5 percent of such petitions because the alien worker resigned his or her employment with the employer before completing 3 months of employment.

''(iii)(I) The penalty for a violation of clause (i) shall be—

''(aa) $10,000 for each petition described in such clause that was filed during the first fiscal year that a penalty is imposed; and

''(bb) $25,000 for each such petition that was filed after the first fiscal year that a penalty is imposed.

''(II) A penalty under clause (iii)(I) may not be reimbursed or indemnified by an H–1B nonimmigrant.

''(III) An employer subject to a penalty under clause (i) in any 3 fiscal years shall be barred from filing any petitions for H–1B visas subject to the numerical limitation under paragraph (1)(A) for the fiscal year immediately following the third year of noncompliance.

''(iv) Each employer that has 5 or more approved petitions for H–1B classification subject to the cap established under paragraph (1)(A) shall submit an annual report to the Secretary of Homeland Security that identifies—

''(I) the date on which each such H–1B nonimmigrant approved during the most recent fiscal year began working for the employer in the United States; and

''(II) the total period of employment in the first year of available work authorization for each such H–1B nonimmigrant during the most recent fiscal year.

''(v) Penalties assessed under this subparagraph shall be deposited into the H–1B Nonimmigrant Petitioner Account established under section 286(s).''.

(2) EFFECTIVE DATE.—Section 214(g)(10)(B) of the Immigration and Nationality Act, as added by paragraph (1), shall take effect on the date that is 1 year after the date of the enactment of this Act.

(3) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall identify the number of previously approved visas that—

(A) were the subject of withdrawn petitions under section 214(g)(10)(B)(ii) of the Immigration and Nationality Act, as added by subsection (b); and

(B) are available for reassignment to another employer.

(b) DEPENDENT H–1B EMPLOYERS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(1) in paragraph (1)(E)—

(A) in clause (i), by striking ''(as defined in paragraph (4))''; and

(B) by striking clause (ii) and inserting the following:

''(ii) Except as provided in clause (iii), an application described in this clause is an application filed by—

''(I) an H–1B-dependent employer; or

''(II) an employer that has been found under paragraph (2)(C) or (5) to have committed a willful failure or misrepresentation during the 5-year period preceding the filing of the application.

''(iii)(I) Except as provided in subclause (II), an application is not described in clause (ii) if the only H–1B nonimmigrants sought in the application are exempt H–1B nonimmigrants.

''(II) Subclause (I) shall not apply if the employer has more than 50 employees and more than 50 percent of the employer's employees are H–1B nonimmigrants.'';

(2) in paragraph (3)(B)—

(A) by amending clause (i) to read as follows:

''(i) the term 'exempt H–1B nonimmigrant' means an H–1B nonimmigrant who—

''(I) receives wages (including cash bonuses) at an annual rate equal to not less than the higher of—

''(aa) 105 percent of the occupational mean wage, as determined based on Bureau of Labor Statistics data for the geographic area of employment; or

''(bb) $100,000 (or the adjusted amount under clause (iii), if applicable); or

''(II) has attained a doctoral degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States in a specialty related to the intended employment;'';

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) the amount under clause (i)(I)(bb) shall be increased, for the third fiscal year beginning after the date of the enactment of this clause and for every third fiscal year thereafter, by the percentage (if any) by which the Consumer Price Index for the month of June preceding the date on which such increase takes effect exceeds the Consumer Price Index for the same month of the third preceding calendar year.''.

(c) STRENGTHENING THE PREVAILING WAGE SYSTEM.—Section 212(p)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(4)) is amended by adding at the end the following: ''With regard to the prevailing wage required to be paid under subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II) (as added by section 402(b)(2) of Public Law 108–77), the first level of wages shall be not less than the mean of the lowest 50 percent of the wages surveyed.''.

SA 1963. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PER-COUNTRY NUMERICAL LIMITATIONS AND ADJUSTMENT OF STATUS.

(a) MODIFICATION OF PER-COUNTRY NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended to read as follows:

''(2) PER COUNTRY LEVELS FOR FAMILY-SPONSORED IMMIGRANTS.—Subject to paragraphs (3) and (4), the total number of immigrant visas made available to natives of any single foreign state or dependent area under section 203(a) in any fiscal year may not exceed 15 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such section in that fiscal year.''.

(2) CONFORMING AMENDMENTS.—Section 202 of such Act (8 U.S.C. 1152) is amended—

(A) in subsection (a)—

(i) in paragraph (3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)''; and

(ii) by striking paragraph (5); and

(B) by amending subsection (e) to read as follows:

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, the number of visas for natives of that state or area shall be allocated under section 203(a) so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).''.

(3) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(A) in subsection (a), by striking ''subsection (e))'' and inserting ''subsection (d))''; and

(B) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if enacted on October 1, 2017, and shall apply to fiscal years beginning with fiscal year 2018.

(b) ADJUSTMENT OF STATUS FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) ADJUSTMENT OF STATUS FOR EMPLOYMENT BASED IMMIGRANTS.—

''(1) PETITION.—Any alien, and any eligible dependent of such alien, who has an approved petition for immigrant status, may file an application with the Secretary of Homeland Security for adjustment of status regardless of whether an immigrant visa is immediately available at the time the application is filed.

''(2) SUPPLEMENTAL FEE.—If a visa is not immediately available at the time an application is filed under paragraph (1), the beneficiary of such application shall pay a supplemental fee of $500, which shall be deposited into the H–1B Nonimmigrant Petitioner Account established under section 286(s). This fee shall not be collected from any dependent accompanying or following to join such beneficiary.

''(3) AVAILABILITY.—An application filed under this subsection may not be approved until the date on which an immigrant visa becomes available.''.

SA 1964. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT AND TRAINING OPPORTUNITIES FOR HIGHLY-SKILLED NONIMMIGRANTS.

(a) EMPLOYMENT AUTHORIZATION FOR DEPENDENTS OF H–1B NONIMMIGRANTS.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (2), by adding at the end the following:

''(G)(i) If the principal alien has a pending or approved Application for Permanent Employment Certification or a pending or approved Immigrant Petition, the Secretary of Homeland Security shall—

''(I) authorize the alien spouse of such principal alien admitted under section 101(a)(15)(H)(i)(b) who is accompanying or following to join the principal alien to engage in employment in the United States; and

''(II) provide the spouse with an 'employment authorized' endorsement or other appropriate work permit.

''(ii) The employer of an alien spouse described in clause (i)(I) shall attest to the Secretary of Homeland Security that the employer is offering and will offer to the alien spouse, during the period of authorized employment, not less than the greater of—

''(I) the actual wage level paid by the employer for the specific employment in question to all other individuals with similar experiences and qualifications; or

''(II) the prevailing wage level for the occupational classification in the area of employment, reflecting the education, experience, and level of supervision required for the job to be performed by the alien spouse, based on the best information available at the time the alien spouse is hired.''.

(b) ELIMINATING IMPEDIMENTS TO WORKER MOBILITY.—

(1) EFFECT OF NEW JOB SITE.—Section 214(c)(10) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(10)) is amended to read as follows:

''(10) An amended H–1B petition shall not be required if—

''(A) the petitioning employer is involved in a corporate restructuring, including a merger, acquisition, or consolidation;

''(B) a new corporate entity succeeds to the interests and obligations of the original petitioning employer and the terms and conditions of employment remain the same except for the identity of the petitioner; or

''(C) the nonimmigrant worker begins working at a new place of employment for which the petitioner has secured a valid, certified Labor Condition Application before the nonimmigrant worker began working at such place of employment.''.

(2) DEFERENCE TO PRIOR APPROVALS.—Section 214(c) of the Immigration and Nationality Act, as amended by paragraph (1) and subsection (a), is further amended by adding at the end the following:

''(15) If the Secretary of Homeland Security or the Secretary of State approves a visa, petition, or application for admission on behalf of an alien described in subparagraph (H)(i)(b) or (L) of section 101(a)(15), the Secretary of Homeland Security or the Secretary of State may not deny a subsequent petition, visa, or application for admission involving the same employer and alien unless the applicant is provided with a written finding that explains the basis for the Government's determination that—

''(A) there was a material error with regard to the approval of the previous petition, visa, or application for admission;

''(B) a substantial change in circumstances has taken place since the prior approval or admission that renders the nonimmigrant ineligible for such status under this Act; or

''(C) new material information has been discovered that adversely impacts the eligibility of the employer or the nonimmigrant.''.

(3) EFFECT OF ENDING EMPLOYMENT RELATIONSHIP.—Section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)) is amended by adding at the end the following:

''(3) A nonimmigrant admitted under section 101(a)(15)(H)(i)(b) whose employment relationship ends (either voluntarily or involuntarily) before the expiration of the nonimmigrant's period of authorized admission shall be deemed to have retained such legal status throughout the 60-day period beginning on such employment ending date if an employer files a petition to extend, change, or adjust the status of the nonimmigrant during such period.''.

(c) PRACTICAL TRAINING FOR F–1 NONIMMIGRANTS.—

(1) DEFINED TERM.—Section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) is amended—

(A) by inserting ''including post-completion on-the-job training related to the same course of study,'' after ''for the purpose of pursuing such a course of study''; and

(B) by striking ''consistent with section 214(l)'' and inserting ''consistent with section 214(m)''.

(2) OPTIONAL PRACTICAL TRAINING.—Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m)) is amended by adding at the end the following:

''(3)(A) An alien who obtains the status of a nonimmigrant under clause (i) or (iii) of section 101(a)(F) may complete a course of study by engaging in optional post-completion practical training to gain experience directly related to the course of study if the participating employer—

''(i) confirms to the university that the employer is compensating the nonimmigrant as similarly situated United States workers; and

''(ii) documents to the university that the nonimmigrant's assignments will provide experiential learning to further the nonimmigrant's knowledge of the major field in the course of study.

''(B) Optional post-completion practical training under this paragraph is only available once at each degree level, and only if the United States university awarding the degree was accredited at the time such degree was awarded in the United States.

''(C)(i) Except as provided in clause (ii), optional post-completion practical training is available for a period of not more than 12 months, which shall begin not later than 60 days after the alien's graduation from the university.

''(ii) Nonimmigrants described in clause (i) or (iii) of section 101(a)(F) may extend optional practical training under this paragraph for a period of not more than an additional 24 months if—

''(I) such training immediately follows the completion of a degree in a field of science, technology, engineering, or mathematics; and

''(II) such extension is requested before the expiration of the 12-month period described in clause (i).''.

SA 1965. Mr. PAUL submitted an amendment intended to be proposed by

him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FAIRNESS FOR HIGH-SKILLED IMMIGRANTS.

(a) SHORT TITLE.—This section may be cited as the ''Fairness for High-Skilled Immigrants Act of 2018''.

(b) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended to read as follows:

''(2) PER COUNTRY LEVELS FOR FAMILY-SPONSORED IMMIGRANTS.—Subject to paragraphs (3) and (4), the total number of immigrant visas made available to natives of any single foreign state or dependent area under section 203(a) in any fiscal year may not exceed 15 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such section in that fiscal year.''.

(c) CONFORMING AMENDMENTS.—Section 202 of such Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)''; and

(B) by striking paragraph (5); and

(2) by amending subsection (e) to read as follows:

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, immigrant visas shall be allotted to such natives under section 203(a) (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visas made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total visas made available under the respective paragraph to the total visas made available under section 203(a).''.

(d) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking ''(as defined in subsection (e))'';

(2) by striking subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on September 30, 2018, and shall apply to fiscal year 2019 and to each subsequent fiscal year.

(f) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2019, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that was not 1 of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2015 under such paragraphs.

(B) For fiscal year 2020, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not 1 of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2016 under such paragraphs.

(C) For fiscal year 2021, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not 1 of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2017 under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—The number of visas reserved under each of subparagraphs (A) through (C) of paragraph (1) made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—Not more than 85 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of the fiscal years 2017, 2018, and 2019, may be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2017, 2018, or 2019, the application of paragraphs (1) and (2) would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2).

(4) RULES FOR CHARGEABILITY.—Section 202(b) of the Immigration and Nationality Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

SA 1966. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—LEGAL IMMIGRATION REFORM

Subtitle A—Immigrant Visa Allocations and Priorities

SEC. 1101. FAMILY-SPONSORED IMMIGRATION PRIORITIES.

(a) IMMEDIATE RELATIVE REDEFINED.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (b)(2)(A)—

(A) in clause (i), by striking ''children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.'' and inserting ''children and spouse of a citizen of the United States.''; and

(B) in clause (ii), by striking ''such an immediate relative'' and inserting ''the immediate relative spouse of a United States citizen'';

(2) by amending subsection (c) to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—(1) The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 87,934 minus the number computed under paragraph (2).

''(2) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year who—

''(A) did not depart from the United States (without advance parole) within 365 days; and

''(B)(i) did not acquire the status of an alien lawfully admitted to the United States for permanent residence during the two preceding fiscal years; or

''(ii) acquired such status during such period under a provision of law (other than subsection (b)) that exempts adjustment to such status from the numerical limitation on the worldwide level of immigration under this section.''; and

(3) in subsection (f)—

(A) in paragraph (2), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by striking ''(1) through (3)'' and inserting ''(1) and (2)''.

(b) FAMILY-BASED VISA PREFERENCES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) SPOUSES AND MINOR CHILDREN OF PERMANENT RESIDENT ALIENS.—Family-sponsored immigrants described in this subsection are qualified immigrants who are the spouse or a child of an alien lawfully admitted for permanent residence and shall be allocated visas in accordance with the number computed under section 201(c).''.

(c) AGING OUT.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(1) by striking ''(a)(2)(A)'' each place such term appears and inserting ''(a)(2)'';

(2) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsections (a)(2) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which a petition is filed with the Secretary of Homeland Security.'';

(3) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(4) by inserting after paragraph (1) the following:

''(2) LIMITATION.—Notwithstanding the age of an alien on the date on which a petition is filed, an alien who marries or attains 25 years of age before being issued a visa pursuant to subsection (a)(2) or (d), no longer satisfies the age requirement described in paragraph (1).''; and

(5) in paragraph (5), as redesignated, by striking ''(3)'' and inserting ''(4)''.

(d) CONFORMING AMENDMENTS.—

(1) DEFINITION OF V NONIMMIGRANT.—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended by striking ''section 203(a)(2)(A)'' each place such term appears and inserting ''section 203(a)''.

(2) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of such Act (8 U.S.C. 1152) is amended—

(A) in subsection (a)(4)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) 75 PERCENT OF FAMILY-SPONSORED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION.—Of the visa numbers made available under section 203(a) in any fiscal year, 75 percent shall be issued without regard to the numerical limitation under paragraph (2).

''(B) TREATMENT OF REMAINING 25 PERCENT FOR COUNTRIES SUBJECT TO SUBSECTION (e).—

''(i) IN GENERAL.—Of the visa numbers made available under section 203(a) in any fiscal year, 25 percent shall be available, in the case of a foreign state or dependent area that is subject to subsection (e) only to the extent that the total number of visas issued in accordance with subparagraph (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling.

''(ii) SUBSECTION (e) CEILING DEFINED.—In clause (i), the term 'subsection (e) ceiling' means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area, consistent with subsection (e).''; and

(ii) by striking subparagraphs (C) and (D); and

(B) in subsection (e)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) by striking paragraph (2);

(iii) by redesignating paragraph (3) as paragraph (2); and

(iv) in the undesignated matter after paragraph (2), as redesignated, by striking '', respectively,'' and all that follows and inserting a period.

(3) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking ''to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or'';

(ii) in subparagraph (B)—

(I) in clause (i), by redesignating the second subclause (I) as subclause (II); and

(II) by striking ''203(a)(2)(A)'' each place such terms appear and inserting ''203(a)''; and

(iii) in subparagraph (D)(i)(I), by striking ''a petitioner'' and all that follows through ''section 204(a)(1)(B)(iii).'' and inserting ''an individual younger than 21 years of age for purposes of adjudicating such petition and for purposes of admission as an immediate relative under section 201(b)(2)(A)(i) or a family-sponsored immigrant under section 203(a), as appropriate, notwithstanding the actual age of the individual.'';

(B) in subsection (f)(1), by striking '', 203(a)(1), or 203(a)(3), as appropriate''; and

(C) by striking subsection (k).

(4) WAIVERS OF INADMISSIBILITY.—Section 212 of such Act (8 U.S.C. 1182) is amended—

(A) in subsection (a)(6)(E)(ii), by striking ''section 203(a)(2)'' and inserting ''section 203(a)''; and

(B) in subsection (d)(11), by striking ''(other than paragraph (4) thereof)''.

(5) EMPLOYMENT OF V NONIMMIGRANTS.—Section 214(q)(1)(B)(i) of such Act (8 U.S.C. 1184(q)(1)(B)(i)) is amended by striking ''section 203(a)(2)(A)'' each place such term appears and inserting ''section 203(a)''.

(6) DEFINITION OF ALIEN SPOUSE.—Section 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C)) is amended by striking ''section 203(a)(2)'' and inserting ''section 203(a)''.

(7) CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(1)(E)(ii) of such Act (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking ''section 203(a)(2)'' and inserting ''section 203(a)''.

(e) CREATION OF NONIMMIGRANT CLASSIFICATION FOR ALIEN PARENTS OF ADULT UNITED STATES CITIZENS.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semicolon;

(B) in subparagraph (U)(iii), by striking ''or'' at the end;

(C) in subparagraph (V)(ii)(II), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(W) Subject to section 214(s), an alien who is a parent of a citizen of the United States, if the citizen—

''(i) is at least 21 years of age; and

''(ii) has never received contingent nonimmigrant status under title IV of the Securing America's Future Act of 2018.''.

(2) CONDITIONS ON ADMISSION.—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s)(1) The initial period of authorized admission for a nonimmigrant described in section 101(a)(15)(W) shall be 5 years, but may be extended by the Secretary of Homeland Security for additional 5-year periods if the United States citizen son or daughter of the nonimmigrant is still residing in the United States.

''(2) A nonimmigrant described in section 101(a)(15)(W)—

''(A) is not authorized to be employed in the United States; and

''(B) is not eligible for any Federal, State, or local public benefit.

''(3) Regardless of the resources of a nonimmigrant described in section 101(a)(15)(W), the United States citizen son or daughter who sponsored the nonimmigrant parent shall be responsible for the nonimmigrant's support while the nonimmigrant resides in the United States.

''(4) An alien is ineligible to receive a visa or to be admitted into the United States as a nonimmigrant described in section 101(a)(15)(W) unless the alien provides satisfactory proof that the United States citizen son or daughter has arranged for health insurance coverage for the alien, at no cost to the alien, during the anticipated period of the alien's residence in the United States.''.

(f) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

(2) INVALIDITY OF CERTAIN PETITIONS AND APPLICATIONS.—

(A) IN GENERAL.—No person may file, and the Secretary of Homeland Security and the Secretary of State may not accept, adjudicate, or approve any petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed on or after the date of enactment of this Act seeking classification of an alien under section 201(b)(2)(A)(i) of such Act (8 U.S.C. 1151(b)(2)(A)(i)) with respect to a parent of a United States citizen, or under paragraph (1), (2)(B), (3) or (4) of section 203(a) of such Act (8 U.S.C. 1153(a)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid.

(B) PENDING PETITIONS.—Neither the Secretary of Homeland Security nor the Secretary of State may adjudicate or approve any petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending as of the date of enactment of this Act seeking classification of an alien under section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) with respect to a parent of a United States citizen, or under paragraph (1), (2)(B), (3) or (4) of section 203(a) of such Act (8 U.S.C. 1153(a)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid.

(3) APPLICABILITY TO WAITLISTED APPLICANTS.—

(A) IN GENERAL.—Notwithstanding the amendments made by this section, an alien with regard to whom a petition or application for status under paragraph (1), (2)(B), (3) or (4) of section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as in effect on September 30, 2018, was approved prior to the date of the enactment of this Act, may be issued a visa pursuant to that paragraph in accordance with the availability of visas under subparagraph (B).

(B) AVAILABILITY OF VISAS.—Visas may be issued to beneficiaries of approved petitions under each category described in subparagraph (A), but only until such time as the number of visas that would have been allocated to that category in fiscal year 2019, notwithstanding the amendments made by this section, have been issued. When the number of visas described in the previous sentence have been issued for each category described in subparagraph (A), no additional visas may be issued for that category.

SEC. 1102. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by striking subsection (c).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) in section 101(a)(15)(V), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(B) in section 201—

(i) in subsection (a)—

(I) in paragraph (1), by adding ''and'' at the end; and

(II) by striking paragraph (3); and

(ii) by striking subsection (e);

(C) in section 203—

(i) in subsection (b)(2)(B)(ii)(IV), by striking ''section 203(b)(2)(B)'' each place such term appears and inserting ''clause (i)'';

(ii) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively;

(iii) in subsection (c), as redesignated, by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)'';

(iv) in subsection (d), as redesignated—

(I) by striking paragraph (2); and

(II) by redesignating paragraph (3) as paragraph (2);

(v) in subsection (e), as redesignated, by striking ''subsection (a), (b), or (c) of this section'' and inserting ''subsection (a) or (b)'';

(vi) in subsection (f), as redesignated, by striking ''subsections (a), (b), and (c)'' and inserting ''subsections (a) and (b)''; and

(vii) in subsection (g), as redesignated—

(I) by striking ''(d)'' each place such term appears and inserting ''(c)''; and

(II) in paragraph (2)(B), by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)'';

(D) in section 204—

(i) in subsection (a)(1), by striking subparagraph (I);

(ii) in subsection (e), by striking ''subsection (a), (b), or (c) of section 203'' and inserting ''subsection (a) or (b) of section 203''; and

(iii) in subsection (l)(2)—

(I) in subparagraph (B), by striking ''section 203 (a) or (d)'' and inserting ''subsection (a) or (c) of section 203''; and

(II) in subparagraph (C), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(E) in section 214(q)(1)(B)(i), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(F) in section 216(h)(1), in the undesignated matter following subparagraph (C), by striking ''section 203(d)'' and inserting ''section 203(c)''; and

(G) in section 245(i)(1)(B), by striking ''section 203(d)'' and inserting ''section 203(c)''.

(2) IMMIGRANT INVESTOR PILOT PROGRAM.—Section 610(d) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (Public Law 102–395) is amended by striking ''section 203(e) of such Act (8 U.S.C. 1153(e))'' and inserting ''section 203(d) of such Act (8 U.S.C. 1153(d))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning on or after the date of the enactment of this Act.

SEC. 1103. EMPLOYMENT-BASED IMMIGRATION PRIORITIES.

(a) INCREASE IN VISAS FOR SKILLED WORKERS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 201(d)(1)(A), by striking ''140,000'' and inserting ''195,000''; and

(2) in section 203(b)—

(A) in paragraph (1), by striking ''28.6 percent of such worldwide level'' and inserting ''58,374'';

(B) in paragraphs (2) and (3), by striking ''28.6 percent of such worldwide level'' each place it appears and inserting ''58,373''; and

(C) by striking ''7.1 percent of such worldwide level'' each place it appears and inserting ''9,940''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2019 and shall apply to visas made available in fiscal year 2019 and subsequent fiscal years.

SEC. 1104. WAIVER OF RIGHTS BY B VISA NONIMMIGRANTS.

Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended by inserting '', and who has waived any right to review or appeal of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or to contest, other than on the basis of an application for asylum, any action for removal of the alien'' before the semicolon at the end.

Subtitle B—Visa Security

SEC. 1201. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the

country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any visa issued before, on, or after such date.

SEC. 1202. VISA INFORMATION SHARING.

(a) IN GENERAL.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)(2)) is amended—

(1) by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation'';

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''and on the basis of reciprocity'' and all that follows and inserting the following ''may provide to a foreign government information in a Department of State computerized visa database and, when necessary and appropriate, other records covered by this section related to information in such database—'';

(3) in paragraph (2)(A)—

(A) by inserting at the beginning ''on the basis of reciprocity,'';

(B) by inserting ''(i)'' after ''for the purpose of''; and

(C) by striking ''illicit weapons; or'' and inserting ''illicit weapons, or (ii) determining a person's deportability or eligibility for a visa, admission, or other immigration benefit;'';

(4) in paragraph (2)(B)—

(A) by inserting at the beginning ''on the basis of reciprocity,'';

(B) by striking ''in the database'' and inserting ''such database'';

(C) by striking ''for the purposes'' and inserting ''for one of the purposes''; and

(D) by striking ''or to deny visas to persons who would be inadmissible to the United States.'' and inserting ''; or''; and

(5) in paragraph (2), by adding at the end the following:

''(C) with regard to any or all aliens in the database specified data elements from each record, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

SEC. 1203. RESTRICTING WAIVER OF VISA INTERVIEWS.

Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)(B)) is amended—

(1) in paragraph (1)(C), by inserting '', in consultation with the Secretary of Homeland Security,'' after ''if the Secretary'';

(2) in paragraph (1)(C)(i), by inserting '', where such national interest shall not include facilitation of travel of foreign nationals to the United States, reduction of visa application processing times, or the allocation of consular resources'' before the semicolon at the end; and

(3) in paragraph (2)—

(A) by striking ''or'' at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting ''; or''; and

(C) by adding at the end the following:

''(G) is an individual—

''(i) determined to be in a class of aliens determined by the Secretary of Homeland Security to be threats to national security;

''(ii) identified by the Secretary of Homeland Security as a person of concern; or

''(iii) applying for a visa in a visa category with respect to which the Secretary of Homeland Security has determined that a waiver of the visa interview would create a high risk of degradation of visa program integrity.''.

SEC. 1204. AUTHORIZING THE DEPARTMENT OF STATE TO NOT INTERVIEW CERTAIN INELIGIBLE VISA APPLICANTS.

(a) IN GENERAL.—Section 222(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)) is amended by inserting ''the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application or'' after ''unless''.

(b) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall issue guidance to consular officers on the standards and processes for implementing the authority to deny visa applications without interview in cases where the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application.

(c) REPORTS.—Not less frequently than quarterly, the Secretary of State shall submit a report to Congress regarding the denial of visa applications without interview, including—

(1) the number of such denials; and

(2) a post-by-post breakdown of such denials.

SEC. 1205. VISA REFUSAL AND REVOCATION.

(a) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND THE SECRETARY OF STATE.—

(1) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

''(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

''(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except as provided in subsection (c) and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary—

''(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in connection with the granting and refusal of a visa; and

''(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary, or designee, determines that such refusal or revocation is necessary or advisable in the security or foreign policy interests of the United States.

''(2) EFFECT OF REVOCATION.—The revocation of any visa under paragraph (1)(B)—

''(A) shall take effect immediately; and

''(B) shall automatically cancel any other valid visa that is in the alien's possession.

''(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a decision by the Secretary of Homeland Security to refuse or revoke a visa, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a refusal or revocation.

''(c) AUTHORITY OF THE SECRETARY OF STATE.—

''(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse a visa requested by an alien if the Secretary of State determines such refusal to be necessary or advisable in the security or foreign policy interests of the United States.

''(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary of Homeland Security under subsection (b).''.

(2) AUTHORITY OF THE SECRETARY OF STATE.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''subsection, except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B).'' and inserting ''subsection.''.

(3) CONFORMING AMENDMENT.—Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking ''under section 221(i)''.

(4) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to visa refusals and revocations occurring before, on, or after such date.

(b) TECHNICAL CORRECTIONS TO THE HOMELAND SECURITY ACT.—Section 428(a) of the Homeland Security Act of 2002 (6 U.S.C. 236(a)) is amended—

(1) by striking ''subsection'' and inserting ''section''; and

(2) by striking ''consular office'' and inserting ''consular officer''.

SEC. 1206. PETITION AND APPLICATION PROCESSING FOR VISAS AND IMMIGRATION BENEFITS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 211 the following:

''SEC. 211A. PETITION AND APPLICATION PROCESSING.

''(a) SIGNATURE REQUIREMENT.—

''(1) IN GENERAL.—No petition or application filed with the Secretary of Homeland Security or with a consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant may be approved unless the petition or application is signed by each party required to sign such petition or application.

''(2) APPLICATIONS FOR IMMIGRANT VISAS.—Except as may be otherwise prescribed by regulations, each application for an immigrant visa shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer.

''(b) COMPLETION REQUIREMENT.—No petition or application filed with the Secretary of Homeland Security or with a consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant may be approved unless each applicable portion of the petition or application has been completed.

''(c) TRANSLATION REQUIREMENT.—No document submitted in support of a petition or application for a nonimmigrant or immigrant visa may be accepted by a consular officer if such document contains information in a foreign language, unless such document is accompanied by a full English translation, which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

''(d) REQUESTS FOR ADDITIONAL INFORMATION.—If the Secretary of Homeland Security or a consular officer requests any additional information relating to a petition or application filed with the Secretary or consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant, such petition or application may not be approved unless all of the additional information requested—

''(1) is provided on or before any reasonably established deadline included in the request; or

''(2) is shown to have been previously provided, in complete form.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 211 the following:

''Sec. 211A. Petition and application processing.''.

(c) APPLICATION.—The amendments made by this section shall apply with respect to applications and petitions filed after the date of the enactment of this Act.

SEC. 1207. FRAUD PREVENTION.

(a) PROSPECTIVE ANALYTICS TECHNOLOGY.—

(1) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a plan to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives for the use of advanced analytics software to ensure the proactive detection of fraud in immigration benefits applications and petitions and to ensure that any such applicant or petitioner does not pose a threat to national security.

(2) IMPLEMENTATION OF PLAN.—Not later than 1 year after the date of the submission of the plan under paragraph (1), the Secretary of Homeland Security shall begin implementing the plan.

(b) BENEFITS FRAUD ASSESSMENT.—

(1) IN GENERAL.—Not later than September 30, 2021, the Secretary of Homeland Security, acting through the Fraud Detection and Nationality Security Directorate, shall complete a benefit fraud assessment on—

(A) petitions by VAWA self-petitioners (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51));

(B) applications or petitions for visas or status under section 101(a)(15)(K) of such Act or under section 201(b)(2) of such Act (8 U.S.C. 1151(b)(2), in the case of spouses;

(C) applications for visas or status under section 101(a)(27)(J) of such Act;

(D) applications for visas or status under section 101(a)(15)(U) of such Act;

(E) petitions for visas or status under section 101(a)(27)(C) of such Act;

(F) applications for asylum under section 208 of such Act (8 U.S.C. 1158);

(G) applications for adjustment of status under section 209 of such Act (8 U.S.C. 1159); and

(H) petitions for visas or status under section 201(b) of such Act (8 U.S.C. 1151(b)).

(2) REPORTING ON FINDINGS.—Not later than 30 days after the completion of each benefit fraud assessment under paragraph (1), the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of such assessment; and

(B) recommendations for reducing instances of fraud identified by the assessment.

SEC. 1208. VISA INELIGIBILITY FOR SPOUSES AND CHILDREN OF DRUG TRAFFICKERS.

Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking ''is the spouse, son, or daughter'' and inserting ''is or has been the spouse, son, or daughter''; and

(2) in subparagraph (H)(ii), by striking ''is the spouse, son, or daughter'' and inserting ''is or has been the spouse, son, or daughter''.

SEC. 1209. DNA TESTING.

Section 222(b) of the Immigration and Nationality Act (8 U.S.C. 1202(b)) is amended by inserting ''If the consular officer or immigration official considers that DNA evidence is necessary to establish a family relationship, the immigrant shall provide DNA evidence of such a relationship in accordance with procedures established for submitting such evidence. The Secretary of Homeland Security, in consultation with the Secretary of State, may issue regulations to require DNA evidence from applicants for certain visa classifications to establish family relationships.'' after ''by the consular officer.''.

SEC. 1210. ACCESS TO NCIC CRIMINAL HISTORY DATABASE FOR DIPLOMATIC VISAS.

Subsection (a) of article V of section 217 of the National Criminal History Access and Child Protection Act (34 U.S.C. 40316(V)(a)) is amended by inserting '', except for diplomatic visa applications for which only full biographical information is required'' before the period at the end.

SEC. 1211. ELIMINATION OF SIGNED PHOTOGRAPH REQUIREMENT FOR VISA APPLICATIONS.

Section 221(b) of the Immigration and Nationality Act (8 U.S.C. 1201(b)) is amended by striking the first sentence and insert the following: ''Each alien who applies for a visa shall be registered in connection with his or her application and shall furnish copies of his or her photograph for such use as may be required by regulation.''.

SEC. 1212. ADDITIONAL FRAUD DETECTION AND PREVENTION.

Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''at United States embassies and consulates abroad'';

(2) by amending clause (i) to read as follows:

''(i) to increase the number of diplomatic security personnel assigned exclusively or primarily to the function of preventing and detecting visa fraud;''; and

(3) in clause (ii), by striking '', including primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15)''.

TITLE II—INTERIOR IMMIGRATION ENFORCEMENT

Subtitle A—New Illegal Deduction Eliminations

SEC. 2101. CLARIFICATION THAT WAGES PAID TO UNAUTHORIZED ALIENS MAY NOT BE DEDUCTED FROM GROSS INCOME.

(a) IN GENERAL.—Subsection (c) of section 162 of the Internal Revenue Code of 1986 (relating to illegal bribes, kickbacks, and other payments) is amended by adding at the end the following new paragraph:

''(4) WAGES PAID TO OR ON BEHALF OF UNAUTHORIZED ALIENS.—

''(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for any wage paid to or on behalf of an unauthorized alien, as defined under section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

''(B) WAGES.—For the purposes of this paragraph, the term 'wages' means all remuneration for employment, including the cash value of all remuneration (including benefits) paid in any medium other than cash.

''(C) SAFE HARBOR.—If a person or other entity is participating in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) and obtains confirmation of identity and employment eligibility in compliance with the terms and conditions of the program with respect to the hiring (or recruitment or referral) of an employee, subparagraph (A) shall not apply with respect to wages paid to such employee.

''(D) BURDEN OF PROOF.—In the case of any examination of a return in connection with a deduction under this section by reason of this paragraph, the Secretary shall bear the burden of proving that wages were paid to or on behalf of an unauthorized alien.

''(E) LIMITATION ON TAXPAYER AUDIT.—The Secretary may not commence an audit or other investigation of a taxpayer solely on the basis of a deduction taken under this section by reason of this paragraph.''.

(b) SIX-YEAR LIMITATION ON ASSESSMENT AND COLLECTION.—Subsection (c) of section 6501 of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new paragraph:

''(12) DEDUCTION CLAIMED FOR WAGES PAID TO UNAUTHORIZED ALIENS.—In the case of a return of tax on which a deduction is shown in violation of section 162(c)(4), any tax under chapter 1 may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.''.

(c) USE OF DOCUMENTATION FOR ENFORCEMENT PURPOSES.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subparagraph (b)(5), by inserting '', section 162(c)(4) of the Internal Revenue Code of 1986,'' after ''enforcement of this Act'';

(2) in subparagraph (d)(2)(F), by inserting '', section 162(c)(4) of the Internal Revenue Code of 1986,'' after ''enforcement of this Act''; and

(3) in subparagraph (d)(2)(G), by inserting ''section 162(c)(4) of the Internal Revenue Code of 1986 or'' after ''or enforcement of''.

(d) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Commissioner of Social Security, the Secretary of the Department of Homeland Security, and the Secretary of the Treasury, shall jointly establish a program to share information among such agencies that may or could lead to the identification of unauthorized aliens (as defined under section 274A(h)(3) of the Immigration and Nationality Act), including any no-match letter, any information in the earnings suspense file, and any information in the investigation and enforcement of section 162(c)(4) of the Internal Revenue Code of 1986.

(2) DISCLOSURE BY SECRETARY OF THE TREASURY.—

(A) IN GENERAL.—Subsection (i) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) PAYMENT OF WAGES TO UNAUTHORIZED ALIENS.—Upon request from the Commissioner of the Social Security Administration or the Secretary of the Department of Homeland Security, the Secretary shall disclose to officers and employees of such Administration or Department—

''(A) taxpayer identity information of employers who paid wages with respect to which a deduction was not allowed by reason of section 162(c)(4), and

''(B) taxpayer identity information of individuals to whom such wages were paid,

for purposes of carrying out any enforcement activities of such Administration or Department with respect to such employers or individuals.''.

(B) RECORDKEEPING.—Paragraph (4) of section 6103(p) of such Code is amended—

(i) by striking ''(5), or (7)'' in the matter preceding subparagraph (A) and inserting ''(5), (7), or (9)'', and

(ii) by striking ''(5) or (7)'' in subparagraph (F)(ii) and inserting ''(5), (7), or (9)''.

(e) EFFECTIVE DATE.—

(1) Except as provided in paragraph (2), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2017.

SEC. 2102. MODIFICATION OF E-VERIFY PROGRAM.

(a) MAKING PERMANENT.—Subsection (b) of section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking the last sentence.

(b) APPLICATION TO CURRENT EMPLOYEES.—

(1) VOLUNTARY ELECTION.—The first sentence of section 402(a) of such Act is amended to read as follows: ''Any person or other entity that conducts any hiring (or recruitment or referral) in a State or employs any individuals in a State may elect to participate in the E-Verify Program.''.

(2) BENEFIT OF REBUTTABLE PRESUMPTION.—Paragraph (1) of section 402(b) of such Act is amended by adding at the end the following: ''If a person or other entity is participating in the E-Verify Program and obtains confirmation of identity and employment eligibility in compliance with the terms and conditions of the program with respect to individuals employed by the person or entity, the person or entity has established a rebuttable presumption that the person or entity has not violated section 274A(a)(2) with respect to such individuals.''.

(3) SCOPE OF ELECTION.—Subparagraph (A) of section 402(c)(2) of such Act is amended to read as follows:

''(A) IN GENERAL.—Any electing person or other entity may provide that the election under subsection (a) shall apply (during the period in which the election is in effect)—

''(i) to all its hiring (and all recruitment or referral);

''(ii) to all its hiring (and all recruitment or referral and all individuals employed by the person or entity);

''(iii) to all its hiring (and all recruitment or referral) in one or more States or one or more places of hiring (or recruitment or referral, as the case may be); or

''(iv) to all its hiring (and all recruitment or referral and all individuals employed by the person or entity) in one or more States or one or more place of hiring (or recruitment or referral or employment, as the case may be).''.

(4) PROCEDURES FOR PARTICIPANTS IN E-VERIFY PROGRAM.—Subsection (a) of section 403 of such Act is amended—

(A) in the matter preceding paragraph (1), by inserting ''or continued employment in the United States'' after ''United States''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking all that follows ''(as specified by the Secretary of Homeland Security)'' and inserting ''after the date of the hiring, or recruitment or referral, in the case of inquiries made pursuant to a hiring, recruitment or referral (and not of previously hired individuals).''; and

(ii) in subparagraph (B), by striking ''such 3 working days'' and inserting ''the specified period''.

(c) APPLICATION TO JOB APPLICANTS.—Section 402(c)(2) of such Act is amended by adding at the end the following:

''(C) JOB OFFER MAY BE MADE CONDITIONAL ON FINAL CONFIRMATION BY E-VERIFY.—A person or other entity that elects to participate in the E-Verify Program may offer a prospective employee an employment position conditioned on final verification of the identity and employment eligibility of the employee using the employment eligibility confirmation system established under section 404.''.

Subtitle B—Sanctuary Cities and State and Local Law Enforcement Cooperation

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the ''No Sanctuary for Criminals Act''.

SEC. 2202. STATE NONCOMPLIANCE WITH ENFORCEMENT OF IMMIGRATION LAW.

(a) IN GENERAL.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, and no individual, may prohibit or in any way restrict, a Federal, State, or local government entity, official, or other personnel from complying with the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))), or from assisting or cooperating with Federal law enforcement entities, officials, or other personnel regarding the enforcement of these laws.

''(b) LAW ENFORCEMENT ACTIVITIES.—Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, and no individual, may prohibit, or in any way restrict, a Federal, State, or local government entity, official, or other personnel from undertaking any of the following law enforcement activities relating to information regarding the citizenship or immigration status, the inadmissibility, the deportability, or the custody status, of any individual:

''(1) Making inquiries to any individual in order to obtain such information regarding such individual or any other individuals.

''(2) Notifying the Federal Government regarding the presence of individuals who are encountered by law enforcement officials or other personnel of a State or political subdivision of a State.

''(3) Complying with requests for such information from Federal law enforcement entities, officials, or other personnel.'';

(2) in subsection (c), by striking ''Immigration and Naturalization Service'' and inserting ''Department of Homeland Security''; and

(3) by adding at the end the following:

''(d) COMPLIANCE.—

''(1) ELIGIBILITY FOR CERTAIN GRANT PROGRAMS.—A State, or a political subdivision of a State, that is not in compliance with subsection (a) or (b) is not eligible to receive—

''(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), the 'Cops on the Beat' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381 et seq.), or the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.); or

''(B) any other grant administered by the Department of Justice that is substantially related to law enforcement (including enforcement of the immigration laws), immigration, enforcement of the immigration laws, or naturalization or administered by the Department of Homeland Security that is substantially related to immigration, the enforcement of the immigration laws, or naturalization.

''(2) TRANSFER OF CUSTODY OF ALIENS PENDING REMOVAL PROCEEDINGS.—The Secretary, at the Secretary's discretion, may decline to transfer an alien in the custody of the Department of Homeland Security to a State or political subdivision of a State that is not in compliance with subsection (a) or (b), regardless of whether the State or political subdivision of the State has issued a writ or warrant.

''(3) TRANSFER OF CUSTODY OF CERTAIN ALIENS PROHIBITED.—The Secretary may not transfer an alien with a final order of removal pursuant to paragraph (1)(A) or (5) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) to a State or a political subdivision of a State that is not in compliance with subsection (a) or (b).

''(4) ANNUAL DETERMINATION.—The Secretary shall—

''(A) determine, for each calendar year, which States or political subdivisions of a State are not in compliance with subsection (a) or (b); and

''(B) report such determinations to Congress not later than March 1 of the succeeding calendar year.

''(5) NONCOMPLIANCE REPORTS.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall issue a report concerning the compliance with subsections (a) and (b) of any particular State or political subdivision of a State at the request of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives.

''(B) TERM OF INELIGIBILITY.—Any jurisdiction that is not in compliance with subsection (a) or (b) shall be ineligible to receive the Federal financial assistance described in paragraph (1) for at least 1 year.

''(C) CERTIFICATION.—Any jurisdiction subject to paragraph (1) is not eligible to receive the Federal financial assistance described in such paragraph until after the Secretary of Homeland Security certifies that the jurisdiction has come into compliance with subsections (a) and (b).

''(6) REALLOCATION.—Any funds that are not allocated to a State or to a political subdivision of a State due to the failure of the State or of the political subdivision of the State to comply with subsection (a) or (b) shall be reallocated to States or to political subdivisions of States that comply with both such subsections.

''(e) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement officials from States, or from political subdivisions of States, to report or arrest victims or witnesses of a criminal offense.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that section 642(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as added by subsection (a)(3), shall only apply to prohibited acts committed on or after such date of enactment.

SEC. 2203. CLARIFYING THE AUTHORITY OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT DETAINERS.

(a) IN GENERAL.—Section 287(d) of the Immigration and Nationality Act (8 U.S.C. 1357(d)) is amended to read as follows:

''(d) DETAINER OF INADMISSIBLE OR DEPORTABLE ALIENS.—

''(1) IN GENERAL.—If an individual is arrested by any Federal, State, or local law enforcement official or other personnel for the alleged violation of any criminal or motor vehicle law, the Secretary may issue a detainer regarding the individual to any Federal, State, or local law enforcement entity, official, or other personnel if the Secretary has probable cause to believe that the individual is an inadmissible or deportable alien.

''(2) PROBABLE CAUSE.—Probable cause is established under paragraph (1) if—

''(A) the individual who is the subject of the detainer—

''(i) matches, pursuant to biometric confirmation or other Federal database records, the identity of an alien who the Secretary has reasonable grounds to believe to be inadmissible or deportable;

''(ii) is the subject of ongoing removal proceedings, including matters where a charging document has already been served;

''(iii) has previously been ordered removed from the United States and such an order is administratively final; or

''(iv) has made voluntary statements or provided reliable evidence that indicate that they are an inadmissible or deportable alien; or

''(B) the Secretary has reasonable grounds to believe that the individual who is the subject of the detainer is an inadmissible or deportable alien.

''(3) TRANSFER OF CUSTODY.—If the Federal, State, or local law enforcement entity, official, or other personnel to whom a detainer is issued complies with the detainer and detains for purposes of transfer of custody to the Department of Homeland Security the individual who is the subject of the detainer, the Department may take custody of the individual within 48 hours (excluding weekends and holidays), but in no instance more than 96 hours, following the date that the individual is otherwise to be released from the custody of the relevant Federal, State, or local law enforcement entity.''.

(b) IMMUNITY.—

(1) IN GENERAL.—A State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), and a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, acting in compliance with a Department of Homeland Security detainer issued pursuant to this section who temporarily holds an alien in its custody pursuant to the terms of a detainer so that the alien may be taken into the custody of the Department of Homeland Security, shall be considered to be acting under color of Federal authority for purposes of determining their liability and shall be held harmless for their compliance with the detainer in any suit seeking any punitive, compensatory, or other monetary damages.

(2) FEDERAL GOVERNMENT AS DEFENDANT.—In any civil action arising out of the compliance with a Department of Homeland Security detainer by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, the United States Government shall be the proper party named as the defendant in the suit in regard to the detention resulting from compliance with the detainer.

(3) BAD FAITH EXCEPTION.—Paragraphs (1) and (2) shall not apply to any mistreatment of an individual by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention.

(c) PRIVATE RIGHT OF ACTION.—

(1) CAUSE OF ACTION.—Any individual, or a spouse, parent, or child of that individual (if the individual is deceased), who is the victim of a murder, rape, or any felony, as defined by the State, for which an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) has been convicted and sentenced to a term of imprisonment of at least 1 year, may bring an action against a State, a political subdivision of a State, or a public official, acting in an official capacity, in the appropriate Federal court if the State or political subdivision, except as provided in paragraph (3)—

(A) released the alien from custody prior to the commission of such crime as a consequence of the State or political subdivision's declining to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1));

(B) has in effect a statute, policy, or practice not in compliance with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) as amended, and as a consequence of its statute, policy, or practice, released the alien from custody before the commission of such crime; or

(C) has in effect a statute, policy, or practice requiring a subordinate political subdivision to decline to honor any or all detainers issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1)), and, as a consequence of its statute, policy or practice, the subordinate political subdivision declined to honor a detainer issued pursuant to such section, and as a consequence released the alien from custody before the commission of such crime.

(2) LIMITATIONS ON BRINGING ACTION.—An action may not be brought under this subsection later than 10 years after the occurrence of the crime, or the death of a person as a result of such crime, whichever occurs later.

(3) PROPER DEFENDANT.—If a State or a political subdivision of a State has in effect a statute or other legal requirement prohibiting political entities within its jurisdiction from honoring a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1)) or from fully complying with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) and a political entity declines to honor such a detainer against an alien described in paragraph (1) based on such statute or legal requirement and releases such alien before the alien commits a crime referred to in such paragraph—

(A) the State or political subdivision that enacted such statute or legal requirement shall be deemed to be the proper defendant in a cause of action under paragraph (1); and

(B) no such cause of action may be maintained against the political entity that declined to honor the detainer.

(4) ATTORNEY'S FEE AND OTHER COSTS.—In any action or proceeding under this subsection, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, including expert fees.

(d) ELIGIBILITY FOR CERTAIN GRANT PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State or political subdivision of a State that has in effect a statute, policy, or practice that prohibits it from complying with any or all Department of Homeland Security detainers issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)) shall not be eligible to receive—

(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), the ''Cops on the Beat'' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10301 et seq.), or the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.); or

(B) any other grant administered by the Department of Justice that is substantially related to law enforcement (including enforcement of the immigration laws), immigration, or naturalization or grant administered by the Department of Homeland Security that is substantially related to immigration, enforcement of the immigration laws, or naturalization.

(2) EXCEPTION.—A political entity described in subsection (c)(3) that declines to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1)) as a consequence of being required to comply with a statute or other legal requirement of a State or another political subdivision with jurisdiction over that political subdivision, shall remain eligible to receive grant funds described in paragraph (1), but the State or political subdivision that enacted such statute or other legal requirement shall not be eligible to receive such funds.

SEC. 2204. SARAH AND GRANT'S LAW.

(a) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) CLERICAL AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) by striking ''Attorney General'' each place it appears (except in the second place that term appears in subsection (a)) and inserting ''Secretary of Homeland Security''; and

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(ii) in paragraph (2), by amending subparagraph (B) to read as follows:

''(B) recognizance; and'';

(C) in subsection (b), by striking ''parole'' and inserting ''recognizance''; and

(D) in subsection (e), by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''.

(2) DETENTION OF CRIMINAL ALIENS.—Section 236(c)(1) of such Act (8 U.S.C. 1226(c)(1)) is amended—

(A) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(B) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(C) subparagraph (C), by striking ''sentence to a term of imprisonment of at least 1 year, or'' and inserting ''sentenced to a term of imprisonment of at least 1 year;'';

(D) in subparagraph (D), by striking the comma at the end and inserting a semicolon;

(E) by inserting after subparagraph (D) the following:

''(E) is unlawfully present in the United States and has been convicted for driving while intoxicated (including a conviction for driving while under the influence or impaired by alcohol or drugs) without regard to whether the conviction is classified as a misdemeanor or felony under State law;

''(F)(i)(I) is inadmissible under section 212(a)(6)(i);

''(II) is deportable by reason of a visa revocation under section 221(i); or

''(III) is deportable under section 237(a)(1)(C)(i); and

''(ii) has been arrested or charged with a particularly serious crime or a crime resulting in the death or serious bodily injury (as defined in section 1365(h)(3) of title 18, United States Code) of another person; or''; and

(F) by striking the undesignated matter at the end and inserting the following:

''any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph whether the alien is released on parole, supervised release, or probation, or whether the alien may be arrested or imprisoned again for the same offense, and, if the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, the Secretary shall take such alien into custody when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody.''.

(3) LENGTH OF DETENTION; ADMINISTRATIVE REVIEW.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, an alien may be detained, and, if the alien is described in subsection (c), shall be detained, under this section without time limitation, except as provided in subsection (h), during the pendency of removal proceedings.

''(2) CONSTRUCTION.—The length of detention under this section shall not affect a detention under section 241.

''(g) ADMINISTRATIVE REVIEW.—The Attorney General's review of the Secretary's custody determinations under subsection (a) shall be limited to whether the alien may be detained, released on bond (of at least $1,500 with security approved by the Secretary), or released with no bond if the alien—

''(1) is in exclusion proceedings;

''(2) is described in section 212(a)(3) or 237(a)(4); or

''(3) is described in subsection (c).

''(h) RELEASE ON BOND.—

''(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond. Bond may not be granted unless the alien establishes, by clear and convincing evidence, that the alien is not a flight risk or a danger to another person or to the community.

''(2) CERTAIN ALIENS INELIGIBLE.—An alien detained under subsection (c) may not seek release on bond.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any alien in detention under section 236 of the Immigration and Nationality Act, as amended, or otherwise subject to the provisions of such section, on or after such date.

SEC. 2205. CLARIFICATION OF CONGRESSIONAL INTENT.

Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (1) by striking ''may enter'' and all that follows through the period at the end and inserting the following: ''shall enter into a written agreement with a State, or any political subdivision of a State, upon request of the State or political subdivision, pursuant to which officers or employees of the State or subdivision, who are determined by the Secretary to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law. No request from a bona fide State or political subdivision or bona fide law enforcement agency shall be denied absent a compelling reason. No limit on the number of agreements under this subsection may be imposed. The Secretary shall process requests for such agreements with all due haste, and in no case shall take not more than 90 days from the date the request is made until the agreement is consummated.'';

(2) by redesignating paragraph (2) as paragraph (5);

(3) by redesignating paragraphs (3) through (10) as paragraphs (7) through (14), respectively;

(4) by inserting after paragraph (1) the following:

''(2) An agreement under this subsection shall accommodate a requesting State or political subdivision with respect to the enforcement model or combination of models, and shall accommodate a patrol model, task force model, jail model, any combination thereof, or any other reasonable model the State or political subdivision believes is best suited to the immigration enforcement needs of its jurisdiction.

''(3) No Federal program or technology directed broadly at identifying inadmissible or deportable aliens shall substitute for such agreements, including those establishing a jail model, and shall operate in addition to any agreement under this subsection.

''(4)(A) No agreement under this subsection shall be terminated absent a compelling reason.

''(B)(i) The Secretary shall provide a State or political subdivision written notice of intent to terminate at least 180 days prior to date of intended termination, and the notice shall fully explain the grounds for termination, along with providing evidence substantiating the Secretary's allegations.

''(ii) The State or political subdivision shall have the right to a hearing before an administrative law judge and, if the ruling is against the State or political subdivision, to appeal the ruling to the Federal Circuit Court of Appeals and, if the ruling is against the State or political subdivision, to petition the Supreme Court for certiorari.

''(C) The agreement shall remain in full effect during the course of any and all legal proceedings.''; and

(5) by inserting after paragraph (5), as redesignated, the following:

''(6) The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness and the Federal Law Enforcement Training Center, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. Distance learning through a secure, encrypted, distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of the Securing America's Future Act of 2018, shall be made available by the COPS Office of the Department of Justice and the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel. Preference shall be given to private sector-based, web-based immigration enforcement training programs for which the Federal Government has already provided support to develop.''.

SEC. 2206. PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended to read as follows:

''SEC. 275. ILLEGAL ENTRY OR PRESENCE.

''(a) IN GENERAL.—

''(1) ILLEGAL ENTRY OR PRESENCE.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien knowingly—

''(A) enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

''(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including by failing to stop at the command of such officer);

''(C) enters or crosses the border to the United States and, upon examination or inspection, knowingly makes a false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws);

''(D) violates the terms or conditions of the alien's admission or parole into the United States and has remained in violation for an aggregate period of 90 days or more; or

''(E) is unlawfully present in the United States (as defined in section 212(a)(9)(B)) and has remained in violation for an aggregate period of 90 days or more.

''(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years (or not more than 6 months in the case of a second or subsequent violation of paragraph (1)(E)), or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or agriculture officer, or until the alien is granted a valid visa or relief from removal.

''(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(1) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry or presence.''.

(c) EFFECTIVE DATES AND APPLICABILITY.—

(1) CRIMINAL PENALTIES.—Section 275(a) of the Immigration and Nationality Act, as

amended by subsection (a), shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply to acts, conditions, or violations described in such section 275(a) that occur or exist on or after such effective date.

(2) CIVIL PENALTIES.—Section 275(b) of such Act, as amended by subsection (a), shall take effect on the date of the enactment of this Act and shall apply to acts described in such section 275(b) that occur before, on, or after such date.

Subtitle C—Criminal Aliens

SEC. 2301. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by striking '', or'' at the end and inserting a semicolon;

(ii) in subclause (II), by striking the comma at the end and inserting a semicolon; and

(iii) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information); or''; and

(B) by adding at the end the following:

''(J) PROCUREMENT OF CITIZENSHIP OR NATURALIZATION UNLAWFULLY.—Any alien convicted of, who admits having committed, or who admits committing acts constituting the essential elements of, a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code (relating to the procurement of citizenship or naturalization unlawfully) is inadmissible.

''(K) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(L) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(M) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS, CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits committing acts constituting the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.

''(iii) WAIVER AUTHORIZED.—The waiver authority available under section 237(a)(7) with respect to section 237(a)(2)(E)(i) shall be available on a comparable basis with respect to this subparagraph.

''(iv) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence.''; and

(2) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may, in the discretion of the Attorney General or the Secretary, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (K), and (M) of subsection (a)(2)'';

(B) by striking ''a criminal act involving torture.'' and inserting ''a criminal act involving torture, or has been convicted of an aggravated felony.'';

(C) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' and inserting ''if since the date of such admission the alien''; and

(D) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (i), by striking the comma at the end and inserting a semicolon;

(2) in clause (ii), by striking '', or'' at the end and inserting a semicolon;

(3) in clause (iii), by striking the comma at the end and inserting ''; or''; and

(4) by inserting after clause (iii) the following:

''(iv) of a violation of, or an attempt or a conspiracy to violate, section 1425(a) or (b) of title 18 (relating to the procurement of citizenship or naturalization unlawfully),''.

(c) DEPORTABILITY; OTHER CRIMINAL OFFENSES.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) FRAUD AND RELATED ACTIVITY ASSOCIATED WITH SOCIAL SECURITY ACT BENEFITS AND IDENTIFICATION DOCUMENTS.—Any alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification) is deportable.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(e) CONSTRUCTION.—The amendments made by subsection (a) may not be construed to create eligibility for relief from removal under section 212(c) of the Immigration and Nationality Act, as in effect on the day before the date of the enactment of this Act, if such eligibility did not exist before the amendments made by subsection (a) became effective.

SEC. 2302. INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 2301, is further amended by inserting after subclause (III) the following:

''(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender),''.

(b) DEPORTABILITY.—Section 237(a)(2) of such Act, as amended by section 2201, is further amended—

(1) in subparagraph (A)—

(A) by striking clause (v); and

(B) by redesignating clause (vi) as clause (v); and

(2) by adding at the end the following:

''(H) FAILURE TO REGISTER AS A SEX OFFENDER.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender) is deportable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 2303. GROUNDS OF INADMISSIBILITY AND DEPORTABILITY FOR ALIEN GANG MEMBERS.

(a) DEFINITION OF GANG MEMBER.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons that has, as a primary purpose, the commission of 1 or more of the criminal offenses listed in subparagraphs (A) through (G), whether in violation of Federal or State law or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of this paragraph, and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses, or that has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting such criteria.

''(A) A felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(B) A felony offense involving firearms or explosives or in violation of section 931 of

title 18, United States Code (relating to purchase, ownership, or possession of body armor by violent felons).

''(C) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

''(D) A crime of violence (as defined in section 16 of title 18, United States Code).

''(E) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant.

''(F) Any conduct punishable under sections 1028A and 1029 of title 18, United States Code (relating to aggravated identity theft or fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery, and trafficking in persons), section 1951 of such title (relating to interference with commerce by threats or violence), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(G) A conspiracy to commit an offense described in subparagraphs (A) through (F).''.

(b) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act, as amended by sections 2201 and 2302, is further amended by adding at the end the following:

''(N) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) IN GENERAL.—An alien is inadmissible if a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe that the alien—

''(I) is or has been a member of a criminal gang; or

''(II) has participated in the activities of a criminal gang, knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.

''(ii) PROMOTION OR CONSPIRACY.—Any alien for whom a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General has reasonable grounds to believe has participated in, been a member of, promoted, or conspired with a criminal gang, either inside or outside of the United States, is inadmissible.

''(iii) INTENT OF ENTRY.—Any alien for whom a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General has reasonable grounds to believe seeks to enter the United States or has entered the United States in furtherance of the activities of a criminal gang, either inside or outside of the United States, is inadmissible.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act, as amended by section 2301 and 2302, is further amended by adding at the end the following:

''(I) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—An alien is deportable if the alien—

''(i) is or has been a member of a criminal gang; or

''(ii) has participated in the activities of a criminal gang, knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(d) DESIGNATION.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after section 219 the following:

''SEC. 220. DESIGNATION OF CRIMINAL GANG.

''(a) DESIGNATION.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, may designate a group, club, organization, or association of 5 or more persons as a criminal gang if the Secretary determines that the conduct of such entity is described in section 101(a)(53).

''(2) PROCEDURE.—

''(A) NOTIFICATION.—Not later than 7 days before making a designation under paragraph (1), the Secretary, through classified written communication, shall notify the Speaker and the Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, of the intent to designate a group, club, organization, or association of 5 or more persons as a criminal gang under paragraph (1) and the justification for such designation.

''(B) PUBLICATION IN THE FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under subparagraph (A).

''(3) RECORD.—

''(A) IN GENERAL.—In making a designation under paragraph (1), the Secretary shall create an administrative record.

''(B) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a designation under paragraph (1). Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(4) PERIOD OF DESIGNATION.—

''(A) IN GENERAL.—A designation under paragraph (1) shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside under subsection (c).

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a criminal gang in accordance with clauses (iii) and (iv) if the designated group, club, organization, or association of 5 or more persons files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—

''(I) If a designated group, club, organization, or association of 5 or more persons has not previously filed a petition for revocation under clause (i), the petition period begins 2 years after the date on which the designation was made.

''(II) If the designated group, club, organization, or association of 5 or more persons has previously filed a petition for revocation under clause (i), the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any group, club, organization, or association of 5 or more persons that submits a petition for revocation under this subparagraph of its designation as a criminal gang shall provide evidence in that petition that it is not described in section 101(a)(53).

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation under clause (i), the Secretary shall make a determination regarding the revocation sought by such petition.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If no review takes place under subparagraph (B) during any 5-year period, the Secretary shall review the designation of the criminal gang to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place under subparagraph (B) in response to a petition for revocation under that subparagraph, a review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made under this subparagraph in the Federal Register.

''(5) REVOCATION BY ACT OF CONGRESS.—Congress may block or revoke a designation made under paragraph (1) by an Act of Congress.

''(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

''(A) IN GENERAL.—The Secretary may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Secretary determines that—

''(i) the group, club, organization, or association of 5 or more persons that has been designated as a criminal gang is no longer described in section 101(a)(53); or

''(ii) the national security or the law enforcement interests of the United States warrants a revocation.

''(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

''(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

''(8) USE OF DESIGNATION IN TRIAL OR HEARING.—If a designation under this subsection becomes effective under paragraph (2), an alien in a removal proceeding may not raise any question concerning the validity of such designation as a defense or an objection.

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under subsection (a) if the Secretary determines that the group, club, organization, or association of 5 or more persons has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another group, club, organization, or association of 5 or more persons.

''(2) PROCEDURE.—Amendments made to a designation under paragraph (1) shall be effective upon the publication of such amendments in the Federal Register. Paragraphs (2), (4), (5), (6), (7), and (8) of subsection (a) shall apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments made under paragraph (1)

and any additional relevant information that supports such amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation under this subsection. Classified information may not be subject to disclosure while it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(c) JUDICIAL REVIEW OF DESIGNATION.—

''(1) IN GENERAL.—Not later than 30 days after publication in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated group, club, organization, or association of 5 or more persons may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit.

''(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation.

''(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition for revocation that the court finds to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2); or

''(E) not in accord with the procedures required by law.

''(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation, amended designation, or determination in response to a petition for revocation shall not affect the application of this section, unless the court issues a final order setting aside the designation, amended designation, or determination in response to a petition for revocation.

''(d) DEFINITIONS.—In this section:

''(1) CLASSIFIED INFORMATION.—The term 'classified information' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

''(2) NATIONAL SECURITY.—The term 'national security' means the national defense, foreign relations, or economic interests of the United States.

''(3) RELEVANT COMMITTEES.—The term 'relevant committees' means the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security, in consultation with the Attorney General.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 219 the following:

''Sec. 220. Designation of criminal gang.''.

(e) MANDATORY DETENTION OF CRIMINAL GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)), as amended by section 2204, is further amended by inserting after subparagraph (F) the following:

''(G) is inadmissible under section 212(a)(2)(J) or deportable under section 217(a)(2)(G),''.

(2) ANNUAL REPORT.—Not later than March 1 of the first fiscal year beginning after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that identifies the number of aliens detained during the reporting period as a result of the amendment made by paragraph (1).

(f) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking ''or'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(J)(i) or 237(a)(2)(G)(i); or''.

(2) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of such Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) or who is'' after ''to an alien''.

(g) TEMPORARY PROTECTED STATUS.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking '', or'' at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) the alien is, or at any time has been, described in section 212(a)(2)(J) or 237(a)(2)(G).''; and

(3) in subsection (d)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively; and

(C) in paragraph (3), as redesignated, by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''.

(h) SPECIAL IMMIGRANT JUVENILE VISAS.—Section 101(a)(27)(J)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

(1) in subclause (I), by striking ''and'' at the end;

(2) in subclause (II), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(III) no alien who is, or at any time has been, described in section 212(a)(2)(J) or 237(a)(2)(G) shall be eligible for any immigration benefit under this subparagraph;''.

(i) PAROLE.—An alien described in section 212(a)(2)(N) of the Immigration and Nationality Act, as added by subsection (b), shall not be eligible for parole under section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)) unless—

(1) the alien is assisting or has assisted the United States Government in a law enforcement matter, including a criminal investigation; and

(2) the alien's presence in the United States is required by the Government with respect to such assistance.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 2304. INADMISSIBILITY AND DEPORTABILITY OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), is amended—

(1) in subparagraph (T), by striking ''and'';

(2) in subparagraph (U), by striking the period at the end and inserting ''; and''; and

(3) by inserting after subparagraph (U) the following:

''(V)(i) a single conviction for driving while intoxicated (including a conviction for driving while under the influence of or impairment by alcohol or drugs), when such impaired driving was a cause of the serious bodily injury or death of another person; or

''(ii) a second or subsequent conviction for driving while intoxicated (including a conviction for driving under the influence of or impaired by alcohol or drugs).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply to convictions entered on or after such date.

SEC. 2305. DEFINITION OF AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 2304, is further amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, or in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) by amending subparagraph (A) to read as follows:

''(A) an offense relating to murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), statutory rape, or any offense of a sexual nature involving a victim under 18 years of age;'';

(3) in subparagraph (B)—

(A) by inserting ''an offense relating to'' before ''illicit trafficking''; and

(B) by inserting '', and any offense under State law relating to a controlled substance (as so classified under State law) that is classified as a felony in that State, regardless of whether the substance is classified as a controlled substance under section 102 of the Controlled Substances Act (8 U.S.C. 802)'' before the semicolon at the end;

(4) in subparagraph (C), by inserting ''an offense relating to'' before ''illicit trafficking in firearms'';

(5) in subparagraph (I), by striking ''or 2252'' and inserting ''2252, or 2252A'';

(6) in subparagraph (F), by striking ''for which the term of imprisonment at least one year;'' and inserting '', including offenses of assault and battery under Federal or state law, for which the term of imprisonment is at least 1 year, except that if the conviction records do not conclusively establish whether a crime constitutes a crime of violence, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence;'';

(7) by amending subparagraph (G) to read as follows:

''(G) an offense relating to a theft under State or Federal law (including theft by deceit, theft by fraud, and receipt of stolen property) regardless of whether any taking was temporary or permanent, or burglary offense under State or Federal law for which the term of imprisonment is at least 1 year, except that if the conviction records do not conclusively establish whether a crime constitutes a theft or burglary offense, the Attorney General or Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a theft or burglary offense;'';

(8) in subparagraph (N)—

(A) by striking ''paragraph (1)(A) or (2) of''; and

(B) by inserting a semicolon at the end;

(9) by amending subparagraph (O) to read as follows:

''(O) an offense described in section 275 or 276 for which the term of imprisonment is at least 1 year;'';

(10) by amending subparagraph (P) to read as follows:

''(P) an offense which is described in chapter 75 of title 18, United States Code, and for which the term of imprisonment is at least 12 months;'';

(11) by amending subparagraph (U) to read as follows:

''(U) attempting or conspiring to commit an offense described in this paragraph, or aiding, abetting, counseling, procuring, commanding, inducing, or soliciting the commission of such an offense.''; and

(12) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by subsection (a)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to any act or conviction that occurred before, on, or after such date.

(2) APPLICATION OF IIRIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 2306. PRECLUDING WITHHOLDING OF REMOVAL FOR AGGRAVATED FELONS.

(a) IN GENERAL.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking ''or'' at the end;

(2) in clause (iv), by striking the period at the end and inserting ''; or''; and

(3) by inserting after clause (iv) the following:

''(v) the alien is convicted of an aggravated felony.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act; and

(2) all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened on or after such date of enactment.

SEC. 2307. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

''(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(2) in subparagraph (B)(i), by striking the second subclause (I) and inserting the following:

''(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended by striking ''204(a)(1)(A)(viii)(I))'' each place such term appears and inserting ''204(a)(1)(A)(viii))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

SEC. 2308. CLARIFICATION TO CRIMES OF VIOLENCE AND CRIMES INVOLVING MORAL TURPITUDE.

(a) INADMISSIBLE ALIENS.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)) is amended by adding at the end the following:

''(iii) CLARIFICATION.—For purposes of clause (i)(I), if the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(b) DEPORTABLE ALIENS.—

(1) GENERAL CRIMES.—Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)), as amended by section 2302(b), is further amended by inserting after clause (v), as redesignated, the following:

''(vi) CRIMES INVOLVING MORAL TURPITUDE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(2) DOMESTIC VIOLENCE.—Section 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

''(iii) CRIMES OF VIOLENCE.—For purposes of clause (i), if the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 2309. DETENTION OF DANGEROUS ALIENS.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place such term appears (except for the first reference in paragraph (4)(B)(i)) and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1)—

(A) by amending subparagraph (B) to read as follows:

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of the following:

''(i) The date the order of removal becomes administratively final.

''(ii) If the alien is not in the custody of the Secretary on the date the order of removal becomes administratively final, the date the alien is taken into such custody.

''(iii) If the alien is detained or confined (except under an immigration process) on the date the order of removal becomes administratively final, the date the alien is taken into the custody of the Secretary, after the alien is released from such detention or confinement.''; and

(B) by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—

''(i) EXTENSION.—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary's sole discretion, keep the alien in detention during such extended period if—

''(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal that is subject to an order of removal;

''(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

''(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

''(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

''(ii) RENEWAL.—If the removal period has been extended under subparagraph (C)(i), a new removal period shall be deemed to have begun on the date—

''(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order;

''(II) the stay of removal is no longer in effect; or

''(III) the alien is returned to the custody of the Secretary.

''(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—In the case of an alien described in subparagraphs (A) through (D) of section 236(c)(1), the Secretary shall keep that alien in detention during the extended period described in clause (i).

''(iv) SOLE FORM OF RELIEF.—An alien may seek relief from detention under this subparagraph only by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.'';

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by inserting ''or is not detained pursuant to paragraph (6)'' after ''within the removal period''; and

(B) by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(4) in paragraph (4)(A), by striking ''paragraph (2)'' and inserting ''subparagraph (B)''; and

(5) by amending paragraph (6) to read as follows:

''(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

''(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—For an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall have no right to seek release on bond.

''(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien beyond the 90 days authorized in clause (i)—

''(I) until the alien is removed, if the Secretary, in the Secretary's sole discretion, determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent removal;

''(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(III) pending a certification under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in paragraph (1)(C)).

''(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall have no right to seek release on bond, including by reason of a certification under clause (ii)(II).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Director of Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II).

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody, if removal becomes likely in the reasonably foreseeable future, the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary, in the Secretary's sole discretion, determines that the alien can be detained under subparagraph (B). This section shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.''.

SEC. 2310. TIMELY REPATRIATION.

(a) LISTING OF COUNTRIES.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Homeland Security shall publish a report that includes—

(1) a list of countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country since the date of the enactment of this Act, including the total number of such aliens, disaggregated by nationality;

(2) a list of countries that have an excessive repatriation failure rate; and

(3) a list of each country included in a list described in paragraph (1) or (2) in the report preceding the current report and in the current report.

(b) SANCTIONS.—

(1) IN GENERAL.—Beginning on the date on which a country is included in the list described in subsection (a)(3) and ending on the date on which that country is no longer included in such list, the Secretary of State may not issue visas under section 101(a)(15)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)(iii)) to attendants, servants, personal employees, and members of the immediate families of officials or employees of that country who receive nonimmigrant status under clause (i) or (ii) of section 101(a)(15)(A) of such Act.

(2) VISA REDUCTION.—Every 6 months that a country is included in the list described in subsection (a)(3), the Secretary of State shall reduce the number of visas available under clause (i) or (ii) of section 101(a)(15)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)) in a fiscal year to nationals of that country by an amount equal to 10 percent of the baseline visa number for that country. Except as provided under section 243(d) of such Act (8 U.S.C. 1253), the Secretary may not reduce the number of such visas to a level below 20 percent of the baseline visa number.

(c) WAIVERS.—

(1) NATIONAL SECURITY WAIVER.—If the Secretary of State submits to Congress a written determination that significant national security interests of the United States require a waiver of the sanctions under subsection (b), the Secretary may waive any reduction below 80 percent of the baseline visa number. The Secretary of State may not delegate the authority under this subsection.

(2) TEMPORARY EXIGENT CIRCUMSTANCES.—If the Secretary of State submits to Congress a written determination that temporary exigent circumstances require a waiver of the sanctions under subsection (b), the Secretary may waive any reduction below 80 percent of the baseline visa number during 6-month renewable periods. The Secretary of State may not delegate the authority under this subsection.

(d) EXEMPTION.—The Secretary of Homeland Security, in consultation with the Secretary of State, may exempt a country from inclusion in a list under subsection (a)(2) if the total number of nonrepatriations outstanding is less than 10 for the preceding 3-year period.

(e) UNAUTHORIZED VISA ISSUANCE.—Any visa issued in violation of this section shall be void.

(f) NOTICE.—If an alien who has been convicted of a criminal offense before a Federal or State court whose repatriation was refused or unreasonably delayed is to be released from detention by the Secretary of Homeland Security, the Secretary shall provide notice to the State and local law enforcement agency for the jurisdictions in which the alien is required to report or is to be released. When possible, and particularly in the case of violent crime, the Secretary shall make a reasonable effort to provide notice of such release to any crime victims and their immediate family members.

(g) DEFINITIONS.—For purposes of this section:

(1) BASELINE VISA NUMBER.—The term ''baseline visa number'' means, with respect to a country, the average number of visas issued each fiscal year to nationals of that country under clauses (i) and (ii) of section 101(a)(15)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)) for the 3 full fiscal years immediately preceding the first report under subsection (a) in which that country is included in the list under subsection (a)(3).

(2) EXCESSIVE REPATRIATION FAILURE RATE.—The term ''excessive repatriation failure rate'' means, with respect to a report under subsection (a), a failure rate greater than 10 percent during—

(A) the period of the 3 full fiscal years preceding the date of publication of the report; or

(B) the period of 1 year preceding the date of publication of the report.

(3) FAILURE RATE.—The term ''failure rate'' for a period means the percentage determined by dividing the total number of repatriation requests for aliens who are citizens, subjects, nationals, or residents of a country that refused or unreasonably delayed during that period by the total number of such requests during that period.

(4) NUMBER OF NONREPATRIATIONS OUTSTANDING.—The term ''number of nonrepatriations outstanding'' means, for a period, the number of unique aliens whose repatriation a country has refused or unreasonably delayed and whose repatriation has not occurred during that period.

(5) REFUSED OR UNREASONABLY DELAYED.—A country is deemed to have ''refused or unreasonably delayed'' the acceptance of an alien who is a citizen, subject, national, or resident of that country if, not later than 90 days after receiving a request to repatriate such alien from an official of the United States who is authorized to make such a request, the country does not accept the alien or issue valid travel documents.

(h) GAO REPORT.—Not later than 1 day after the date on which the President submits a budget under section 1105(a) of title 31, United States Code, for fiscal year 2019, the Comptroller General of the United States shall submit a report to Congress regarding the progress of the Secretary of Homeland Security and the Secretary of State in implementation of this section and in making requests to repatriate aliens as appropriate.

SEC. 2311. ILLEGAL REENTRY.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

''SEC. 276. REENTRY OF REMOVED ALIEN.

''(a) REENTRY AFTER REMOVAL.—

''(1) IN GENERAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(2) EXCEPTION.—If an alien sought and received the express consent of the Secretary to reapply for admission into the United States, or, with respect to an alien previously denied admission and removed, the alien was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act, the alien shall not be subject to the fine and imprisonment provided for in paragraph (1).

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection was convicted before such removal or departure—

''(1) for 3 or more misdemeanors or for a felony, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(2) for a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

''(3) for a felony for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

''(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, or for 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(e) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(f) DEFINITIONS.—In this section and section 275:

''(1) CROSSES THE BORDER TO THE UNITED STATES.—The term 'crosses the border' refers to the physical act of crossing the border free from official restraint.

''(2) FELONY.—The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) OFFICIAL RESTRAINT.—The term 'official restraint' means any restraint known to the alien that serves to deprive the alien of liberty and prevents the alien from going at large into the United States. Surveillance unbeknownst to the alien shall not constitute official restraint.

''(5) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

''(6) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

Subtitle D—Asylum Reform

SEC. 2401. CLARIFICATION OF INTENT REGARDING TAXPAYER-PROVIDED COUNSEL.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—

(1) by striking ''In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings'' and inserting ''In any removal proceedings before an immigration judge, or any other immigration proceedings before the Attorney General, the Secretary of Homeland Security, or any appeal of such a proceeding''.

(2) by striking ''(at no expense to the Government)''; and

(3) by adding at the end the following ''Notwithstanding any other provision of law, the Government may not bear any expense for counsel for any person in proceedings described in this section.''.

SEC. 2402. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''claim'' and all that follows and inserting the following: ''claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 1158 of this title, and it is more probable than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 2403. RECORDING EXPEDITED REMOVAL AND CREDIBLE FEAR INTERVIEWS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a uniform manner, to the extent possible, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Whenever practicable, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien.

(d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—There shall be an audio or audio

visual recording of interviews of aliens subject to expedited removal. The recording shall be included in the record of proceeding and shall be considered as evidence in any further proceedings involving the alien.

(e) NO PRIVATE RIGHT OF ACTION.—Nothing in this section may be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. 2404. SAFE THIRD COUNTRY.

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

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) by striking ''removed, pursuant to a bilateral or multilateral agreement, to'' and inserting ''removed to''.

SEC. 2405. RENUNCIATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY.

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

''(4) RENUNCIATION OF STATUS PURSUANT TO RETURN TO HOME COUNTRY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), any alien who is granted asylum status under this section, who, absent changed country conditions, subsequently returns to the country of such alien's nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her status terminated.

''(B) WAIVER.—The Secretary of Homeland Security may waive subparagraph (A) if the Secretary determines that the alien had a compelling reason for the return. The waiver may be sought before the alien's departure from the United States or upon the alien's return to the United States.

''(C) EXCEPTION FOR CERTAIN ALIENS FROM CUBA.—Subparagraph (A) shall not apply to an alien who is eligible for adjustment to that of an alien lawfully admitted for permanent residence pursuant to the Cuban Adjustment Act of 1966 (Public Law 89–732).''.

(b) CONFORMING AMENDMENT.—Section 208(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(c)(3)) is amended by inserting ''or (4)'' after ''paragraph (2)''.

SEC. 2406. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subparagraph (A), by striking ''and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended to read as follows:

''(6) FRIVOLOUS APPLICATIONS.—

''(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

''(B) DEFINED TERM.—An application is 'frivolous' if the Secretary of Homeland Security or the Attorney General determines, in accordance with subparagraph (C), that—

''(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part—

''(I) to delay removal from the United States;

''(II) to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2); or

''(III) to seek issuance of a Notice to Appeal in order to pursue Cancellation of Removal under section 240A(b); or

''(ii) any of its material elements are deliberately fabricated.

''(C) CLARIFICATION.—The Secretary or the Attorney General may not determine that an application is frivolous unless the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim.

''(D) WITHHOLDING OF REMOVAL.—A finding under this paragraph that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3).) or protection pursuant to the Convention Against Torture.''.

SEC. 2407. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.

(a) ASYLUM CREDIBILITY DETERMINATIONS.—Section 208(b)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting after ''all relevant factors'' the following: '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials''.

(b) RELIEF FOR REMOVAL CREDIBILITY DETERMINATIONS.—Section 240(c)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(4)(C)) is amended by inserting after ''all relevant factors'' the following: '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials''.

SEC. 2408. PENALTIES FOR ASYLUM FRAUD.

Section 1001 of title 18, United States Code, is amended by adding at the end the following:

''(d) Whoever, in any matter before the Secretary of Homeland Security or the Attorney General pertaining to asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or withholding of removal under section 241(b)(3) of such Act (8 U.S.C. 1231(b)(3)), knowingly and willfully—

''(1) makes any materially false, fictitious, or fraudulent statement or representation; or

''(2) makes or uses any false writings or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

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

SEC. 2409. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.

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

(1) by striking ''1544,'' and inserting ''1544 and 1546,'';

(2) by striking ''offense.'' and inserting ''offense or not later than 10 years after the fraud is discovered.''.

SEC. 2410. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act, as amended by this subtitle, is further amended—

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(B) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'';

(2) in subsection (b)(2), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears;

(3) in subsection (c)—

(A) in paragraph (1), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears;

(B) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(C) in paragraph (5)—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (B), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''.

Subtitle E—Unaccompanied and Accompanied Alien Minors Apprehended Along the Border

SEC. 2501. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(II) in clause (i), by inserting ''and'' at the end;

(III) in clause (ii), by striking ''; and'' and inserting a period; and

(IV) by striking clause (iii);

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''(8 U.S.C. 1101 et seq.) may—'' and inserting ''(8 U.S.C. 1101 et seq.)—'';

(II) in clause (i), by inserting before ''permit such child to withdraw'' the following: ''may''; and

(III) in clause (ii), by inserting before ''return such child'' the following: ''shall''; and

(iv) in subparagraph (C)—

(I) by amending the heading to read as follows: ''AGREEMENTS WITH FOREIGN COUNTRIES.—''; and

(II) in the matter preceding clause (i), by striking ''The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States'' and inserting ''The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate'';

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (2) the following:

''(3) SPECIAL RULES FOR INTERVIEWING UNACCOMPANIED ALIEN CHILDREN.—An unaccompanied alien child shall be interviewed by a dedicated U.S. Citizenship and Immigration Services immigration officer with specialized training in interviewing child trafficking victims. Such officer shall be in plain clothes and shall not carry a weapon. The interview shall occur in a private room.''; and

(C) in paragraph (6)(D) (as so redesignated)—

(i) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ''who does not meet the criteria listed in paragraph (2)(A)''; and

(ii) in clause (i), by inserting before the semicolon at the end the following: '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: ''believed not to meet the criteria listed in subsection (a)(2)(A)''; and

(ii) in subparagraph (B), by inserting before the period the following: ''and does not meet the criteria listed in subsection (a)(2)(A)''; and

(B) in paragraph (3), by striking ''an unaccompanied alien child in custody shall'' and all that follows, and inserting the following: ''an unaccompanied alien child in custody—

''(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

''(B) in the case of child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.''; and

(3) in subsection (c)—

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

''(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

''(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security—

''(I) the name of the individual with whom the child will be place;

''(II) the social security number of such individual;

''(III) the date of birth of such individual;

''(IV) the location of the individual's residence at which the child will be placed;

''(V) the immigration status of such individual, if known; and

''(VI) contact information for such individual.

''(ii) SPECIAL RULE.—If a child who was apprehended on or after June 15, 2012, and before the date of the enactment of this subparagraph was placed by the Secretary of Health and Human Services placed with an individual, the Secretary shall provide the information listed in clause (i) to the Secretary of Homeland Security not later than 90 days after such date of enactment.

''(iii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security—

''(I) shall investigate the immigration status of the individual with whom the child is placed if the immigration status of such individual is unknown; and

''(II) upon determining that an individual with whom a child is placed is unlawfully present in the United States, shall initiate removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.).''; and

(B) in paragraph (5)—

(i) by inserting after ''to the greatest extent practicable'' the following: ''(at no expense to the Government)''; and

(ii) by striking ''have counsel to represent them'' and inserting ''have access to counsel to represent them''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unauthorized alien child apprehended on or after June 15, 2012.

SEC. 2502. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking ''1 or both of the immigrant's parents'' and inserting ''either of the immigrant's parents''.

SEC. 2503. JURISDICTION OF ASYLUM APPLICATIONS.

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

SEC. 2504. QUARTERLY REPORT TO CONGRESS.

Not later than January 5, 2019, and every 3 months thereafter—

(1) the Attorney General shall submit a report that identifies—

(A) the total number of asylum cases filed by unaccompanied alien children and completed by an immigration judge during the 3-month period preceding the date of the report, and the percentage of those cases in which asylum was granted; and

(B) the number of unaccompanied alien children who failed to appear for any proceeding before an immigration judge during the 3-month period preceding the date of the report; and

(2) the Secretary of Homeland Security shall submit a report that identifies—

(A) the total number of applications for asylum, filed by unaccompanied alien children, which were adjudicated during the 3-month period preceding the date of the report; and

(B) the percentage of such applications that were granted.

SEC. 2505. BIANNUAL REPORT TO CONGRESS.

Not later than January 5, 2019, and every 6 months thereafter, the Attorney General shall submit a report to Congress on each crime for which an unaccompanied alien child is charged or convicted during the previous 6-month period following their release from the custody of the Secretary of Homeland Security pursuant to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232).

SEC. 2506. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

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

''(j) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231). There exists no presumption that an alien child who is not an unaccompanied alien child should not be detained, and all such determinations shall be in the discretion of the Secretary of Homeland Security.

''(2) RELEASE OF MINORS OTHER THAN UNACCOMPANIED ALIENS.—In no circumstances shall an alien minor who is not an unaccompanied alien child be released by the Secretary of Homeland Security other than to a parent or legal guardian.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all actions that occur before, on, or after the date of the enactment of this Act.

TITLE III—BORDER ENFORCEMENT

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Border Security for America Act of 2018''.

Subtitle A—Border Security

SEC. 3101. DEFINITIONS.

In this subtitle:

(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term ''advanced unattended surveillance sensors'' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

(2) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(4) HIGH TRAFFIC AREAS.—The term ''high traffic areas'' has the meaning given such term in section 102(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3111 of this division.

(5) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(7) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(8) SMALL UNMANNED AERIAL VEHICLE.—The term ''small unmanned aerial vehicle'' has the meaning given the term ''small unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(9) TRANSIT ZONE.—The term ''transit zone'' has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(10) UNMANNED AERIAL SYSTEM.—The term ''unmanned aerial system'' has the meaning given the term ''unmanned aircraft system'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(11) UNMANNED AERIAL VEHICLE.—The term ''unmanned aerial vehicle'' has the meaning given the term ''unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

CHAPTER 1—INFRASTRUCTURE AND EQUIPMENT

SEC. 3111. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the United States border to achieve situational awareness and operational control of the border and deter, impede, and detect illegal activity in high traffic areas.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''subsection (a)'' and inserting ''this section'';

(II) by striking ''roads, lighting, cameras, and sensors'' and inserting ''tactical infrastructure, and technology''; and

(III) by striking ''gain'' inserting ''achieve situational awareness and'; and

(ii) by amending subparagraph (B) to read as follows:

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—

''(i) IN GENERAL.—Not later than September 30, 2022, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective physical barriers and tactical infrastructure available for achieving situational awareness and operational control of the border.

''(ii) CONSIDERATION FOR CERTAIN PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—The deployment of physical barriers and tactical infrastructure under this subparagraph shall not apply in any area or region along the border where natural terrain features, natural barriers, or the remoteness of such area or region would make any such deployment ineffective, as determined by the Secretary, for the purposes of achieving situational awareness or operational control of such area or region.'';

(iii) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall, before constructing physical barriers in a specific area or region, consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of Federal, State, local, and tribal governments, and appropriate private property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such physical barriers are to be constructed.'';

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i), as amended, the following new clause:

''(ii) NOTIFICATION.—Not later than 60 days after the consultation required under clause (i), the Secretary of Homeland Security shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of the type of physical barriers, tactical infrastructure, or technology the Secretary has determined is most practical and effective to achieve situational awareness and operational control in a specific area or region and the other alternatives the Secretary considered before making such a determination.''; and

(iv) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers''; and

(D) by amending paragraph (3) to read as follows:

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, constructing, and deploying physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, construction, or deployment of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines, in the Secretary's sole discretion, are necessary to maximize the safety and effectiveness of officers or agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.'';

(3) in subsection (c), by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements the Secretary, in the Secretary's sole discretion, determines necessary to ensure the expeditious design, testing, construction, installation, deployment, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. Any such decision by the Secretary shall be effective upon publication in the Federal Register.''; and

(4) by adding after subsection (d) the following new subsections:

''(e) TECHNOLOGY.—Not later than September 30, 2022, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective technology available for achieving situational awareness and operational control of the border.

''(f) LIMITATION ON REQUIREMENTS.—Nothing in this section may be construed as requiring the Secretary of Homeland Security to install tactical infrastructure, technology, and physical barriers in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain situational awareness and operational control over the international border at such location.

''(g) DEFINITIONS.—In this section:

''(1) HIGH TRAFFIC AREAS.—The term 'high traffic areas' means areas in the vicinity of the United States border that—

''(A) are within the responsibility of U.S. Customs and Border Protection; and

''(B) have significant unlawful cross-border activity, as determined by the Secretary of Homeland Security.

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, border wall system, and levee walls.

''(4) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including the following:

''(A) Tower-based surveillance technology.

''(B) Deployable, lighter-than-air ground surveillance equipment.

''(C) Vehicle and Dismount Exploitation Radars (VADER).

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology.

''(E) Advanced unattended surveillance sensors.

''(F) Mobile vehicle-mounted and manportable surveillance capabilities.

''(G) Unmanned aerial vehicles.

''(H) Other border detection, communication, and surveillance technology.

''(7) UNMANNED AERIAL VEHICLES.—The term 'unmanned aerial vehicle' has the meaning given the term 'unmanned aircraft' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

SEC. 3112. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) INCREASED FLIGHT HOURS.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that not fewer than 95,000 annual flight hours are carried out by Air and Marine Operations of U.S. Customs and Border Protection.

(b) UNMANNED AERIAL SYSTEM.—The Secretary shall ensure that Air and Marine Operations operate unmanned aerial systems on the southern border of the United States for not less than 24 hours per day for five days per week.

(c) CONTRACT AIR SUPPORT AUTHORIZATION.—The Commissioner shall contract for the unfulfilled identified air support mission critical hours, as identified by the Chief of the U.S. Border Patrol.

(d) PRIMARY MISSION.—The Commissioner shall ensure that—

(1) the primary missions for Air and Marine Operations are to directly support U.S. Border Patrol activities along the southern border of the United States and Joint Interagency Task Force South operations in the transit zone; and

(2) the Executive Assistant Commissioner of Air and Marine Operations assigns the greatest priority to support missions established by the Commissioner to carry out the requirements under this Act.

(e) HIGH-DEMAND FLIGHT HOUR REQUIREMENTS.—In accordance with subsection (d), the Commissioner shall ensure that U.S. Border Patrol Sector Chiefs—

(1) identify critical flight hour requirements; and

(2) direct Air and Marine Operations to support requests from Sector Chiefs as their primary mission.

(f) SMALL UNMANNED AERIAL VEHICLES.—

(1) IN GENERAL.—The Chief of the U.S. Border Patrol shall be the executive agent for U.S. Customs and Border Protection's use of small unmanned aerial vehicles for the purpose of meeting the U.S. Border Patrol's unmet flight hour operational requirements and to achieve situational awareness and operational control.

(2) COORDINATION.—In carrying out paragraph (1), the Chief of the U.S. Border Patrol shall—

(A) coordinate flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient

operation of the National Airspace System; and

(B) coordinate with the Executive Assistant Commissioner for Air and Marine Operations of U.S. Customs and Border Protection to ensure the safety of other U.S. Customs and Border Protection aircraft flying in the vicinity of small unmanned aerial vehicles operated by the U.S. Border Patrol.

(3) CONFORMING AMENDMENT.—Paragraph (3) of section 411(e) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)) is amended—

(A) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) carry out the small unmanned aerial vehicle requirements pursuant to subsection (f) of section 1112 of the Border Security for America Act of 2018; and''.

(g) SAVING CLAUSE.—Nothing in this section shall confer, transfer, or delegate to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of U.S. Customs and Border Protection, or the Chief of the U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

SEC. 3113. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND TRANSIT ZONE.

(a) IN GENERAL.—Not later than September 30, 2022, the Secretary, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 3111 of this division), and acting through the appropriate component of the Department of Homeland Security, shall deploy to each sector or region of the southern border and the northern border, in a prioritized manner to achieve situational awareness and operational control of such borders, the following additional capabilities:

(1) SAN DIEGO SECTOR.—For the San Diego sector, the following:

(A) Tower-based surveillance technology.

(B) Subterranean surveillance and detection technologies.

(C) To increase coastal maritime domain awareness, the following:

(i) Deployable, lighter-than-air surface surveillance equipment.

(ii) Unmanned aerial vehicles with maritime surveillance capability.

(iii) U.S. Customs and Border Protection maritime patrol aircraft.

(iv) Coastal radar surveillance systems.

(v) Maritime signals intelligence capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(2) EL CENTRO SECTOR.—For the El Centro sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Man-portable unmanned aerial vehicles.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(3) YUMA SECTOR.—For the Yuma sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

(E) A rapid reaction capability supported by aviation assets.

(F) Mobile vehicle-mounted and man-portable surveillance systems.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(4) TUCSON SECTOR.—For the Tucson sector, the following:

(A) Tower-based surveillance technology.

(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(C) Deployable, lighter-than-air ground surveillance equipment.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(5) EL PASO SECTOR.—For the El Paso sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

(E) Mobile vehicle-mounted and man-portable surveillance systems.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(6) BIG BEND SECTOR.—For the Big Bend sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Improved agent communications capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(7) DEL RIO SECTOR.—For the Del Rio sector, the following:

(A) Tower-based surveillance technology.

(B) Increased monitoring for cross-river dams, culverts, and footpaths.

(C) Improved agent communications capabilities.

(D) Improved maritime capabilities in the Amistad National Recreation Area.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(8) LAREDO SECTOR.—For the Laredo sector, the following:

(A) Tower-based surveillance technology.

(B) Maritime detection resources for the Falcon Lake region.

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(D) Increased monitoring for cross-river dams, culverts, and footpaths.

(E) Ultralight aircraft detection capability.

(F) Advanced unattended surveillance sensors.

(G) A rapid reaction capability supported by aviation assets.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(9) RIO GRANDE VALLEY SECTOR.—For the Rio Grande Valley sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(D) Ultralight aircraft detection capability.

(E) Advanced unattended surveillance sensors.

(F) Increased monitoring for cross-river dams, culverts, footpaths.

(G) A rapid reaction capability supported by aviation assets.

(H) Increased maritime interdiction capabilities.

(I) Mobile vehicle-mounted and man-portable surveillance capabilities.

(J) Man-portable unmanned aerial vehicles.

(K) Improved agent communications capabilities.

(10) BLAINE SECTOR.—For the Blaine sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.

(C) Increased maritime interdiction capabilities.

(D) Mobile vehicle-mounted and man-portable surveillance capabilities.

(E) Advanced unattended surveillance sensors.

(F) Ultralight aircraft detection capabilities.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(11) SPOKANE SECTOR.—For the Spokane sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Increased maritime interdiction capabilities.

(C) Mobile vehicle-mounted and man-portable surveillance capabilities.

(D) Advanced unattended surveillance sensors.

(E) Ultralight aircraft detection capabilities.

(F) Completion of six miles of the Bog Creek road.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications systems.

(12) HAVRE SECTOR.—For the Havre sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

(13) GRAND FORKS SECTOR.—For the Grand Forks sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

(14) DETROIT SECTOR.—For the Detroit sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.

(C) Increased maritime interdiction capabilities.

(D) Mobile vehicle-mounted and man-portable surveillance capabilities.

(E) Advanced unattended surveillance sensors.

(F) Ultralight aircraft detection capabilities.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications systems.

(15) BUFFALO SECTOR.—For the Buffalo sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.

(C) Increased maritime interdiction capabilities.

(D) Mobile vehicle-mounted and man-portable surveillance capabilities.

(E) Advanced unattended surveillance sensors.

(F) Ultralight aircraft detection capabilities.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications systems.

(16) SWANTON SECTOR.—For the Swanton sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

(17) HOULTON SECTOR.—For the Houlton sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

(18) TRANSIT ZONE.—For the transit zone, the following:

(A) Not later than two years after the date of the enactment of this Act, an increase in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.

(B) Increased maritime signals intelligence capabilities.

(C) To increase maritime domain awareness, the following:

(i) Unmanned aerial vehicles with maritime surveillance capability.

(ii) Increased maritime aviation patrol hours.

(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.

(E) Coastal radar surveillance systems with long range day and night cameras capable of providing full maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.

(b) TACTICAL FLEXIBILITY.—

(1) SOUTHERN AND NORTHERN LAND BORDERS.—

(A) IN GENERAL.—Beginning on September 30, 2021, or after the Secretary has deployed at least 25 percent of the capabilities required in each sector specified in subsection (a), whichever comes later, the Secretary may deviate from such capability deployments if the Secretary determines that such deviation is required to achieve situational awareness or operational control.

(B) NOTIFICATION.—If the Secretary exercises the authority described in subparagraph (A), the Secretary shall, not later than 90 days after such exercise, notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the deviation under such subparagraph that is the subject of such exercise. If the Secretary makes any changes to such deviation, the Secretary shall, not later than 90 days after any such change, notify such committees regarding such change.

(2) TRANSIT ZONE.—

(A) NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives regarding the capability deployments for the transit zone specified in paragraph (18) of subsection (a), including information relating to—

(i) the number and types of assets and personnel deployed; and

(ii) the impact such deployments have on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a).

(B) ALTERATION.—The Secretary may alter the capability deployments referred to in this section if the Secretary—

(i) determines, after consultation with the committees referred to in subparagraph (A), that such alteration is necessary; and

(ii) not later than 30 days after making a determination under clause (i), notifies the committees referred to in such subparagraph regarding such alteration, including information relating to—

(I) the number and types of assets and personnel deployed pursuant to such alteration; and

(II) the impact such alteration has on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a).

(c) EXIGENT CIRCUMSTANCES.—

(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may deploy the capabilities referred to in subsection (a) in a manner that is inconsistent with the requirements specified in such subsection if, after the Secretary has deployed at least 25 percent of such capabilities, the Secretary determines that exigent circumstances demand such an inconsistent deployment or that such an inconsistent deployment is vital to the national security interests of the United States.

(2) NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security of the House of Representative and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 30 days after making a determination under paragraph (1). Such notification shall include a detailed justification regarding such determination.

SEC. 3114. U.S. BORDER PATROL ACTIVITIES.

The Chief of the U.S. Border Patrol shall prioritize the deployment of U.S. Border Patrol agents to as close to the physical land border as possible, consistent with border security enforcement priorities and accessibility to such areas.

SEC. 3115. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

"SEC. 435. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

''(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.

''(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

''(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

''(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(3) have a plan for meeting program implementation objectives by managing contractor performance.

''(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible

for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

''(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing, evaluating, and using independent verification and validation resources for border security technology. Under the plan, new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

''(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(2) the effective use of taxpayer dollars.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 433 the following new item:

''Sec. 435. Border security technology program management.''.

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 435 of the Homeland Security Act of 2002, as added by subsection (a). Such section shall be carried out using amounts otherwise authorized for such purposes.

SEC. 3116. REIMBURSEMENT OF STATES FOR DEPLOYMENT OF THE NATIONAL GUARD AT THE SOUTHERN BORDER.

(a) IN GENERAL.—With the approval of the Secretary and the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, along the southern border for the purposes of assisting U.S. Customs and Border Protection to achieve situational awareness and operational control of the border.

(b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

(1) IN GENERAL.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the southern border.

(2) NATURE OF DUTY.—The duty of National Guard personnel performing operations and missions described in paragraph (1) shall be full-time duty under title 32, United States Code.

(c) RANGE OF OPERATIONS AND MISSIONS.—The operations and missions assigned under subsection (b) shall include the temporary authority to—

(1) construct reinforced fencing or other physical barriers;

(2) operate ground-based surveillance systems;

(3) operate unmanned and manned aircraft;

(4) provide radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies;

(5) construct checkpoints along the Southern border to bridge the gap to long-term permanent checkpoints; and

(6) provide intelligence support.

(d) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense shall deploy such materiel, equipment, and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section.

(e) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall reimburse States for the cost of the deployment of any units or personnel of the National Guard to perform operations and missions in full-time State Active Duty in support of a southern border mission. The Secretary of Defense may not seek reimbursement from the Secretary for any reimbursements paid to States for the costs of such deployments.

(2) LIMITATION.—The total amount of reimbursements under this section may not exceed $35,000,000 for any fiscal year.

SEC. 3117. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary, shall provide assistance to U.S. Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern border.

(b) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include—

(1) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and

(2) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense may deploy such materiel, equipment, and logistics support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Defense $75,000,000 to provide assistance under this section. The Secretary of Defense may not seek reimbursement from the Secretary for any assistance provided under this section.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of Defense shall submit a report to the appropriate congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) regarding any assistance provided under subsection (a) during the period specified in paragraph (3).

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the period specified in paragraph (3), a description of—

(A) the assistance provided;

(B) the sources and amounts of funds used to provide such assistance; and

(C) the amounts obligated to provide such assistance.

(3) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) in the case of the first report required under paragraph (1), the 90-day period beginning on the date of the enactment of this Act; and

(B) in the case of any subsequent report submitted under paragraph (1), the calendar year for which the report is submitted.

SEC. 3118. PROHIBITIONS ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) PROHIBITION ON INTERFERENCE WITH U.S. CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—The Secretary concerned may not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on covered Federal land to carry out the activities described in subsection (b).

(2) APPLICABILITY.—The authority of U.S. Customs and Border Protection to conduct activities described in subsection (b) on covered Federal land applies without regard to whether a state of emergency exists.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(A) the execution of search and rescue operations;

(B) the use of motorized vehicles, foot patrols, and horseback to patrol the border area, apprehend illegal entrants, and rescue individuals; and

(C) the design, testing, construction, installation, deployment, and operation of physical barriers, tactical infrastructure, and technology pursuant to section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 3111 of this division).

(c) CLARIFICATION RELATING TO WAIVER AUTHORITY.—

(1) IN GENERAL.—The activities of U.S. Customs and Border Protection described in subsection (b)(2) may be carried out without regard to the provisions of law specified in paragraph (2).

(2) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

(A) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act'').

(D) Division A of subtitle III of title 54, United States Code (54 U.S.C. 300301 et seq.) (formerly known as the ''National Historic Preservation Act'').

(E) The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(F) The Clean Air Act (42 U.S.C. 7401 et seq.).

(G) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(H) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(I) The Noise Control Act of 1972 (42 U.S.C. 4901 et seq.).

(J) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(K) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(L) Chapter 3125 of title 54, United States Code (formerly known as the ''Archaeological and Historic Preservation Act'').

(M) The Antiquities Act (16 U.S.C. 431 et seq.).

(N) Chapter 3203 of title 54, United States Code (formerly known as the ''Historic Sites, Buildings, and Antiquities Act'').

(O) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(P) The Farmland Protection Policy Act (7 U.S.C. 4201 et seq.).

(Q) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(R) The Wilderness Act (16 U.S.C. 1131 et seq.).

(S) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(T) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(U) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

(V) The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly

known as the ''Administrative Procedure Act'').

(X) The Otay Mountain Wilderness Act of 1999 (Public Law 106–145).

(Y) Sections 102(29) and 103 of the California Desert Protection Act of 1994 (Public Law 103–433).

(Z) Division A of subtitle I of title 54, United States Code (formerly known as the ''National Park Service Organic Act''.

(AA) The National Park Service General Authorities Act (Public Law 91–383, 16 U.S.C. 1a–1 et seq.).

(BB) Sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625).

(CC) Sections 301(a) through (f) of the Arizona Desert Wilderness Act (Public Law 101–628).

(DD) The Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(EE) The Eagle Protection Act (16 U.S.C. 668 et seq.).

(FF) The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(GG) The American Indian Religious Freedom Act (42 U.S.C. 1996).

(HH) The Religious Freedom Restoration Act (42 U.S.C. 2000bb).

(II) The National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

(JJ) The Multiple Use and Sustained Yield Act of 1960 (16 U.S.C. 528 et seq.).

(3) APPLICABILITY OF WAIVER TO SUCCESSOR LAWS.—If a provision of law specified in paragraph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2008, and before the date of the enactment of this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent the waiver applied to that provision of law.

(4) SAVINGS CLAUSE.—The waiver authority under this subsection may not be construed as affecting, negating, or diminishing in any manner the applicability of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), in any relevant matter.

(d) PROTECTION OF LEGAL USES.—This section may not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or recreation or the use of backcountry airstrips, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) EFFECT ON STATE AND PRIVATE LAND.—This section shall—

(1) have no force or effect on State lands or private lands; and

(2) not provide authority on or access to State lands or private lands.

(f) TRIBAL SOVEREIGNTY.—Nothing in this section may be construed to supersede, replace, negate, or diminish treaties or other agreements between the United States and Indian tribes.

(g) MEMORANDA OF UNDERSTANDING.—The requirements of this section shall not apply to the extent that such requirements are incompatible with any memorandum of understanding or similar agreement entered into between the Commissioner and a National Park Unit before the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' includes all land under the control of the Secretary concerned that is located within 100 miles of the southern border or the northern border.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Department of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Department of the Interior, the Secretary of the Interior.

SEC. 3119. LANDOWNER AND RANCHER SECURITY ENHANCEMENT.

(a) ESTABLISHMENT OF NATIONAL BORDER SECURITY ADVISORY COMMITTEE.—The Secretary shall establish a National Border Security Advisory Committee, which—

(1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to border security matters, including—

(A) verifying security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223); and

(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and

(2) may provide, through the Secretary, recommendations to Congress.

(b) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security.

(c) MEMBERSHIP.—The National Border Security Advisory Committee shall consist of at least one member from each State who—

(1) has at least five years practical experience in border security operations; or

(2) lives and works in the United States within 80 miles from the southern border or the northern border.

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Border Security Advisory Committee.

SEC. 3120. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than September 30, 2022, the Secretary, after coordinating with the heads of the relevant Federal, State, and local agencies, shall begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations.

(b) EXTENT.—The waiver authority under subsection (c) of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 3111 of this division, shall extend to activities carried out pursuant to this section.

SEC. 3121. SOUTHERN BORDER THREAT ANALYSIS.

(a) THREAT ANALYSIS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a Southern border threat analysis.

(2) CONTENTS.—The analysis submitted under paragraph (1) shall include an assessment of—

(A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(i) to unlawfully enter the United States through the Southern border; or

(ii) to exploit security vulnerabilities along the Southern border;

(B) improvements needed at and between ports of entry along the Southern border to prevent terrorists and instruments of terror from entering the United States;

(C) gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts;

(D) the current percentage of situational awareness achieved by the Department along the Southern border;

(E) the current percentage of operational control achieved by the Department on the Southern border; and

(F) traveler crossing times and any potential security vulnerability associated with prolonged wait times.

(3) ANALYSIS REQUIREMENTS.—In compiling the Southern border threat analysis required under this subsection, the Secretary shall consider and examine—

(A) the technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought;

(B) the personnel needs and challenges, including such needs and challenges associated with recruitment and hiring;

(C) the infrastructure needs and challenges;

(D) the roles and authorities of State, local, and tribal law enforcement in general border security activities;

(E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security;

(F) the terrain, population density, and climate along the Southern border; and

(G) the international agreements between the United States and Mexico related to border security.

(4) CLASSIFIED FORM.—To the extent possible, the Secretary shall submit the Southern border threat analysis required under this subsection in unclassified form, but may submit a portion of the threat analysis in classified form if the Secretary determines such action is appropriate.

(b) U.S. BORDER PATROL STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2018, and every five years thereafter, the Secretary, acting through the Chief of the U.S. Border Patrol, shall issue a Border Patrol Strategic Plan.

(2) CONTENTS.—The Border Patrol Strategic Plan required under this subsection shall include a consideration of—

(A) the Southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis;

(B) efforts to analyze and disseminate border security and border threat information between border security components of the Department and other appropriate Federal departments and agencies with missions associated with the Southern border;

(C) efforts to increase situational awareness, including—

(i) surveillance capabilities, including capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets;

(D) efforts to detect and prevent terrorists and instruments of terrorism from entering the United States;

(E) efforts to detect, interdict, and disrupt aliens and illicit drugs at the earliest possible point;

(F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States;

(G) efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department;

(H) any technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary determines to be necessary;

(I) operational coordination unity of effort initiatives of the border security components of the Department, including any relevant task forces of the Department;

(J) lessons learned from Operation Jumpstart and Operation Phalanx;

(K) cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the Northern border or the Southern border;

(L) border security information received from consultation with State, local, tribal, territorial, and Federal law enforcement agencies that have jurisdiction on the Northern border or the Southern border, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border agricultural and ranching organizations and representatives from business and civic organizations along the Northern border or the Southern border;

(M) staffing requirements for all departmental border security functions;

(N) a prioritized list of departmental research and development objectives to enhance the security of the Southern border;

(O) an assessment of training programs, including training programs for—

(i) identifying and detecting fraudulent documents;

(ii) understanding the scope of enforcement authorities and the use of force policies; and

(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

(P) an assessment of how border security operations affect border crossing times.

SEC. 3122. AMENDMENTS TO U.S. CUSTOMS AND BORDER PROTECTION.

(a) DUTIES.—Subsection (c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended—

(1) in paragraph (18), by striking ''and'' after the semicolon at the end;

(2) by redesignating paragraph (19) as paragraph (21); and

(3) by inserting after paragraph (18) the following new paragraphs:

''(19) administer the U.S. Customs and Border Protection public private partnerships under subtitle G;

''(20) administer preclearance operations under the Preclearance Authorization Act of 2015 (19 U.S.C. 4431 et seq.; enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C. 4301 et seq.); and''.

(b) OFFICE OF FIELD OPERATIONS STAFFING.—Subparagraph (A) of section 411(g)(5) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)) is amended by inserting before the period at the end the following: ''compared to the number indicated by the current fiscal year work flow staffing model''.

(c) IMPLEMENTATION PLAN.—Subparagraph (B) of section 814(e)(1) of the Preclearance Authorization Act of 2015 (19 U.S.C. 4433(e)(1); enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C. 4301 et seq.) is amended to read as follows:

''(B) a port of entry vacancy rate which compares the number of officers identified in subparagraph (A) with the number of officers at the port at which such officer is currently assigned.''.

(d) DEFINITION.—Subsection (r) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended—

(1) by striking ''this section, the terms'' and inserting the following: ''this section:

''(1) the terms'';

(2) in paragraph (1), as added by subparagraph (A), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) the term 'unmanned aerial systems' has the meaning given the term 'unmanned aircraft system' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

SEC. 3123. AGENT AND OFFICER TECHNOLOGY USE.

In carrying out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 3111 of this division) and section 3113 of this division, the Secretary shall, to the greatest extent practicable, ensure that technology deployed to gain situational awareness and operational control of the border be provided to front-line officers and agents of the Department of Homeland Security.

SEC. 3124. INTEGRATED BORDER ENFORCEMENT TEAMS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 3115 of this division, is further amended by adding at the end the following new section:

''SEC. 436. INTEGRATED BORDER ENFORCEMENT TEAMS.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Department a program to be known as the Integrated Border Enforcement Team program (referred to in this section as 'IBET').

''(b) PURPOSE.—The Secretary shall administer the IBET program in a manner that results in a cooperative approach between the United States and Canada to—

''(1) strengthen security between designated ports of entry;

''(2) detect, prevent, investigate, and respond to terrorism and violations of law related to border security;

''(3) facilitate collaboration among components and offices within the Department and international partners;

''(4) execute coordinated activities in furtherance of border security and homeland security; and

''(5) enhance information-sharing, including the dissemination of homeland security information among such components and offices.

''(c) COMPOSITION AND LOCATION OF IBETS.—

''(1) COMPOSITION.—IBETs shall be led by the United States Border Patrol and may be comprised of personnel from the following:

''(A) Other subcomponents of U.S. Customs and Border Protection.

''(B) U.S. Immigration and Customs Enforcement, led by Homeland Security Investigations.

''(C) The Coast Guard, for the purpose of securing the maritime borders of the United States.

''(D) Other Department personnel, as appropriate.

''(E) Other Federal departments and agencies, as appropriate.

''(F) Appropriate State law enforcement agencies.

''(G) Foreign law enforcement partners.

''(H) Local law enforcement agencies from affected border cities and communities.

''(I) Appropriate tribal law enforcement agencies.

''(2) LOCATION.—The Secretary is authorized to establish IBETs in regions in which such teams can contribute to IBET missions, as appropriate. When establishing an IBET, the Secretary shall consider the following:

''(A) Whether the region in which the IBET would be established is significantly impacted by cross-border threats.

''(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in an IBET.

''(C) Whether, in accordance with paragraph (3), other joint cross-border initiatives already take place within the region in which the IBET would be established, including other Department cross-border programs such as the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

''(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new IBET or to expand an existing IBET in a given region, the Secretary shall ensure that the IBET under consideration does not duplicate the efforts of other existing interagency task forces or centers within such region, including the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

''(d) OPERATION.—

''(1) IN GENERAL.—After determining the regions in which to establish IBETs, the Secretary may—

''(A) direct the assignment of Federal personnel to such IBETs; and

''(B) take other actions to assist Federal, State, local, and tribal entities to participate in such IBETs, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with such participation.

''(2) LIMITATION.—Coast Guard personnel assigned under paragraph (1) may be assigned only for the purposes of securing the maritime borders of the United States, in accordance with subsection (c)(1)(C).

''(e) COORDINATION.—The Secretary shall coordinate the IBET program with other similar border security and antiterrorism programs within the Department in accordance with the strategic objectives of the Cross-Border Law Enforcement Advisory Committee.

''(f) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into memoranda of understanding with appropriate representatives of the entities specified in subsection (c)(1) necessary to carry out the IBET program.

''(g) REPORT.—Not later than 180 days after the date on which an IBET is established and biannually thereafter for the following six years, the Secretary shall submit to the appropriate congressional committees, including the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and in the case of Coast Guard personnel used to secure the maritime borders of the United States, additionally to the Committee on Transportation and Infrastructure of the House of Representatives, a report that—

''(1) describes the effectiveness of IBETs in fulfilling the purposes specified in subsection (b);

''(2) assess the impact of certain challenges on the sustainment of cross-border IBET operations, including challenges faced by international partners;

''(3) addresses ways to support joint training for IBET stakeholder agencies and radio interoperability to allow for secure cross-border radio communications; and

''(4) assesses how IBETs, Border Enforcement Security Task Forces, and the Integrated Cross-Border Maritime Law Enforcement Operation Program can better align operations, including interdiction and investigation activities.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 435 the following new item:

''Sec. 436. Integrated Border Enforcement Teams.''.

SEC. 3125. TUNNEL TASK FORCES.

The Secretary is authorized to establish Tunnel Task Forces for the purposes of detecting and remediating tunnels that breach the international border of the United States.

SEC. 3126. PILOT PROGRAM ON USE OF ELECTROMAGNETIC SPECTRUM IN SUPPORT OF BORDER SECURITY OPERATIONS.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall conduct a pilot program to test and evaluate the use of electromagnetic spectrum by U.S. Customs and Border Protection in support of border security operations through—

(1) ongoing management and monitoring of spectrum to identify threats such as unauthorized spectrum use, and the jamming and hacking of United States communications assets, by persons engaged in criminal enterprises;

(2) automated spectrum management to enable greater efficiency and speed for U.S. Customs and Border Protection in addressing emerging challenges in overall spectrum use on the United States border; and

(3) coordinated use of spectrum resources to better facilitate interoperability and interagency cooperation and interdiction efforts at or near the United States border.

(b) REPORT TO CONGRESS.—Not later than 180 days after the conclusion of the pilot program conducted under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings and data derived from such program.

SEC. 3127. HOMELAND SECURITY FOREIGN ASSISTANCE.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by sections 3115 and 3124 of this division, is further amended by adding at the end the following new section:

''SEC. 437. SECURITY ASSISTANCE.

''(a) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, may provide to a foreign government, financial assistance and, with or without reimbursement, security assistance, including equipment, training, maintenance, supplies, and sustainment support.

''(b) DETERMINATION.—The Secretary may only provide financial assistance or security assistance pursuant to subsection (a) if the Secretary determines that such assistance would enhance the recipient government's capacity to—

''(1) mitigate the risk or threat of transnational organized crime and terrorism;

''(2) address irregular migration flows that may affect the United States, including any detention or removal operations of the recipient government; or

''(3) protect and expedite legitimate trade and travel.

''(c) LIMITATION ON TRANSFER.—The Secretary may not—

''(1) transfer any equipment or supplies that are designated as a munitions item or controlled on the United States Munitions List, pursuant to section 38 of the Foreign Military Sales Act (22 U.S.C. 2778); or

''(2) transfer any vessel or aircraft pursuant to this section.

''(d) RELATED TRAINING.—In conjunction with a transfer of equipment pursuant to subsection (a), the Secretary may provide such equipment-related training and assistance as the Secretary determines necessary.

''(e) MAINTENANCE OF TRANSFERRED EQUIPMENT.—The Secretary may provide for the maintenance of transferred equipment through service contracts or other means, with or without reimbursement, as the Secretary determines necessary.

''(f) REIMBURSEMENT OF EXPENSES.—

''(1) IN GENERAL.—The Secretary may collect payment from the receiving entity for the provision of security assistance under this section, including equipment, training, maintenance, supplies, sustainment support, and related shipping costs.

''(2) TRANSFER.—Notwithstanding any other provision of law, to the extent the Secretary does not collect payment pursuant to paragraph (1), any amounts appropriated or otherwise made available to the Department of Homeland Security may be transferred to the account that finances the security assistance provided pursuant to subsection (a).

''(g) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any reimbursement collected pursuant to subsection (f) shall—

''(1) be credited as offsetting collections to the account that finances the security assistance under this section for which such reimbursement is received; and

''(2) remain available until expended for the purpose of carrying out this section.

''(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting, augmenting, or diminishing the authority of the Secretary of State.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following new item:

''Sec. 437. Security assistance.''.

CHAPTER 2—PERSONNEL

SEC. 3131. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

(a) BORDER PATROL AGENTS.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents.

(b) CBP OFFICERS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection as of such date, the Commissioner shall hire, train, and assign to duty, not later than September 30, 2022—

(1) sufficient U.S. Customs and Border Protection officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers; and

(2) 350 full-time support staff distributed among all United States ports of entry.

(c) AIR AND MARINE OPERATIONS.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Customs and Border Protection to maintain not fewer than 1,675 full-time equivalent agents and not fewer than 264 Marine and Air Interdiction Agents for southern border air and maritime operations.

(d) U.S. CUSTOMS AND BORDER PROTECTION K–9 UNITS AND HANDLERS.—

(1) K–9 UNITS.—Not later than September 30, 2022, the Commissioner shall deploy not fewer than 300 new K–9 units, with supporting officers of U.S. Customs and Border Protection and other required staff, at land ports of entry and checkpoints, on the southern border and the northern border.

(2) USE OF CANINES.—The Commissioner shall prioritize the use of canines at the primary inspection lanes at land ports of entry and checkpoints.

(e) U.S. CUSTOMS AND BORDER PROTECTION HORSEBACK UNITS.—

(1) INCREASE.—Not later than September 30, 2022, the Commissioner shall increase the number of horseback units, with supporting officers of U.S. Customs and Border Protection and other required staff, by not fewer than 100 officers and 50 horses for security patrol along the Southern border.

(2) HORSEBACK UNIT SUPPORT.—The Commissioner shall construct new stables, maintain and improve existing stables, and provide other resources needed to maintain the health and well-being of the horses that serve in the horseback units of U.S. Customs and Border Protection.

(f) U.S. CUSTOMS AND BORDER PROTECTION SEARCH TRAUMA AND RESCUE TEAMS.—Not later than September 30, 2022, the Commissioner shall increase by not fewer than 50 the number of officers engaged in search and rescue activities along the southern border.

(g) U.S. CUSTOMS AND BORDER PROTECTION TUNNEL DETECTION AND TECHNOLOGY PROGRAM.—Not later than September 30, 2022, the Commissioner shall increase by not fewer than 50 the number of officers assisting task forces and activities related to deployment and operation of border tunnel detection technology and apprehensions of individuals using such tunnels for crossing into the United States, drug trafficking, or human smuggling.

(h) AGRICULTURAL SPECIALISTS.—Not later than September 30, 2022, the Secretary shall hire, train, and assign to duty, in addition to the officers and agents authorized under subsections (a) through (g), 631 U.S. Customs and Border Protection agricultural specialists to ports of entry along the southern border and the northern border.

(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient Office of Professional Responsibility special agents to maintain an active duty presence of not fewer than 550 full-time equivalent special agents.

(j) U.S. CUSTOMS AND BORDER PROTECTION OFFICE OF INTELLIGENCE.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient Office of Intelligence personnel to maintain not fewer than 700 full-time equivalent employees.

(k) GAO REPORT.—If the staffing levels required under this section are not achieved by September 30, 2022, the Comptroller General of the United States shall conduct a review of the reasons why such levels were not achieved.

SEC. 3132. U.S. CUSTOMS AND BORDER PROTECTION RETENTION INCENTIVES.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''§ 9702. U.S. Customs and Border Protection temporary employment authorities

''(a) DEFINITIONS.—In this section—

''(1) the term 'CBP employee' means an employee of U.S. Customs and Border Protection described under any of subsections (a) through (h) of section 1131 of the Border Security for America Act of 2018;

''(2) the term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection;

''(3) the term 'Director' means the Director of the Office of Personnel Management;

''(4) the term 'Secretary' means the Secretary of Homeland Security; and

''(5) the term 'appropriate congressional committees' means the Committee on Oversight and Government Reform, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate.

''(b) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

''(1) STATEMENT OF PURPOSE AND LIMITATION.—The purpose of this subsection is to allow U.S. Customs and Border Protection to expeditiously meet the hiring goals and staffing levels required by section 1131 of the Border Security for America Act of 2018. The Secretary shall not use this authority beyond meeting the requirements of such section.

''(2) DIRECT HIRE AUTHORITY.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees if the Secretary has given public notice for the positions.

''(3) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a recruitment or relocation bonus of up to 50 percent of the annual rate of basic pay to an individual CBP employee at the beginning of the service period multiplied by the number of years (including a fractional part of a year) in the required service period to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

''(A) the Secretary determines that conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to the regulations referenced in subsection (b)(2)(B(ii)(I) of such section or to any other provision of that section); and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(4) RETENTION BONUSES.—The Secretary may pay a retention bonus of up to 50 percent of basic pay to an individual CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

''(A) the Secretary determines that—

''(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section);

''(ii) in the absence of a retention bonus, the CBP employee would be likely to leave—

''(I) the Federal service; or

''(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(5) RULES FOR BONUSES.—

''(A) MAXIMUM BONUS.—A bonus paid to an employee under—

''(i) paragraph (3) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

''(ii) paragraph (4) may not exceed 50 percent of the annual rate of basic pay of the employee.

''(B) RELATIONSHIP TO BASIC PAY.—A bonus paid to an employee under paragraph (3) or (4) shall not be considered part of the basic pay of the employee for any purpose, including for retirement or in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552.

''(C) PERIOD OF SERVICE FOR RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—

''(i) A bonus paid to an employee under paragraph (4) may not be based on any period of such service which is the basis for a recruitment or relocation bonus under paragraph (3).

''(ii) A bonus paid to an employee under paragraph (3) or (4) may not be based on any period of service which is the basis for a recruitment or relocation bonus under section 5753 or a retention bonus under section 5754.

''(c) SPECIAL RATES OF PAY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section to assist the Secretary in meeting the requirements of section 1131 of the Border Security for America Act of 2018. The Director shall prioritize the consideration of requests from the Secretary for such special rates of pay and issue a decision as soon as practicable. The Secretary shall provide such information to the Director as the Director deems necessary to evaluate special rates of pay under this subsection.

''(d) OPM OVERSIGHT.—

''(1) Not later than September 30 of each year, the Secretary shall provide a report to the Director on U.S. Customs and Border Protection's use of authorities provided under subsections (b) and (c). In each report, the Secretary shall provide such information as the Director determines is appropriate to ensure appropriate use of authorities under such subsections. Each report shall also include an assessment of—

''(A) the impact of the use of authorities under subsections (b) and (c) on implementation of section 1131 of the Border Security for America Act of 2018;

''(B) solving hiring and retention challenges at the agency, including at specific locations;

''(C) whether hiring and retention challenges still exist at the agency or specific locations; and

''(D) whether the Secretary needs to continue to use authorities provided under this section at the agency or at specific locations.

''(2) CONSIDERATION.—In compiling a report under paragraph (1), the Secretary shall consider—

''(A) whether any CBP employee accepted an employment incentive under subsection (b) and (c) and then transferred to a new location or left U.S. Customs and Border Protection; and

''(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

''(3) DISTRIBUTION.—In addition to the Director, the Secretary shall submit each report required under this subsection to the appropriate congressional committees.

''(e) OPM ACTION.—If the Director determines the Secretary has inappropriately used authorities under subsection (b) or a special rate of pay provided under subsection (c), the Director shall notify the Secretary and the appropriate congressional committees in writing. Upon receipt of the notification, the Secretary may not make any new appointments or issue any new bonuses under subsection (b), nor provide CBP employees with further special rates of pay, until the Director has provided the Secretary and the appropriate congressional committees a written notice stating the Director is satisfied safeguards are in place to prevent further inappropriate use.

''(f) IMPROVING CBP HIRING AND RETENTION.—

''(1) EDUCATION OF CBP HIRING OFFICIALS.—Not later than 180 days after the date of the enactment of this section, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve the education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

''(2) ELEMENTS.—Elements of the strategy under paragraph (1) shall include the following:

''(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees.

''(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas.

''(C) The development of pilot programs or other programs, as appropriate, consistent with authorities provided to the Secretary to address identified hiring challenges, including in rural or remote areas.

''(D) Developing and enhancing strategic recruiting efforts through the relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas.

''(E) Examination of existing agency programs on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

''(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families.

''(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families.

''(H) Evaluation of Department of Homeland Security internship programs and the usefulness of those programs in improving hiring by the Secretary in rural or remote areas.

''(3) EVALUATION.—

''(A) IN GENERAL.—Each year, the Secretary shall—

''(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

''(ii) make any appropriate updates to the strategy under paragraph (1).

''(B) INFORMATION.—The evaluation conducted under subparagraph (A) shall include—

''(i) any reduction in the time taken by the Secretary to fill mission-critical positions, including in rural or remote areas;

''(ii) a general assessment of the impact of the strategy implemented under paragraph (1) on hiring challenges, including in rural or remote areas; and

''(iii) other information the Secretary determines relevant.

''(g) INSPECTOR GENERAL REVIEW.—Not later than two years after the date of the enactment of this section, the Inspector General of the Department of Homeland Security shall review the use of hiring and pay flexibilities under subsections (b) and (c) to determine whether the use of such flexibilities is helping the Secretary meet hiring and retention needs, including in rural and remote areas.

''(h) REPORT ON POLYGRAPH REQUESTS.—The Secretary shall report to the appropriate congressional committees on the number of requests the Secretary receives from any other Federal agency for the file of an applicant for a position in U.S. Customs and Border Protection that includes the results of a polygraph examination.

''(i) EXERCISE OF AUTHORITY.—

''(1) SOLE DISCRETION.—The exercise of authority under subsection (b) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71 and any collective bargaining agreement.

''(2) DELEGATION.—The Secretary may delegate any authority under this section to the Commissioner.

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Secretary or the Director from applicability of the merit system principles under section 2301.

''(k) SUNSET.—The authorities under subsections (b) and (c) shall terminate on September 30, 2022. Any bonus to be paid pursuant to subsection (b) that is approved before such date may continue until such bonus has been paid, subject to the conditions specified in this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. U.S. Customs and Border Protection temporary employment authorities.''.

SEC. 3133. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Anti-Border Corruption Reauthorization Act of 2018''.

(b) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; and

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Border Security for America Act of 2018.''.

(c) SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.—

(1) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NON-EXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''.

(2) REPORT.—The Anti-Border Corruption Act of 2010, as amended by paragraph (1), is further amended by adding at the end the following new section:

''SEC. 5. REPORTING.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to each such reporting period—

''(1) the number of waivers requested, granted, and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''.

(3) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following new section:

''SEC. 6. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer' defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635–200 chapter 14–12.

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5' with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(d) POLYGRAPH EXAMINERS.—Not later than September 30, 2022, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this chapter.

SEC. 3134. TRAINING FOR OFFICERS AND AGENTS OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Subsection (l) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended to read as follows:

''(l) TRAINING AND CONTINUING EDUCATION.—

''(1) MANDATORY TRAINING.—The Commissioner shall ensure that every agent and officer of U.S. Customs and Border Protection receives a minimum of 21 weeks of training that are directly related to the mission of the U.S. Border Patrol, Air and Marine, and the Office of Field Operations before the initial assignment of such agents and officers.

''(2) FLETC.—The Commissioner shall work in consultation with the Director of the Federal Law Enforcement Training Centers to establish guidelines and curriculum for the training of agents and officers of U.S. Customs and Border Protection under subsection (a).

''(3) CONTINUING EDUCATION.—The Commissioner shall annually require all agents and officers of U.S. Customs and Border Protection who are required to undergo training under subsection (a) to participate in not fewer than eight hours of continuing education annually to maintain and update understanding of Federal legal rulings, court decisions, and Department policies, procedures, and guidelines related to relevant subject matters.

''(4) LEADERSHIP TRAINING.—Not later than one year after the date of the enactment of this subsection, the Commissioner shall develop and require training courses geared towards the development of leadership skills for mid- and senior-level career employees not later than one year after such employees assume duties in supervisory roles.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report identifying the guidelines and curriculum established to carry out subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(c) ASSESSMENT.—Not later than four years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report that assesses the training and education, including continuing education, required under subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

CHAPTER 3—GRANTS

SEC. 3141. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

''SEC. 2009. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency—

''(1) shall be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border; and

''(2) shall be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office.

''(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for—

''(1) equipment, including maintenance and sustainment costs;

''(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities;

''(3) any activity permitted for Operation Stonegarden under the Department of Homeland Security's Fiscal Year 2017 Homeland Security Grant Program Notice of Funding Opportunity; and

''(4) any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period of not less than 36 months.

''(e) REPORT.—For each of fiscal years 2018 through 2022, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains information on the expenditure of grants made under this section by each grant recipient.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $22,000,000 for fiscal year 2018 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following:

''Sec. 2009. Operation Stonegarden.''.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS

SEC. 3151. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated for fiscal year 2018, $4,960,000,000 to implement this subtitle and the amendments made by this subtitle, of which—

(1) $1,860,000,000 shall be used by the Department of Homeland Security to construct physical barriers pursuant to section 102 of the Illegal Immigration and Immigrant Responsibility Act of 1996, as amended by section 3111 of this division;

(2) $200,000,000 shall be used by the Department to improve tactical infrastructure pursuant to such section 102, as amended by such section 3111 of this division;

(3) $1,160,000,000 shall be used by the Department to carry out section 3112 of this division;

(4) $40,000,000 shall be used by the Coast Guard for deployments of personnel and assets under paragraph (18) of section 3113(a) of this division; and

(5) $1,700,000,000 shall be used by the Department to carry out section 3131 of this division.

Subtitle B—Emergency Port of Entry Personnel and Infrastructure Funding

SEC. 3201. PORTS OF ENTRY INFRASTRUCTURE.

(a) ADDITIONAL PORTS OF ENTRY.—

(1) AUTHORITY.—The Administrator of General Services may, subject to section 3307 of title 40, United States Code, construct new ports of entry along the northern border and southern border at locations determined by the Secretary.

(2) CONSULTATION.—

(A) REQUIREMENT TO CONSULT.—The Secretary and the Administrator of General Services shall consult with the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and appropriate representatives of State and local governments, and Indian tribes, and property owners in the United States prior to determining a location for any new port of entry constructed pursuant to paragraph (1).

(B) CONSIDERATIONS.—The purpose of the consultations required by subparagraph (A) shall be to minimize any negative impacts of constructing a new port of entry on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.

(b) EXPANSION AND MODERNIZATION OF HIGH-PRIORITY SOUTHERN BORDER PORTS OF ENTRY.—Not later than September 30, 2021, the Administrator of General Services, subject to section 3307 of title 40, United States Code, and in coordination with the Secretary, shall expand or modernize high-priority ports of entry on the southern border, as determined by the Secretary, for the purposes of reducing wait times and enhancing security.

(c) PORT OF ENTRY PRIORITIZATION.—Prior to constructing any new ports of entry pursuant to subsection (a), the Administrator of General Services shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable.

(d) NOTIFICATIONS.—

(1) RELATING TO NEW PORTS OF ENTRY.—Not later than 15 days after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary and the Administrator of General Services shall jointly notify the Members of Congress who represent the State or congressional district in which such new port of entry will be located, as well as the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security, the Committee on Ways and Means, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary of the House of Representatives. Such notification shall include information relating to the location of such new port of entry, a description of the need

for such new port of entry and associated anticipated benefits, a description of the consultations undertaken by the Secretary and the Administrator pursuant to paragraph (2) of such subsection, any actions that will be taken to minimize negative impacts of such new port of entry, and the anticipated timeline for construction and completion of such new port of entry.

(2) RELATING TO EXPANSION AND MODERNIZATION OF PORTS OF ENTRY.—Not later than 180 days after enactment of this Act, the Secretary and the Administrator of General Services shall jointly notify the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security, the Committee on Ways and Means, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary of the House of Representatives of the ports of entry on the southern border that are the subject of expansion or modernization pursuant to subsection (b) and the Secretary's and Administrator's plan for expanding or modernizing each such port of entry.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as providing the Secretary new authority related to the construction, acquisition, or renovation of real property.

SEC. 3202. SECURE COMMUNICATIONS.

(a) IN GENERAL.—The Secretary shall ensure that each U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement officer or agent, if appropriate, is equipped with a secure radio or other two-way communication device, supported by system interoperability, that allows each such officer to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.

(b) U.S. BORDER PATROL AGENTS.—The Secretary shall ensure that each U.S. Border Patrol agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, and at border checkpoints, has a multi- or dual-band encrypted portable radio.

(c) LTE CAPABILITY.—In carrying out subsection (b), the Secretary shall acquire radios or other devices with the option to be LTE-capable for deployment in areas where LTE enhances operations and is cost effective.

SEC. 3203. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) EXPANSION.—Not later than September 30, 2021, the Secretary shall fully implement the Border Security Deployment Program of the U.S. Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal year 2018 to carry out subsection (a).

SEC. 3204. NON-INTRUSIVE INSPECTION OPERATIONAL DEMONSTRATION.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Commissioner shall establish a six-month operational demonstration to deploy a high-throughput non-intrusive passenger vehicle inspection system at not fewer than three land ports of entry along the United States-Mexico border with significant cross-border traffic. Such demonstration shall be located within the pre-primary traffic flow and should be scalable to span up to 26 contiguous in-bound traffic lanes without reconfiguration of existing lanes.

(b) REPORT.—Not later than 90 days after the conclusion of the operational demonstration under subsection (a), the Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report that describes the following:

(1) The effects of such demonstration on legitimate travel and trade.

(2) The effects of such demonstration on wait times, including processing times, for non-pedestrian traffic.

(3) The effectiveness of such demonstration in combating terrorism and smuggling.

SEC. 3205. BIOMETRIC EXIT DATA SYSTEM.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by inserting after section 415 the following new section:

"SEC. 416. BIOMETRIC ENTRY-EXIT.

''(a) ESTABLISHMENT.—The Secretary shall—

''(1) not later than 180 days after the date of the enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives an implementation plan to establish a biometric exit data system to complete the integrated biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including—

''(A) an integrated master schedule and cost estimate, including requirements and design, development, operational, and maintenance costs of such a system, that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(B) cost-effective staffing and personnel requirements of such a system that leverages existing resources of the Department that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(C) a consideration of training programs necessary to establish such a system that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(D) a consideration of how such a system will affect arrival and departure wait times that takes into account prior reports on such matter issued by the Government Accountability Office and the Department;

''(E) information received after consultation with private sector stakeholders, including the—

''(i) trucking industry;

''(ii) airport industry;

''(iii) airline industry;

''(iv) seaport industry;

''(v) travel industry; and

''(vi) biometric technology industry;

''(F) a consideration of how trusted traveler programs in existence as of the date of the enactment of this section may be impacted by, or incorporated into, such a system;

''(G) defined metrics of success and milestones;

''(H) identified risks and mitigation strategies to address such risks;

''(I) a consideration of how other countries have implemented a biometric exit data system; and

''(J) a list of statutory, regulatory, or administrative authorities, if any, needed to integrate such a system into the operations of the Transportation Security Administration; and

''(2) not later than two years after the date of the enactment of this section, establish a biometric exit data system at the—

''(A) 15 United States airports that support the highest volume of international air travel, as determined by available Federal flight data;

''(B) 10 United States seaports that support the highest volume of international sea travel, as determined by available Federal travel data; and

''(C) 15 United States land ports of entry that support the highest volume of vehicle, pedestrian, and cargo crossings, as determined by available Federal border crossing data.

''(b) IMPLEMENTATION.—

''(1) PILOT PROGRAM AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not later than six months after the date of the enactment of this section, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on non-pedestrian outbound traffic at not fewer than three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border. Such pilot program may include a consideration of more than one biometric mode, and shall be implemented to determine the following:

''(A) How a nationwide implementation of such biometric exit data system at land ports of entry shall be carried out.

''(B) The infrastructure required to carry out subparagraph (A).

''(C) The effects of such pilot program on legitimate travel and trade.

''(D) The effects of such pilot program on wait times, including processing times, for such non-pedestrian traffic.

''(E) The effects of such pilot program on combating terrorism.

''(F) The effects of such pilot program on identifying visa holders who violate the terms of their visas.

''(2) AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—

''(A) IN GENERAL.—Not later than five years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of non-pedestrian outbound traffic.

''(B) EXTENSION.—The Secretary may extend for a single two-year period the date specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that support the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system.

''(3) AT AIR AND SEA PORTS OF ENTRY.—Not later than five years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry.

''(4) AT LAND PORTS OF ENTRY FOR PEDESTRIANS.—Not later than five years after the date of the enactment of this section, the

Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of pedestrians.

''(c) EFFECTS ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas.

''(d) TERMINATION OF PROCEEDING.—Notwithstanding any other provision of law, the Secretary shall, on the date of the enactment of this section, terminate the proceeding entitled 'Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (''US–VISIT'')', issued on April 24, 2008 (73 Fed. Reg. 22065).

''(e) DATA-MATCHING.—The biometric exit data system established under this section shall—

''(1) match biometric information for an individual, regardless of nationality, citizenship, or immigration status, who is departing the United States against biometric data previously provided to the United States Government by such individual for the purposes of international travel;

''(2) leverage the infrastructure and databases of the current biometric entry and exit system established pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b) for the purpose described in paragraph (1); and

''(3) be interoperable with, and allow matching against, other Federal databases that—

''(A) store biometrics of known or suspected terrorists; and

''(B) identify visa holders who violate the terms of their visas.

''(f) SCOPE.—

''(1) IN GENERAL.—The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data at the time of departure for all categories of individuals who are required by the Secretary to provide biometric entry data.

''(2) EXCEPTION FOR CERTAIN OTHER INDIVIDUALS.—This section shall not apply in the case of an individual who exits and then enters the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) the itinerary of which originates and terminates in the United States.

''(3) EXCEPTION FOR LAND PORTS OF ENTRY.—This section shall not apply in the case of a United States or Canadian citizen who exits the United States through a land port of entry.

''(g) COLLECTION OF DATA.—The Secretary may not require any non-Federal person to collect biometric data, or contribute to the costs of collecting or administering the biometric exit data system established under this section, except through a mutual agreement.

''(h) MULTI-MODAL COLLECTION.—In carrying out subsections (a)(1) and (b), the Secretary shall make every effort to collect biometric data using multiple modes of biometrics.

''(i) FACILITIES.—All facilities at which the biometric exit data system established under this section is implemented shall provide and maintain space for Federal use that is adequate to support biometric data collection and other inspection-related activity. For non-federally owned facilities, such space shall be provided and maintained at no cost to the Government. For all facilities at land ports of entry, such space requirements shall be coordinated with the Administrator of General Services.

''(j) NORTHERN LAND BORDER.—In the case of the northern land border, the requirements under subsections (a)(2)(C), (b)(2)(A), and (b)(4) may be achieved through the sharing of biometric data provided to U.S. Customs and Border Protection by the Canadian Border Services Agency pursuant to the 2011 Beyond the Border agreement.

''(k) FAIR AND OPEN COMPETITION.—The Secretary shall procure goods and services to implement this section via fair and open competition in accordance with the Federal Acquisition Regulations.

''(l) OTHER BIOMETRIC INITIATIVES.—Nothing in this section may be construed as limiting the authority of the Secretary to collect biometric information in circumstances other than as specified in this section.

''(m) CONGRESSIONAL REVIEW.—Not later than 90 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and Committee on the Judiciary of the House of Representatives reports and recommendations regarding the Science and Technology Directorate's Air Entry and Exit Re-Engineering Program of the Department and the U.S. Customs and Border Protection entry and exit mobility program demonstrations.

''(n) SAVINGS CLAUSE.—Nothing in this section shall prohibit the collection of user fees permitted by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 415 the following new item:

''Sec. 416. Biometric entry-exit.''.

SEC. 3206. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES.

(a) FINDING.—Congress finds that personnel constraints exist at land ports of entry with regard to sanitary and phytosanitary inspections for exported goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in the best interest of cross-border trade and the agricultural community—

(1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional hours to facilitate and expedite the flow of legitimate trade and commerce of perishable goods in a manner consistent with rules of the Department of Agriculture; and

(2) cross designation should be available for personnel who will assist more than one agency or department of the United States at land ports of entry to facilitate and expedite the flow of increased legitimate trade and commerce.

SEC. 3207. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $250,000,000 for fiscal year 2018 to carry out this subtitle, of which—

(1) $400,000 shall be used by the Secretary for hiring additional Uniform Management Center support personnel, purchasing uniforms for CBP officers and agents, acquiring additional motor vehicles to support vehicle mounted surveillance systems, hiring additional motor vehicle program support personnel, and for contract support for customer service, vendor management, and operations management; and

(2) $50,000,000 shall be used to implement the biometric exit data system described in section 416 of the Homeland Security Act of 2002, as added by section 3205 of this division.

SEC. 3208. DEFINITION.

In this subtitle, the term ''Secretary'' means the Secretary of Homeland Security.

TITLE IV—LAWFUL STATUS FOR CERTAIN CHILDHOOD ARRIVALS

SEC. 4101. DEFINITIONS.

In this title:

(1) IN GENERAL.—Except as otherwise specifically provided, the terms used in this title have the meanings given such terms in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) CONTINGENT NONIMMIGRANT.—The term ''contingent nonimmigrant'' means an alien who is granted contingent nonimmigrant status under this title.

(3) EDUCATIONAL INSTITUTION.—The term ''educational institution'' means—

(A) an institution that is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

(B) an elementary, primary, or secondary school within the United States; or

(C) an educational program assisting students either in obtaining a high school equivalency diploma, certificate, or its recognized equivalent under State law, or in passing a General Educational Development exam or other equivalent State-authorized exam or other applicable State requirements for high school equivalency.

(4) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(5) SEXUAL ASSAULT OR HARASSMENT.—The term ''sexual assault or harassment'' means—

(A) conduct engaged in by an alien 18 years of age or older, which consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, and—

(i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(iii) such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment;

(B) conduct constituting a criminal offense of rape, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A));

(C) conduct constituting a criminal offense of statutory rape, or any offense of a sexual nature involving a victim under the age of 18 years, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A));

(D) sexual conduct with a minor who is under 14 years of age, or with a minor under 16 years of age where the alien was at least 4 years older than the minor;

(E) conduct punishable under section 2251 or 2251A (relating to the sexual exploitation of children and the selling or buying of children), or section 2252 or 2252A (relating to certain activities relating to material involving the sexual exploitation of minors or

relating to material constituting or containing child pornography) of title 18, United States Code; or

(F) conduct constituting the elements of any other Federal or State sexual offense requiring a defendant, if convicted, to register on a sexual offender registry (except that this provision shall not apply to convictions solely for urinating or defecating in public).

(6) VICTIM.—The term ''victim'' has the meaning given the term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

SEC. 4102. CONTINGENT NONIMMIGRANT STATUS FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES AS MINORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may grant contingent nonimmigrant status to an alien who—

(1) meets the eligibility requirements set forth in subsection (b);

(2) submits a completed application before the end of the period set forth in subsection (c)(2); and

(3) has paid the fees required under subsection (c)(5).

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—An alien is eligible for contingent nonimmigrant status if the alien establishes by clear and convincing evidence that the alien meets the requirements set forth in this subsection.

(2) GENERAL REQUIREMENTS.—The requirements under this paragraph are that the alien—

(A) is physically present in the United States on the date on which the alien submits an application for contingent nonimmigrant status;

(B) was physically present in the United States on June 15, 2007;

(C) was younger than 16 years of age on the date the alien initially entered the United States;

(D) is a person of good moral character;

(E) was under 31 years of age on June 15, 2012, and at the time of filing an application under subsection (c);

(F) has maintained continuous physical presence in the United States from June 15, 2012, until the date on which the alien is granted contingent nonimmigrant status under this section;

(G) had no lawful immigration status on June 15, 2012;

(H) has requested the release to the Department of Homeland Security of all records regarding their being adjudicated delinquent in State or local juvenile court proceedings, and the Department has obtained all such records; and

(I) possesses a valid Employment Authorization Document which authorizes the alien to work as of the date of the enactment of this Act, which was issued pursuant to the June 15, 2012, U.S. Department of Homeland Security Memorandum entitled, ''Exercising Prosecutorial Discretion With Respect to Individuals Who Came to the United States as Children''.

(3) EDUCATION REQUIREMENT.—

(A) IN GENERAL.—An alien may not be granted contingent nonimmigrant status under this section unless the alien establishes by clear and convincing evidence that the alien—

(i) is enrolled in, and is in regular full-time attendance at, an educational institution within the United States; or

(ii) has acquired a diploma from a high school in the United States, has earned a General Educational Development certificate recognized under State law, or has earned a recognized high school equivalency certificate under applicable State law.

(B) EVIDENCE.—An alien shall demonstrate compliance with clause (i) or (ii) of subparagraph (A) by providing a valid certified transcript or diploma from the educational institution the alien is enrolled in or from which the alien has acquired a diploma or certificate.

(4) GROUNDS FOR INELIGIBILITY.—An alien is ineligible for contingent nonimmigrant status if the Secretary determines that the alien—

(A) has a conviction for—

(i) an offense classified as a felony in the convicting jurisdiction;

(ii) an aggravated felony;

(iii) an offense classified as a misdemeanor in the convicting jurisdiction which involved—

(I) domestic violence (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)));

(II) child abuse or neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)));

(III) assault resulting in bodily injury (as such term is defined in section 2266 of title 18, United States Code);

(IV) the violation of a protection order (as such term is defined in section 2266 of title 18, United States Code); or

(V) driving while intoxicated or driving under the influence (as such terms are defined in section 164(a)(2) of title 23, United States Code);

(iv) two or more misdemeanor convictions (excluding minor traffic offenses that did not involve driving while intoxicated or driving under the influence, or that did not subject any individual other than the alien to bodily injury); or

(v) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under section 237(a) of such Act (8 U.S.C. 1227(a));

(B) has been adjudicated delinquent in a State or local juvenile court proceeding for an offense equivalent to—

(i) an offense relating to murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), statutory rape, or any offense of a sexual nature involving a victim under the age of 18 years, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A));

(ii) a crime of violence, as such term is defined in section 16 of title 18, United States Code; or

(iii) an offense punishable under section 401 of the Controlled Substances Act (21 U.S.C. 841);

(C) has a conviction for any other criminal offense, which regard to which the alien has not satisfied any civil legal judgements awarded to any victims (or family members of victims) of the crime;

(D) is described in section 212(a)(2)(J) of the Immigration and Nationality Act (8 U.S.C. 1882(a)(2)(J)) (relating to aliens associated with criminal gangs);

(E) has been charged with a felony or misdemeanor offense (excluding minor traffic offenses that did not involve driving while intoxicated or driving under the influence, or that did not subject any individual other than the alien to bodily injury), and the charge or charges are still pending;

(F) is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except that in determining an alien's inadmissibility—

(i) paragraphs (5), (7), and (9)(B) of such section shall not apply; and

(ii) subparagraphs (A), (D), and (G) of paragraph (6), and paragraphs (9)(C)(i)(I) and (10)(B), of such section shall not apply, except in the case of the alien unlawfully entering the United States after June 15, 2007;

(G) is deportable under section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), except that in determining an alien's deportability—

(i) subparagraph (A) of section 237(a)(1) of such Act shall not apply with respect to grounds of inadmissibility that do not apply pursuant to subparagraph (C) of such section; and

(ii) subparagraphs (B) through (D) of section 237(a)(1) and section 237(a)(3)(A) of such Act shall not apply;

(H) was, on the date of the enactment of this Act—

(i) an alien lawfully admitted for permanent residence;

(ii) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or granted asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158); or

(iii) an alien who, according to the records of the Secretary or the Secretary of State, is lawfully present in the United States in any nonimmigrant status (other than an alien considered to be a nonimmigrant solely due to the application of section 244(f)(4) of the Immigration and Nationality Act (8 U.S.C. 1254a(f)(4)) or the amendment made by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229)), notwithstanding any unauthorized employment or other violation of nonimmigrant status;

(I) has failed to comply with the requirements of any removal order or voluntary departure agreement;

(J) has been ordered removed in absentia pursuant to section 240(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(5)(A));

(K) has failed or refused to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability;

(L) if over the age of 18, has failed to demonstrate that he or she is able to maintain himself or herself at an annual income that is not less than 125 percent of the Federal poverty level throughout the period of admission as a contingent nonimmigrant, unless the alien has demonstrated that the alien is enrolled in, and is in regular full-time attendance at, an educational institution within the United States;

(M) is delinquent with respect to any Federal, State, or local income or property tax liability;

(N) has failed to pay to the Treasury, in addition to any amounts owed, an amount equal to the aggregate value of any disbursements received by such alien for refunds described in section 1324(b)(2);

(O) has income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service; or

(P) has at any time engaged in sexual assault or harassment.

(c) APPLICATION PROCEDURES.—

(1) IN GENERAL.—An alien may apply for contingent nonimmigrant status by submitting a completed application form via electronic filing to the Secretary during the application period set forth in paragraph (2), in accordance with the interim final rule made by the Secretary under section 1105.

(2) APPLICATION PERIOD.—The Secretary may only accept applications for contingent nonimmigrant status from aliens in the United States during the 1-year period beginning on the date on which the interim final rule is published in the Federal Register pursuant to section 1105.

(3) APPLICATION FORM.—

(A) REQUIRED INFORMATION.—The application form referred to in paragraph (1) shall collect such information as the Secretary determines to be necessary and appropriate in order to determine whether an alien meets the eligibility requirements set forth in subsection (b).

(B) INTERVIEW.—The Secretary shall conduct an in-person interview of each applicant for contingent nonimmigrant status under this section as part of the determination as to whether the alien meets the eligibility requirements set forth in subsection (b).

(4) DOCUMENTARY REQUIREMENTS.—An application filed by an alien under this section shall include the following:

(A) One or more of the following documents demonstrating the alien's identity:

(i) A passport (or national identity document) from the alien's country of origin.

(ii) A certified birth certificate along with photo identification.

(iii) A State-issued identification card bearing the alien's name and photograph.

(iv) An Armed Forces identification card issued by the Department of Defense.

(v) A Coast Guard identification card issued by the Department of Homeland Security.

(B) A certified copy of the alien's birth certificate or certified school transcript demonstrating that the alien satisfies the requirement of subsection (b)(2)(A)(iii) and (v).

(C) A certified school transcript demonstrating that the alien satisfies the requirements of subsection (b)(2)(A)(ii) and (vi).

(D) Immigration records from the Department of Homeland Security (demonstrating that the alien satisfies the requirements under subsection (b)(2)(A)(i), (ii), and (vi)).

(5) FEES.—

(A) STANDARD PROCESSING FEE.—

(i) IN GENERAL.—Aliens applying for contingent nonimmigrant status under this section shall pay a processing fee to the Department of Homeland Security in an amount determined by the Secretary.

(ii) RECOVERY OF COSTS.—The processing fee authorized under clause (i) shall be set at a level that is, at a minimum, sufficient to recover the full costs of processing the application, including any costs incurred—

(I) to adjudicate the application;

(II) to take and process biometrics;

(III) to perform national security and criminal checks;

(IV) to prevent and investigate fraud; and

(V) to administer the collection of such fee.

(iii) DEPOSIT AND USE OF PROCESSING FEES.—Fees collected under clause (i) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(B) BORDER SECURITY FEE.—

(i) IN GENERAL.—Aliens applying for contingent nonimmigrant status under this section shall pay a border security fee to the Department of Homeland Security in an amount of $1,000.

(ii) USE OF BORDER SECURITY FEES.—Fees collected under clause (i) shall be available, to the extent provided in advance in appropriation Acts, to the Secretary of Homeland Security for the purposes of carrying out title III, and the amendments made by that title.

(6) ALIENS APPREHENDED BEFORE OR DURING THE APPLICATION PERIOD.—If an alien who is apprehended during the period beginning on the date of the enactment of this Act and ending on the last day of the application period described in paragraph (2) appears prima facie eligible for contingent nonimmigrant status, to the satisfaction of the Secretary, the Secretary—

(A) shall provide the alien with a reasonable opportunity to file an application under this section during such application period; and

(B) may not remove the individual until the Secretary has denied the application, unless the Secretary, in the Secretary's sole and unreviewable discretion, determines that expeditious removal of the alien is in the national security, public safety, or foreign policy interests of the United States, or the Secretary will be required for constitutional reasons or court order to release the alien from detention.

(7) SUSPENSION OF REMOVAL DURING APPLICATION PERIOD.—

(A) ALIENS IN REMOVAL PROCEEDINGS.—Notwithstanding any other provision of this title, if the Secretary determines that an alien, during the period beginning on the date of the enactment of this Act and ending on the last day of the application period described in subsection (c)(2), is in removal, deportation, or exclusion proceedings before the Executive Office for Immigration Review and is prima facie eligible for contingent nonimmigrant status under this section—

(i) the Secretary shall provide the alien with the opportunity to file an application for such status; and

(ii) upon motion by the alien and with the consent of the Secretary, the Executive Office for Immigration Review shall—

(I) provide the alien a reasonable opportunity to apply for such status; and

(II) if the alien applies within the time frame provided, suspend such proceedings until the Secretary has made a determination on the application.

(B) ALIENS ORDERED REMOVED.—If an alien who meets the eligibility requirements set forth in subsection (b) is present in the United States and has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States pursuant to section 212(a)(6)(A)(i) or 237(a)(1)(B) or (C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(i), 1227(a)(1)(B) or (C)), the Secretary shall provide the alien with the opportunity to file an application for contingent nonimmigrant status provided that the alien has not failed to comply with any order issued pursuant to section 239 or 240B of the Immigration and Nationality Act (8 U.S.C. 1229, 1229c).

(C) PERIOD PENDING ADJUDICATION OF APPLICATION.—During the period beginning on the date on which an alien applies for contingent nonimmigrant status under subsection (c) and ending on the date on which the Secretary makes a determination regarding such application, an otherwise removable alien may not be removed from the United States unless—

(i) the Secretary makes a prima facie determination that such alien is, or has become, ineligible for contingent nonimmigrant status under subsection (b); or

(ii) the Secretary, in the Secretary's sole and unreviewable discretion, determines that removal of the alien is in the national security, public safety, or foreign policy interest of the United States.

(8) SECURITY AND LAW ENFORCEMENT CLEARANCES.—

(A) BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant contingent nonimmigrant status to an alien under this section unless such alien submits biometric and biographic data in accordance with procedures established by the Secretary.

(B) ALTERNATIVE PROCEDURES.—The Secretary may provide an alternative procedure for applicants who cannot provide the biometric data required under subparagraph (A) due to a physical impairment.

(C) CLEARANCES.—

(i) DATA COLLECTION.—The Secretary shall collect, from each alien applying for status under this section, biometric, biographic, and other data that the Secretary determines to be appropriate—

(I) to conduct national security and law enforcement checks; and

(II) to determine whether there are any factors that would render an alien ineligible for such status.

(ii) ADDITIONAL SECURITY SCREENING.—The Secretary, in consultation with the Secretary of State and the heads of other agencies as appropriate, shall conduct an additional security screening upon determining, in the Secretary's opinion based upon information related to national security, that an alien is or was a citizen or resident of a region or country known to pose a threat, or that contains groups or organizations that pose a threat, to the national security of the United States.

(iii) PREREQUISITE.—The required clearances and screenings described in clauses (i)(I) and (ii) shall be completed before the alien may be granted contingent nonimmigrant status.

(9) DURATION OF STATUS AND EXTENSION.—The initial period of contingent nonimmigrant status—

(A) shall be 3 years unless revoked pursuant to subsection (e); and

(B) may be extended for additional 3-year terms if—

(i) the alien remains eligible for contingent nonimmigrant status under subsection (b);

(ii) the alien again passes background checks equivalent to the background checks described in subsection (c)(9); and

(iii) such status was not revoked by the Secretary for any reason.

(d) TERMS AND CONDITIONS OF CONTINGENT NONIMMIGRANT STATUS.—

(1) WORK AUTHORIZATION.—The Secretary shall grant employment authorization to an alien granted contingent nonimmigrant status who requests such authorization.

(2) TRAVEL OUTSIDE THE UNITED STATES.—

(A) IN GENERAL.—The status of a contingent nonimmigrant who is absent from the United States without authorization shall be subject to revocation under subsection (e).

(B) AUTHORIZATION.—The Secretary may authorize a contingent nonimmigrant to travel outside the United States and may grant the contingent nonimmigrant reentry provided that the contingent nonimmigrant—

(i) was not absent from the United States for a period of more than 15 consecutive days, or 90 days in the aggregate during each 3-year period that the alien is in contingent nonimmigrant status, unless the contingent nonimmigrant's failure to return was due to extenuating circumstances beyond the individual's control; and

(ii) is otherwise admissible to the United States, except as provided in subsection (b)(4)(F).

(C) CLARIFICATION ON ADMISSION.—The admission to the United States of a contingent nonimmigrant after such trips as described in subparagraph (B) shall not be considered an admission for the purposes of section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)).

(3) INELIGIBILITY FOR HEALTH CARE SUBSIDIES AND REFUNDABLE TAX CREDITS.—

(A) HEALTH CARE SUBSIDIES.—A contingent nonimmigrant—

(i) is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 and shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section; and

(ii) shall be subject to the rules applicable to individuals who are not lawfully present set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)).

(B) REFUNDABLE TAX CREDITS.—A contingent nonimmigrant shall not be allowed any credit under sections 24 and 32 of the Internal Revenue Code of 1986.

(4) FEDERAL, STATE, AND LOCAL PUBLIC BENEFITS.—For purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.), a contingent nonimmigrant shall not be considered a qualified alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(5) CLARIFICATION.—An alien granted contingent nonimmigrant status under this title shall not be considered to have been admitted to the United States for the purposes of section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)).

(e) REVOCATION.—

(1) IN GENERAL.—The Secretary shall revoke the status of a contingent nonimmigrant at any time if the alien—

(A) no longer meets the eligibility requirements set forth in subsection (b);

(B) knowingly uses documentation issued under this section for an unlawful or fraudulent purpose; or

(C) was absent from the United States at any time without authorization after being granted contingent nonimmigrant status.

(2) ADDITIONAL EVIDENCE.—In determining whether to revoke an alien's status under paragraph (1), the Secretary may require the alien—

(A) to submit additional evidence; or

(B) to appear for an in-person interview.

(3) INVALIDATION OF DOCUMENTATION.—If an alien's contingent nonimmigrant status is revoked under paragraph (1), any documentation issued by the Secretary to such alien under this section shall automatically be rendered invalid for any purpose except for departure from the United States.

SEC. 4103. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) EXCLUSIVE ADMINISTRATIVE REVIEW.—Administrative review of a determination of an application for status, extension of status, or revocation of status under this title shall be conducted solely in accordance with this section.

(b) ADMINISTRATIVE APPELLATE REVIEW.—

(1) ESTABLISHMENT OF ADMINISTRATIVE APPELLATE AUTHORITY.—The Secretary shall establish or designate an appellate authority to provide for a single level of administrative appellate review of a determination with respect to applications for status, extension of status, or revocation of status under this title.

(2) SINGLE APPEAL FOR EACH ADMINISTRATIVE DECISION.—

(A) IN GENERAL.—An alien in the United States whose application for status under this title has been denied or revoked may file with the Secretary not more than 1 appeal, pursuant to this subsection, of each decision to deny or revoke such status.

(B) NOTICE OF APPEAL.—A notice of appeal filed under this subparagraph shall be filed not later than 30 calendar days after the date of service of the decision of denial or revocation.

(3) RECORD FOR REVIEW.—Administrative appellate review under this subsection shall be de novo and based only on—

(A) the administrative record established at the time of the determination on the application; and

(B) any additional newly discovered or previously unavailable evidence.

(c) JUDICIAL REVIEW.—

(1) APPLICABLE PROVISIONS.—Judicial review of an administratively final denial or revocation of, or failure to extend, an application for status under this title shall be governed only by chapter 158 of title 28, except as provided in paragraphs (2) and (3) of this subsection, and except that a court may not order the taking of additional evidence under section 2347(c) of such chapter.

(2) SINGLE APPEAL FOR EACH ADMINISTRATIVE DECISION.—An alien in the United States whose application for status under this title has been denied, revoked, or failed to be extended, may file not more than 1 appeal, pursuant to this subsection, of each decision to deny or revoke such status.

(3) LIMITATION ON CIVIL ACTIONS.—

(A) CLASS ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of the enactment of this Act pertaining to the administration or enforcement of the application for status under this title.

(B) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the application for status under this title, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety;

(iv) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation; and

(v) limit the relief to the case at issue and shall not extend any prospective relief to include any other application for status under this title pending before the Secretary or in a Federal court (whether in the same or another jurisdiction).

SEC. 4104. PENALTIES AND SIGNATURE REQUIREMENTS.

(a) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Whoever files an initial or renewal application for contingent nonimmigrant status under this title and knowingly and willfully falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(b) SIGNATURE REQUIREMENTS.—An applicant under this title shall sign their application, and the signature shall be an original signature. A parent or legal guardian may sign for a child or for an applicant whose physical or developmental disability or mental impairment prevents the applicant from being competent to sign. In such a case, the filing shall include evidence of parentage or legal guardianship.

SEC. 4105. RULEMAKING.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue interim final regulations to implement this title, which shall take effect immediately upon publication in the Federal Register.

SEC. 4106. STATUTORY CONSTRUCTION.

Except as specifically provided, nothing in this title may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SA 1967. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE I—BORDER SECURITY

Subtitle A—Appropriations for U.S. Customs and Border Protection

SEC. 101. BORDER SECURITY.

(a) APPROPRIATIONS FOR U.S. CUSTOMS AND BORDER PROTECTION.—There is appropriated to the Department of Homeland Security, U.S. Customs and Border Protection, $25,000,000,000 for the fiscal years 2018 through 2027 for the construction of physical barriers; border security technologies, facilities, and equipment; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; the hiring of additional U.S. Customs and Border Protection Officers; port of entry improvement; and border access roads along the Southern land border, of which—

(1) $2,500,000,000 shall be available for fiscal year 2018, and shall remain available until September 30, 2022, and of the amount available under this paragraph—

(A) $784,000,000 shall be available for 32 miles of border bollard fencing in the Rio Grande Valley Sector, Texas;

(B) $498,000,000 shall be available for 28 miles of a bollard levee in the Rio Grande Valley Sector, Texas;

(C) $251,000,000 shall be available for 14 miles of secondary fencing in the San Diego Sector, California; and

(D) $38,239,000 shall be available for planning activities related to physical barrier construction along the Southwest border;

(2) $2,500,000,000 shall not be available for obligation or commitment until October 1, 2018, to remain available until September 30, 2023, and of the amount available under this paragraph $1,600,000,000 shall be available for the construction of physical barriers;

(3) $2,500,000,000 shall not be available for obligation or commitment until October 1, 2019, to remain available until September 30, 2024, and of the amount available under this paragraph $1,842,000,000 shall be available for the construction of physical barriers;

(4) $2,500,000,000 shall not be available for obligation or commitment until October 1, 2020, to remain available until September 30, 2025, and of the amount available under this paragraph $2,019,000,000 shall be available for the construction of physical barriers;

(5) $2,500,000,000 shall not be available for obligation or commitment until October 1, 2021, to remain available until September 30, 2026, and of the amount available under this paragraph $1,237,000,000 shall be available for the construction of physical barriers;

(6) $2,500,000,000 shall not be available for obligation or commitment until October 1, 2022, to remain available until September 30, 2027, and of the amount available under this paragraph $1,745,000,000 shall be available for the construction of physical barriers;

(7) $2,500,000,000 shall not be available for obligation or commitment until October 1, 2023, to remain available until September 30, 2028, and of the amount available under this paragraph $1,746,000,000 shall be available for the construction of physical barriers;

(8) $2,500,000,000 shall not be available for obligation or commitment until October 1,

2024, to remain available until September 30, 2029, and of the amount available under this paragraph $1,776,000,000 shall be available for the construction of physical barriers;

(9) $2,500,000,000 shall not be available for obligation or commitment until October 1, 2025, to remain available until September 30, 2030, and of the amount available under this paragraph $1,746,000,000 shall be available for the construction of physical barriers; and

(10) $2,500,000,000 shall not be available for obligation or commitment until October 1, 2026, to remain available until September 30, 2031, and of the amount available under this paragraph $1,717,000,000 shall be available for the construction of physical barriers.

(b) LIMITATION.—Amounts appropriated under subsection (a) for fiscal years 2018 and 2019, the construction of physical barriers shall only be available for operationally effective designs deployed as of the date of the enactment of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety.

(c) ANNUAL REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report, for which a full evaluation has been completed by the Government Accountability Office to determine its strengths and weaknesses, to the Committee on Appropriations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Appropriations of the House of Representatives, that—

(1) defines goals, objectives, activities, and milestones;

(2) includes a detailed implementation schedule with estimates for the planned obligation of funds for fiscal year 2019 through fiscal year 2023 that are linked to the milestone based delivery of specific—

(A) capabilities and services;

(B) mission benefits and outcomes;

(C) program management capabilities; and

(D) lifecycle cost estimates;

(3) describes how specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs;

(4) identifies the planned locations, quantities, and types of resources, such as fencing, other physical barriers, or other tactical infrastructure and technology and a comprehensive plan to consult State and local elected officials on the eminent domain and construction process relating to such physical barriers;

(5) provides, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, a comprehensive analysis of the environmental impacts of the construction and placement of such physical barriers along the Southwest border, including barriers in the Santa Ana National Wildlife Refuge;

(6) includes a description of the methodology and analyses used to select specific resources for deployment to particular locations that includes—

(A) a thorough analysis and comparison of alternatives to a physical barrier to determine the most cost effective security solution, including—

(i) underground sensors;

(ii) infrared or other day or night cameras;

(iii) tethered or mobile aerostats;

(iv) drones or other airborne assets;

(v) integrated fixed towers; and

(vi) the deployment of additional border personnel;

(B) effects on communities and property owners near areas of infrastructure deployment, including all necessary land acquisitions, the total number of necessary condemnation actions, and the precise number of landowners that will be impacted by the construction of such physical barriers; and

(C) other factors critical to the decision-making process;

(7) identifies staffing requirements, including full-time equivalents, contractors, and detailed personnel, by activity;

(8) identifies performance metrics for assessing and reporting on the contributions of border security capabilities realized from current and future investments;

(9) reports on the status of the Department of Homeland Security's actions to address open recommendations by the Office of Inspector General and the Government Accountability Office related to border security, including plans, schedules, and associated milestones for fully addressing such recommendations; and

(10) includes certifications by the Under Secretary for Management, including all documents, memoranda, and a description of the investment review and information technology management oversight and processes supporting such certifications, that—

(A) the program has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and

(B) all planned activities comply with Federal acquisition rules, requirements, guidelines, and practices.

(d) GOVERNMENT ACCOUNTABILITY OFFICE EVALUATION.—Not later than 180 days after the date on which the Secretary of Homeland Security submits the report described in subsection (c), the Comptroller General of the United States shall complete the evaluation required under such subsection.

(e) TRANSFER AUTHORITY.—The Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives may provide for the transfer of amounts made available in subsection (a) for each fiscal year to eligible activities under this section.

(f) RESCISSION.—Notwithstanding any other provision of law, any amounts appropriated under subsection (a) that remain available after the completion of the construction projects described in the reports required under subsection (c) shall be rescinded and returned to the general fund of the Treasury.

(g) PROHIBITION.—Notwithstanding any other provision of law, and except for the activities described under subsection (a), none of the amounts appropriated under this section may be reprogrammed or transferred for any other component or activity within the Department of Homeland Security.

(h) BUDGET REQUEST.—An expenditure plan for amounts made available pursuant to this section—

(1) shall be included in each budget for a fiscal year submitted by the President under section 1105 of title 31, United States Code; and

(2) shall describe planned obligations by program, project, and activity in the receiving account at the same level of detail provided for in the request for other appropriations in that account.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the availability of funds made available in any other Act for carrying out the purposes described in subsection (a).

(j) BUDGETARY EFFECTS.—

(1) IN GENERAL.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H.Con.Res. 71 (115th Congress).

Subtitle B—Improving Border Safety and Security

SEC. 111. BORDER ACCESS ROADS.

(a) CONSTRUCTION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct roads along the Southern land border of the United States to facilitate safe and swift access for U.S. Customs and Border Protection personnel to access the border for purposes of patrol and apprehension.

(2) TYPES OF ROADS.—The roads constructed under paragraph (1) shall include—

(A) access roads;

(B) border roads;

(C) patrol roads; and

(D) Federal, State, local, and privately-owned roads.

(b) MAINTENANCE.—The Secretary of Homeland Security, in partnership with local stakeholders, shall maintain roads used for patrol and apprehension.

(c) POLICY GUIDANCE.—The Secretary of Homeland Security shall—

(1) develop such policies and guidance for documenting agreements with landowners relating to the construction of roads under subsection (a) as the Secretary determines to be necessary;

(2) share the policies and guidance developed under paragraph (1) with each Border Patrol Sector of U.S. Customs and Border Protection;

(3) document and communicate the process and criteria for prioritizing funding for operational roads not owned by the Federal Government; and

(4) assess the feasibility of options for addressing the maintenance of non-Federal public roads, including any data needs relating to such maintenance.

SEC. 112. FLEXIBILITY IN EMPLOYMENT AUTHORITIES.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

"§ 9702. U.S. Customs and Border Protection employment authorities

''(a) DEFINITIONS.—In this section—

''(1) the term 'CBP employee' means an employee of U.S. Customs and Border Protection;

''(2) the term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection;

''(3) the term 'Director' means the Director of the Office of Personnel Management;

''(4) the term 'rural or remote area' means an area within the United States that is not within an area defined and designated as an urbanized area by the Bureau of the Census during the most recently completed decennial census; and

''(5) the term 'Secretary' means the Secretary of Homeland Security.

''(b) DEMONSTRATION OF RECRUITMENT AND RETENTION DIFFICULTIES IN RURAL OR REMOTE AREAS.—

''(1) IN GENERAL.—For purposes of subsections (c) and (d), the Secretary shall determine, for a rural or remote area, whether there is—

''(A) a critical hiring need in the area; and

''(B) a direct relationship between—

''(i) the rural or remote nature of the area; and

''(ii) difficulty in the recruitment and retention of CBP employees in the area.

''(2) FACTORS.—To inform the determination of a direct relationship under paragraph (1)(B), the Secretary may consider evidence—

''(A) that the Secretary—

''(i) is unable to efficiently and effectively recruit individuals for positions as CBP employees, which may be demonstrated with various types of evidence, including—

''(I) evidence that multiple positions have been continuously vacant for significantly longer than the national average period for which similar positions in U.S. Customs and Border Protection are vacant; or

''(II) recruitment studies that demonstrate the inability of the Secretary to efficiently and effectively recruit CBP employees for positions in the area; or

''(ii) experiences a consistent inability to retain CBP employees that negatively impacts agency operations at a local or regional level; or

''(B) of any other inability, directly related to recruitment or retention difficulties, that the Secretary determines sufficient.

''(c) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

''(1) DIRECT HIRE AUTHORITY.—

''(A) IN GENERAL.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees, in a rural or remote area, if the Secretary—

''(i) determines that—

''(I) there is a critical hiring need; and

''(II) there exists a severe shortage of qualified candidates because of the direct relationship identified by the Secretary under subsection (b)(1)(B) of this section between—

''(aa) the rural or remote nature of the area; and

''(bb) difficulty in the recruitment and retention of CBP employees in the area; and

''(ii) has given public notice for the positions.

''(B) PRIORITIZATION OF HIRING VETERANS.—If the Secretary uses the direct hiring authority under subparagraph (A), the Secretary shall apply the principles of preference for the hiring of veterans established under subchapter I of chapter 33.

''(2) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a bonus to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

''(A) the Secretary determines that—

''(i) conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to any other provision of that section); and

''(ii) the position to which the individual is appointed or to which the individual moves or must relocate—

''(I) is a position as a CBP employee; and

''(II) is in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(aa) the rural or remote nature of the area; and

''(bb) difficulty in the recruitment and retention of CBP employees in the area; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(3) RETENTION BONUSES.—The Secretary may pay a retention bonus to a CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

''(A) the Secretary determines that—

''(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section);

''(ii) the CBP employee is employed in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(I) the rural or remote nature of the area; and

''(II) difficulty in the recruitment and retention of CBP employees in the area; and

''(iii) in the absence of a retention bonus, the CBP employee would be likely to leave—

''(I) the Federal service; or

''(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(4) RULES FOR BONUSES.—

''(A) MAXIMUM BONUS.—A bonus paid to an employee under—

''(i) paragraph (2) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

''(ii) paragraph (3) may not exceed 50 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period.

''(B) RELATION TO BASIC PAY.—A bonus paid to an employee under paragraph (2) or (3) shall not be considered part of the basic pay of the employee for any purpose.

''(5) OPM OVERSIGHT.—The Director shall, to the extent practicable—

''(A) set aside a determination of the Secretary under this subsection if the Director finds substantial evidence that the Secretary abused the discretion of the Secretary in making the determination; and

''(B) oversee the compliance of the Secretary with this subsection.

''(d) SPECIAL PAY AUTHORITY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section if the Director finds that the recruitment or retention efforts of the Secretary with respect to positions for CBP employees in 1 or more areas or locations are, or are likely to become, significantly handicapped because the positions are located in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(1) the rural or remote nature of the area; and

''(2) difficulty in the recruitment and retention of CBP employees in the area.

''(e) REGULAR CBP REVIEW.—

''(1) ENSURING FLEXIBILITIES MEET CBP NEEDS.—Each year, the Secretary shall review the use of hiring flexibilities under subsections (c) and (d) to fill positions at a location in a rural or remote area to determine—

''(A) the impact of the use of those flexibilities on solving hiring and retention challenges at the location;

''(B) whether hiring and retention challenges still exist at the location; and

''(C) whether the Secretary needs to continue to use those flexibilities at the location.

''(2) CONSIDERATION.—In conducting the review under paragraph (1), the Secretary shall consider—

''(A) whether any CBP employee accepted an employment incentive under subsection (c) or (d) and then transferred to a new location or left U.S. Customs and Border Protection; and

''(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

''(3) DISTRIBUTION.—The Secretary shall submit to Congress a report on each review required under paragraph (1).

''(f) IMPROVING CBP HIRING AND RETENTION.—

''(1) EDUCATION OF CBP HIRING OFFICIALS.—Not later than 180 days after the date of the enactment of the this section, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

''(2) ELEMENTS.—Elements of the strategy under paragraph (1) shall include the following:

''(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees.

''(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas.

''(C) The development of pilot programs or other programs, as appropriate, to address identified hiring challenges in rural or remote areas.

''(D) Developing and enhancing strategic recruiting efforts through relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas.

''(E) Examination of existing agency programs on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

''(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families.

''(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including

feedback on the quality of life in rural or remote areas for those CBP employees and their families.

''(H) Evaluation of Department of Homeland Security internship programs and the usefulness of those programs in improving hiring by the Secretary in rural or remote areas.

''(3) EVALUATION.—

''(A) IN GENERAL.—Each year, the Secretary shall —

''(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

''(ii) make any appropriate updates to the strategy under paragraph (1).

''(B) INFORMATION.—The evaluation conducted under subparagraph (A) shall include—

''(i) any reduction in the time taken by the Secretary to fill mission-critical positions in rural or remote areas;

''(ii) a general assessment of the impact of the strategy implemented under paragraph (1) on hiring challenges in rural or remote areas; and

''(iii) other information the Secretary determines relevant.

''(g) INSPECTOR GENERAL REVIEW.—Not later than 2 years after the date of the enactment of the this section, the Inspector General of the Department of Homeland Security shall review the use of hiring flexibilities by the Secretary under subsections (c) and (d) to determine whether the use of those flexibilities is helping the Secretary meet hiring and retention needs in rural and remote areas.

''(h) EXERCISE OF AUTHORITY.—

''(1) SOLE DISCRETION.—The exercise of authority under subsection (c) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71.

''(2) DELEGATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may delegate any authority under this section to the Commissioner.

''(B) OVERSIGHT.—The Commissioner may not make a determination under subsection (b)(1) unless the Secretary approves the determination.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Secretary or the Director from the applicability of the merit system principles under section 2301.

''(j) SUNSET.—The authorities under subsections (c) and (d) shall terminate on the date that is 5 years after the date of the enactment of this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. U.S. Customs and Border Protection employment authorities.''.

SEC. 113. DISTRESS BEACONS.

(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, working through U.S. Border Patrol, shall—

(A) identify areas near the international border between the United States and Canada or the international border between the United States and Mexico where migrant deaths are occurring due to climatic and environmental conditions; and

(B) deploy up to 1,000 beacon stations in the areas identified pursuant to subparagraph (A).

(2) FEATURES.—Beacon stations deployed pursuant to paragraph (1) should—

(A) include a self-powering mechanism, such as a solar-powered radio button, to signal U.S. Border Patrol personnel or other emergency response personnel that a person at that location is in distress;

(B) include a self-powering cellular phone relay limited to 911 calls to allow persons in distress in the area who are unable to get to the beacon station to signal their location and access emergency personnel; and

(C) be movable to allow U.S. Border Patrol to relocate them as needed—

(i) to mitigate migrant deaths;

(ii) to facilitate access to emergency personnel; and

(iii) to address any use of the beacons for diversion by criminals.

SEC. 114. SOUTHERN BORDER REGION EMERGENCY COMMUNICATIONS GRANTS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the governors of the States located on the international border between the United States and Mexico, shall establish a 2-year grant program to improve emergency communications in the Southern border region.

(b) ELIGIBILITY FOR GRANTS.—An individual is eligible for a grant under this section if the individual demonstrates that he or she—

(1) regularly resides or works in a State that shares a land border with Mexico; and

(2) is at greater risk of border violence due to a lack of cellular and LTE network service at the individual's residence or business and the individual's proximity to the Southern border.

(c) USE OF GRANTS.—Grants awarded under this section may be used to purchase satellite telephone communications systems and services that—

(1) can provide access to 9–1–1 service; and

(2) are equipped with receivers for the Global Positioning System.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section.

SEC. 115. OFFICE OF PROFESSIONAL RESPONSIBILITY.

Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient special agents at the Office of Professional Responsibility to maintain an active duty presence of not fewer than 550 full-time equivalent special agents.

Subtitle C—Additional Matters

SEC. 121. ELIMINATE IMMIGRATION COURT BACKLOGS.

(a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—The Attorney General of the United States shall increase the total number of immigration judges to adjudicate pending cases and efficiently process future cases by at least—

(1) 55 judges during fiscal year 2018;

(2) an additional 55 judges during fiscal year 2019; and

(3) an additional 55 judges during fiscal year 2020.

(b) QUALIFICATIONS OF IMMIGRATION JUDGES.—The Attorney General shall ensure that all newly hired immigration judges are highly qualified and trained to conduct fair, impartial hearings consistent with due process and that all newly hired immigration judges represent a diverse pool of individuals that includes a balance of individuals with nongovernmental, private bar, or academic experience in addition to government experience.

(c) NECESSARY SUPPORT STAFF FOR IMMIGRATION JUDGES.—To address the shortage of support staff for immigration judges, the Attorney General shall ensure that each immigration judge has sufficient support staff, adequate technological and security resources, and appropriate courtroom facilities.

(d) ANNUAL INCREASES IN BOARD OF IMMIGRATION APPEALS PERSONNEL.—The Attorney General shall increase the number of Board of Immigration Appeals staff attorneys (including necessary additional support staff) to efficiently process cases by at least—

(1) 23 attorneys during fiscal year 2018;

(2) an additional 23 attorneys during fiscal year 2019; and

(3) an additional 23 attorneys during fiscal year 2020.

(e) GAO REPORT.—The Comptroller General of the United States shall—

(1) conduct a study of the hurdles to efficient hiring of immigration court judges within the Department of Justice; and

(2) propose solutions to Congress for improving the efficiency of the hiring process.

(f) IMMIGRATION JUDGE DEFINITION.—Section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)) is amended to read as follows:

''(4) The term 'immigration judge' means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 240. The position shall be deemed to be judicial in nature and not an attorney position. An Immigration Judge shall not be subject to any code of attorney behavior conduct or actions taken while performing duties as an Immigration Judge. Actions taken by an Immigration Judge shall be reviewed only under rules and standards pertaining to judicial conduct. An Immigration Judge shall not be disciplined for actions or decisions made in good faith while in the course of performing the duties of an Immigration Judge.''.

SEC. 122. IMPROVED TRAINING FOR IMMIGRATION JUDGES AND MEMBERS OF THE BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—To ensure efficient and fair proceedings, the Director of the Executive Office for Immigration Review shall facilitate robust training programs for immigration judges and members of the Board of Immigration Appeals.

(b) MANDATORY TRAINING.—Training facilitated under subsection (a) shall include—

(1) an expansion of the training program for new immigration judges and Board members;

(2) continuing education regarding current developments in immigration law through regularly available training resources and an annual conference;

(3) methods to ensure that immigration judges are trained on properly crafting and dictating decisions and standards of review, including improved on-bench reference materials and decision templates;

(4) specialized training to handle cases involving other vulnerable populations including survivors of domestic violence, sexual assault, trafficking, and individuals with mental disabilities in partnership with the National Council of Juvenile and Family Court Judges; and

(5) specialized training in child interviewing, child psychology, and child trauma in partnership with the National Council of Juvenile and Family Court Judges for Immigration Judges.

SEC. 123. NEW TECHNOLOGY TO IMPROVE COURT EFFICIENCY.

The Director of the Executive Office for Immigration Review shall modernize its case management and related electronic systems, including allowing for electronic filing, to improve efficiency in the processing of immigration proceedings.

SEC. 124. PERMANENT REAUTHORIZATION OF E-VERIFY.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''Unless the Congress otherwise provides, the Secretary of Homeland Security shall terminate a pilot program on September 30, 2015.''.

TITLE II—EARNED CITIZENSHIP FOR CHILDHOOD ARRIVALS

SEC. 201. DEFINITIONS.

In this subtitle:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this subtitle that is used in the immigration laws shall have the meaning given the term in the immigration laws.

(2) APPLICABLE FEDERAL TAX LIABILITY.—The term ''applicable Federal tax liability'' means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest on taxes imposed under the Internal Revenue Code of 1986.

(3) DACA.—The term ''DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals program announced by President Obama on June 15, 2012.

(4) DISABILITY.—The term ''disability'' has the meaning given the term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(5) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(6) ELEMENTARY SCHOOL; HIGH SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'', ''high school'', and ''secondary school'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) FELONY.—The term ''felony'' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status) punishable by imprisonment for a term exceeding 1 year.

(8) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given the term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(9) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) except as provided in subparagraph (B), has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(10) MISDEMEANOR.—

(A) IN GENERAL.—The term ''misdemeanor'' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element is the alien's immigration status, a significant misdemeanor, and a minor traffic offense) for which—

(i) the maximum term of imprisonment is greater than 5 days and not greater than 1 year; and

(ii) the individual was sentenced to time in custody of 90 days or less.

(11) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term ''permanent resident status on a conditional basis'' means status as an alien lawfully admitted for permanent residence on a conditional basis under this subtitle.

(12) POVERTY LINE.—The term ''poverty line'' has the meaning given the term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(13) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(14) SIGNIFICANT MISDEMEANOR.—The term ''significant misdemeanor'' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status) for which the maximum term of imprisonment is greater than 5 days and not greater than 1 year that—

(A) regardless of the sentence imposed, is a crime of domestic violence (as defined in section 237(a)(2)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)(i)) or an offense of sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence if the State law requires, as an element of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content of .08 or higher; or

(B) resulted in a sentence of time in custody of more than 90 days, excluding an offense for which the sentence was suspended.

(15) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. 202. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, an alien who obtains the status of an alien lawfully admitted for permanent residence under this section shall be considered to have obtained that status on a conditional basis as of the date on which the alien obtained the status, subject to this subtitle.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if—

(A) the alien has been continuously physically present in the United States since June 15, 2012;

(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

(C) subject to paragraphs (2) and (3), the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) has not been convicted of—

(I) a felony;

(II) a significant misdemeanor; or

(III) 3 or more misdemeanors—

(aa) not occurring on the same date; and

(bb) not arising out of the same act, omission, or scheme of misconduct;

(D) the alien—

(i) has been admitted to an institution of higher education;

(ii) has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States;

(iii) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a regular high school diploma or the recognized equivalent of a regular high school diploma under State law; or

(II) passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam; or

(iv)(I) has served, is serving, or has enlisted in the Armed Forces; and

(II) in the case of an alien who has been discharged from the Armed Forces, has received an honorable discharge; and

(E)(i) the alien has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien was a DACA recipient; or

(ii) the alien has entered into an agreement to pay any applicable Federal tax liability incurred by the alien during the entire period for which the alien was a DACA recipient through a payment installment plan approved by the Commissioner of Internal Revenue.

(2) WAIVER.—

(A) IN GENERAL.—With respect to any benefit under this subtitle, the Secretary may, on a case-by-case basis, waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a))—

(i) for humanitarian purposes; or

(ii) if the waiver is otherwise in the public interest.

(B) QUARTERLY REPORTS.—Not later than 180 days after the date of enactment of this Act, and quarterly thereafter, the Secretary shall submit to Congress a report that includes, for the preceding quarter—

(i) the number of requests submitted by aliens for a waiver under subparagraph (A);

(ii) the number of waivers granted under that subparagraph; and

(iii) the number of requests for a waiver under that subparagraph denied by the Secretary.

(3) TREATMENT OF EXPUNGED CONVICTIONS.—

(A) IN GENERAL.—An expunged conviction shall not automatically be treated as a conviction referred to in paragraph (1)(C)(iii).

(B) CASE-BY-CASE EVALUATION.—The Secretary shall evaluate an expunged conviction on a case-by-case basis according to the nature and severity of the offense underlying the expunged conviction, based on the record of conviction, to determine whether, under the particular circumstances, the alien is eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

(4) DACA RECIPIENTS.—With respect to an alien granted DACA, the Secretary shall cancel the removal of the alien and adjust the status of the alien to the status of an alien lawfully admitted for permanent residence on a conditional basis unless, since the date on which the alien was granted DACA, the alien has engaged in conduct that would render an alien ineligible for DACA.

(5) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require an alien applying for permanent resident status on a conditional basis to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) only if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under

this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 1-year period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

(A) IN GENERAL.—The Secretary may not grant an alien permanent resident status on a conditional basis unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

(B) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any alien who is unable to provide the biometric or biographic data referred to in subparagraph (A) due to a physical impairment.

(7) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines to be appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for permanent resident status on a conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants the alien permanent resident status on a conditional basis.

(C) CRIMINAL RECORDS REQUESTS.—With respect to an alien seeking permanent resident status on a conditional basis, the Secretary, in cooperation with the Secretary of State, shall seek to obtain from INTERPOL, EUROPOL, or any other international or national law enforcement agency of the country of nationality, country of citizenship, or country of last habitual residence of the alien, information about any criminal activity—

(i) in which the alien engaged in the country of nationality, country of citizenship, or country of last habitual residence of the alien; or

(ii) for which the alien was convicted in the country of nationality, country of citizenship, or country of last habitual residence of the alien.

(8) MEDICAL EXAMINATION.—

(A) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis shall undergo a medical examination.

(B) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination under subparagraph (A).

(9) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under that Act.

(c) DETERMINATION OF CONTINUOUS PRESENCE.—

(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis shall not terminate on the date on which the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period greater than 90 days or for any periods, in the aggregate, greater than 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the control of the alien, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

(d) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

(2) ALIENS SUBJECT TO REMOVAL.—With respect to an alien who is in removal proceedings, the subject of a final removal order, or the subject of a voluntary departure order, the Attorney General shall provide the alien with a reasonable opportunity to apply for relief under this section.

(3) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—

(A) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

(i) meets all the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1), subject to paragraphs (2) and (3) of that subsection;

(ii) is at least 5 years of age; and

(iii) is enrolled in an elementary school, a secondary school, or an early childhood education program.

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

(D) LIFT OF STAY.—The Secretary or Attorney General may not lift the stay granted to an alien under subparagraph (A) unless the alien ceases to meet the requirements under such subparagraph.

(e) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis.

SEC. 203. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis is—

(1) valid for a period of 8 years, unless that period is extended by the Secretary; and

(2) subject to termination under subsection (c).

(b) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this subtitle and the requirements to have the conditional basis of such status removed.

(c) TERMINATION OF STATUS.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

(1) determines that the alien ceases to meet the requirements under paragraph (1)(C) of section 203(b), subject to paragraphs (2) and (3) of that section; and

(2) prior to the termination, provides the alien—

(A) notice of the proposed termination; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the immigration status of an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for permanent resident status on a conditional basis is denied shall return to the immigration status of the alien on the day before the date on which the alien received permanent resident status on a conditional basis or applied for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for permanent resident status on a conditional basis is denied and who had temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) immediately before receiving or applying for permanent resident status on a conditional basis, as appropriate, may not return to temporary protected status if—

(A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) has been terminated; or

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for temporary protected status.

(e) INELIGIBILITY FOR PUBLIC BENEFITS.—An alien who has been granted permanent resident status on a conditional basis shall not be eligible for any Federal means-tested public benefit (within the meaning of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)) until the date on which the conditional permanent resident status of the alien is removed.

SEC. 204. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall remove the conditional basis of the permanent resident status of an alien granted under this subtitle and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in paragraph (1)(C) of section 203(b), subject to paragraphs (2) and (3) of that section;

(B) has not abandoned the residence of the alien in the United States;

(C)(i) has acquired a degree from an institution of higher education or has completed

at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States;

(ii)(I) has served in the Uniformed Services for at least 2 years; or

(II) in the case of an alien who has been discharged from the Uniformed Services, has received an honorable discharge; or

(iii) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in section 203(b)(1)(D)(iii), shall not count toward the time requirements under this clause; and

(D)(i) has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien was in permanent resident status on a conditional basis; or

(ii) has entered into an agreement to pay the applicable Federal tax liability incurred by the alien during the entire period for which the alien was in permanent resident status on a conditional basis through a payment installment plan approved by the Commissioner of Internal Revenue.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary shall remove the conditional basis of the permanent resident status of an alien and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(i) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and

(iii) demonstrates that—

(I) the alien has a disability;

(II) the alien is a full-time caregiver of a minor child; or

(III) the removal of the alien from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence.

(3) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of the permanent resident status granted to an alien under this subtitle may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is unable to meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) due to disability.

(4) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require an alien applying for lawful permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) only if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 1-year period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

(A) IN GENERAL.—The Secretary may not remove the conditional basis of the permanent resident status of an alien unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

(B) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any applicant who is unable to provide the biometric or biographic data referred to in subparagraph (A) due to physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines to be appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the permanent resident status of the alien; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of the conditional basis if the permanent resident status of the alien.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the permanent resident status of the alien.

(b) NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and to be present in the United States, as an alien lawfully admitted for permanent residence.

(2) LIMITATIONS ON APPLICATION FOR NATURALIZATION.—

(A) IN GENERAL.—An alien may not be naturalized—

(i) on any date on which the alien is in permanent resident status on a conditional basis; or

(ii) before the date that is 12 years after the date on which the alien was granted permanent resident status on a conditional basis.

(B) REDUCTION IN PERIOD.—

(i) IN GENERAL.—Subject to clause (ii), the 12-year period referred to in subparagraph (A)(ii) shall be reduced by the number of days that the alien was a DACA recipient.

(ii) LIMITATION.—Notwithstanding clause (i), the 12-year period may not be reduced by more than 2 years.

(C) ADVANCED FILING DATE.—With respect to an alien granted permanent resident status on a conditional basis, the alien may file an application for naturalization not more than 90 days before the date on which the applicant meets the requirements for naturalization under subparagraph (A).

SEC. 205. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

(2) the alien's birth certificate and an identity card that includes the alien's name and photograph;

(3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

(6) a State-issued identification card bearing the alien's name and photograph.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under section 203(b)(1)(A), or to establish that an alien has not abandoned residence in the United States, as required under section 205(a)(1)(B), the alien may submit documents to the Secretary, including—

(1) employment records that include the employer's name and contact information;

(2) records from any educational institution the alien has attended in the United States;

(3) records of service from the Uniformed Services;

(4) official records from a religious entity confirming the alien's participation in a religious ceremony;

(5) passport entries;

(6) a birth certificate for a child of the alien who was born in the United States;

(7) automobile license receipts or registration;

(8) deeds, mortgages, or rental agreement contracts;

(9) tax receipts;

(10) insurance policies;

(11) remittance records;

(12) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(13) copies of money order receipts for money sent in or out of the United States;

(14) dated bank transactions; or

(15) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

(c) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under section 203(b)(1)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

(1) an admission stamp on the alien's passport;

(2) records from any educational institution the alien has attended in the United States;

(3) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;

(4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

(5) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

(6) employment records that include the employer's name and contact information;

(7) official records from a religious entity confirming the alien's participation in a religious ceremony;

(8) a birth certificate for a child of the alien who was born in the United States;

(9) automobile license receipts or registration;

(10) deeds, mortgages, or rental agreement contracts;

(11) tax receipts;

(12) travel records;

(13) copies of money order receipts sent in or out of the country;

(14) dated bank transactions;

(15) remittance records; or

(16) insurance policies.

(d) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—

(1) has been admitted to the institution; or

(2) is currently enrolled in the institution as a student.

(e) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

(1) a high school diploma, certificate of completion, or other alternate award;

(2) a high school equivalency diploma or certificate recognized under State law; or

(3) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

(g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 203(b)(1)(D)(iii), 203(d)(3)(A)(iii), or 205(a)(1)(C)(i), the alien shall submit school records from the United States school that the alien is currently attending that include—

(1) the name of the school; and

(2) the alien's name, periods of attendance, and current grade or educational level.

(h) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section 203(b)(5)(B) or 205(a)(4)(B), the alien shall submit to the Secretary the following relevant documents:

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien shall provide—

(A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

(B) bank records; or

(C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate;

(B) the name, address, and telephone number of the affiant; and

(C) the nature and duration of the relationship between the affiant and the alien.

(4) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

(A) bear the provider's name and address;

(B) bear the name of the individual receiving treatment; and

(C) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

(i) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies 1 of the criteria for the hardship exemption described in section 205(a)(2)(A)(iii), the alien shall submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—

(1) the name, address, and telephone number of the affiant; and

(2) the nature and duration of the relationship between the affiant and the alien.

(j) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

(1) a Department of Defense form DD-214;

(2) a National Guard Report of Separation and Record of Service form 22;

(3) personnel records for such service from the appropriate Uniformed Service; or

(4) health records from the appropriate Uniformed Service.

(k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

(1) IN GENERAL.—An alien may satisfy the employment requirement under section 205(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such employment requirement; and

(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

(A) bank records;

(B) business records;

(C) employer records;

(D) records of a labor union, day labor center, or organization that assists workers in employment;

(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

(i) the name, address, and telephone number of the affiant; and

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(l) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 206. RULEMAKING.

(a) INITIAL PUBLICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register regulations implementing this subtitle.

(2) AFFIRMATIVE APPLICATION.—The regulations published under paragraph (1) shall allow any eligible individual to immediately apply affirmatively for the relief available under section 203 without being placed in removal proceedings.

(b) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to subsection (a)(1) shall be effective, on an interim basis, immediately on publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which interim regulations are published under this section, the Secretary shall publish final regulations implementing this subtitle.

(d) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the ''Paperwork Reduction Act'') shall not apply to any action to implement this subtitle.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use for the purpose of immigration enforcement any information provided in—

(1) an application filed under this subtitle; or

(2) a request for DACA.

(b) REFERRALS PROHIBITED.—The Secretary may not refer to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection any individual who—

(1) has been granted permanent resident status on a conditional basis; or

(2) was granted DACA.

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status on a conditional basis or a request for

DACA may be shared with a Federal security or law enforcement agency—

(1) for assistance in the consideration of an application for permanent resident status on a conditional basis;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony not related to immigration status.

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SA 1968. Mr. CARDIN (for himself, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Mr. REED, Mr. KAINE, Mr. MARKEY, Ms. SMITH, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT RESIDENT STATUS FOR CERTAIN ALIENS FROM COUNTRIES FACING REPRESSION AND EMERGENCIES.

(a) ADJUSTMENT OF STATUS OF CERTAIN FOREIGN NATIONALS.—

(1) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the status of any alien described in paragraph (2) shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence if the alien—

(i) is not inadmissible under paragraph (2) or (3) of section 212(a) of such Act (8 U.S.C. 1182(a));

(ii) is not deportable under paragraph (2), (3), or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)); and

(iii) is not described in section 208(b)(2)(A)(i) of such Act (8 U.S.C. 1158(b)(2)(A)(i)).

(B) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) IN GENERAL.—An alien who is present in the United States and has been ordered removed, or permitted voluntarily to depart, from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or approving an application under such subparagraph, to file a motion to reopen, reconsider, or vacate an order described in such subparagraph.

(iii) APPROVAL.—If the Secretary of Homeland Security approves an application submitted by an alien under clause (i), the Secretary shall cancel the order related to the alien that is referred to in such subparagraph.

(iv) DENIAL.—If the Secretary of Homeland Security renders a final administrative decision to deny an application submitted by an alien under clause (i), the order related to such alien shall be effective and enforceable to the same extent as if such application had not been made.

(2) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—An alien is described in this paragraph if the alien—

(i) is a national of a foreign state that was at any time designated under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b));

(ii)(I) is in temporary protected status under section 244 of the Immigration and Nationality Act 8 (8 U.S.C. 1254a);

(II) held temporary protected status as a national of a designated country listed in clause (i); or

(III) qualified for temporary protected status at the time the last designation was made by the Secretary of Homeland Security;

(iii) has been continuously present in the United States for at least 3 years and is physically present in the United States on the date on which the alien files an application for adjustment of status under this section; and

(iv) passes all applicable criminal and national security background checks.

(B) SHORT ABSENCES.—An alien shall not be considered to have failed to maintain continuous physical presence in the United States under subparagraph (A)(iii) by reason of an absence, or multiple absences, from the United States for any period or periods that do not exceed, in the aggregate, 180 days.

(C) WAIVER AUTHORIZED.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), an alien who fails to meet the continuous physical presence requirement under subparagraph (A)(iii) shall be considered eligible to receive an adjustment of status under this section if the Attorney General or the Secretary of Homeland Security determines that the removal of the alien from the United States would result in extreme hardship to the alien or the alien's spouse, children, parents, or domestic partner.

(3) STAY OF REMOVAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an alien who is subject to a final order of removal may not be removed if the alien—

(i) has a pending application under paragraph (1); or

(ii)(I) is prima facie eligible to file an application under paragraph (1); and

(II) indicates that he or she intends to file such an application.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any alien whose application under paragraph (1) has been denied by the Secretary of Homeland Security in a final administrative determination.

(C) DURING CERTAIN PROCEEDINGS.—

(i) IN GENERAL.—Except as provided in clause (ii) and notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may not order any alien to be removed from the United States if the alien raises, as a defense to such an order, the eligibility of the alien to apply for adjustment of status under paragraph (1).

(ii) EXCEPTION.—Clause (i) shall not apply to any alien whose application under paragraph (1) has been denied by the Secretary of Homeland Security in a final administrative determination.

(D) WORK AUTHORIZATION.—The Secretary of Homeland Security—

(i) shall authorize any alien who has applied for adjustment of status under paragraph (1) to engage in employment in the United States while such application is pending; and

(ii) may provide such alien with an ''employment authorized'' endorsement or other appropriate document signifying such employment authorization.

(4) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(A) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) and except as provided in subparagraphs (B) and (C), the Secretary of Homeland Security shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(i) is the spouse, domestic partner, child, or unmarried son or daughter of an alien whose status has been adjusted to that of an alien lawfully admitted for permanent residence under paragraph (1);

(ii) is physically present in the United States on the date on which the alien files an application for such adjustment of status; and

(iii) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence.

(B) CONTINUOUS PRESENCE REQUIREMENT.—

(i) IN GENERAL.—The status of an unmarried son or daughter referred to in subparagraph (A)(i) may not be adjusted under subparagraph (A) until such son or daughter establishes that he or she has been physically present in the United States for at least 1 year.

(ii) SHORT ABSENCES.—An alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (i) by reason of an absence, or multiple absences, from the United States for any period or periods that do not exceed, in the aggregate, 180 days.

(C) WAIVER.—In determining eligibility and admissibility under subparagraph (A)(iii), the grounds for inadmissibility under paragraphs (4), (5), (6), (7)(A), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(5) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide applicants for adjustment of status under paragraph (1) the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act 19 (8 U.S.C. 1255); or

(B) aliens who are subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(6) EXCEPTIONS TO NUMERICAL LIMITATIONS.—The numerical limitations set forth in sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to aliens whose status is adjusted pursuant to paragraph (1).

(b) ADDITIONAL REPORTING REQUIREMENTS REGARDING FUTURE DISCONTINUED ELIGIBILITY OF ALIENS FROM COUNTRIES CURRENTLY LISTED UNDER TEMPORARY PROTECTED STATUS.—Section 244(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''the Attorney General'' and inserting '', the Secretary of Homeland Security'';

(B) by inserting ''(including a recommendation from the Secretary of State that is received by the Secretary of Homeland Security not later than 90 days before the end of such period of designation)'' after ''Government''; and

(C) by striking ''The Attorney General'' and inserting ''The Secretary''; and

(2) in subparagraph (B)—

(A) by striking ''If the Attorney General'' and inserting the following:

''(i) IN GENERAL.—If the Secretary of Homeland Security'';

(B) in clause (i), as redesignated, by striking ''Attorney General'' and inserting ''Secretary''; and

(C) by adding at the end the following:

''(ii) REPORT.—Not later than 3 days after the publication of the Secretary's determination in the Federal Register that a country's designation under paragraph (1) is being terminated, the Secretary shall submit a report to the Committee on the Judiciary

of the Senate and the Committee on the Judiciary of the House of Representatives that shall include—

''(I) an explanation of the event or events that initially prompted such country's designation under paragraph (1);

''(II) the progress the country has made in remedying the designation under paragraph (1), including any significant challenges or shortcomings that have not been addressed since the initial designation;

''(III) a statement indicating whether the country has requested a designation under paragraph (1), a redesignation under such paragraph, or an extension of such designation; and

''(IV) an analysis, with applicable and relevant metrics, as determined by the Secretary, of the country's ability to repatriate its nationals, including—

''(aa) the country's financial ability to provide for its repatriated citizens;

''(bb) the country's financial ability to address the initial designation under paragraph (1) without foreign assistance;

''(cc) the country's gross domestic product and per capita gross domestic product per capita;

''(dd) an analysis of the country's political stability and its ability to be economically self-sufficient without foreign assistance;

''(ee) the economic and social impact repatriation of nationals in possession of temporary protected status would have on the recipient country; and

''(ff) any additional metrics the Secretary considers necessary.''.

(c) OTHER MATTERS.—

(1) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply in this section.

(2) SAVINGS PROVISION.—Nothing in this section may be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Secretary of Homeland Security in the administration and enforcement of the immigration laws.

(3) ELIGIBILITY FOR OTHER IMMIGRATION BENEFITS.—An alien who is eligible to be granted the status of an alien lawfully admitted for permanent residence under subsection (a) may not be precluded from seeking such status under any other provision of law for which the alien may otherwise be eligible.

SA 1969. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON ENFORCEMENT OF PROVISION MAKING SPOUSES AND CHILDREN OF TERRORISTS INADMISSIBLE OR DEPORTABLE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study assessing the effectiveness of the enforcement of section 212(a)(3)(B)(i)(IX) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(IX)) (relating to the inadmissibility and deportability of spouses and children of terrorists).

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study required by subsection (a).

SA 1970. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLES.

This Act may be cited as the ''Bar Removal of Individuals who Dream and Grow our Economy Act'' or the ''BRIDGE Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—BAR REMOVAL OF INDIVIDUALS WHO DREAM AND GROW OUR ECONOMY ACT

SEC. 101. PROVISIONAL PROTECTED PRESENCE FOR YOUNG INDIVIDUALS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 244A. PROVISIONAL PROTECTED PRESENCE.

''(a) DEFINITIONS.—In this section:

''(1) DACA RECIPIENT.—The term 'DACA recipient' means an alien who was in deferred action status on September 5, 2017, pursuant to the Deferred Action for Childhood Arrivals ('DACA') Program announced on June 15, 2012.

''(2) FELONY.—The term 'felony' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status) punishable by imprisonment for a term exceeding one year.

''(3) MISDEMEANOR.—The term 'misdemeanor' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status, a significant misdemeanor, and a minor traffic offense) for which—

''(A) the maximum term of imprisonment is greater than five days and not greater than one year; and

''(B) the individual was sentenced to time in custody of 90 days or less.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(5) SIGNIFICANT MISDEMEANOR.—The term 'significant misdemeanor' means a Federal, State, or local criminal offense (excluding a State or local offense for which an essential element was the alien's immigration status) for which the maximum term of imprisonment is greater than five days and not greater than one year that—

''(A) regardless of the sentence imposed, is a crime of domestic violence (as defined in section 237(a)(2)(E)(i)) or an offense of sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence if the State law requires, as an element of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content of .08 or higher; or

''(B) resulted in a sentence of time in custody of more than 90 days, excluding an offense for which the sentence was suspended.

''(6) THREAT TO NATIONAL SECURITY.—An alien is a 'threat to national security' if the alien is—

''(A) inadmissible under section 212(a)(3); or

''(B) deportable under section 237(a)(4).

''(7) THREAT TO PUBLIC SAFETY.—An alien is a 'threat to public safety' if the alien—

''(A) has been convicted of an offense for which an element was participation in a criminal street gang (as defined in section 521(a) of title 18, United States Code); or

''(B) has engaged in a continuing criminal enterprise (as defined in section 408(c) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848(c))).

''(b) AUTHORIZATION.—The Secretary—

''(1) shall grant provisional protected presence to an alien who files an application demonstrating that he or she meets the eligibility criteria under subsection (c) and pays the appropriate application fee;

''(2) may not remove such alien from the United States during the period in which such provisional protected presence is in effect unless such status is rescinded pursuant to subsection (g); and

''(3) shall provide such alien with employment authorization.

''(c) ELIGIBILITY CRITERIA.—An alien is eligible for provisional protected presence under this section and employment authorization if the alien—

''(1) was born after June 15, 1981;

''(2) entered the United States before attaining 16 years of age;

''(3) continuously resided in the United States between June 15, 2007, and the date on which the alien files an application under this section;

''(4) was physically present in the United States on June 15, 2012, and on the date on which the alien files an application under this section;

''(5) was unlawfully present in the United States on June 15, 2012;

''(6) on the date on which the alien files an application for provisional protected presence—

''(A) is enrolled in school or in an education program assisting students in obtaining a regular high school diploma or its recognized equivalent under State law, or in passing a general educational development exam or other State-authorized exam;

''(B) has graduated or obtained a certificate of completion from high school;

''(C) has obtained a general educational development certificate; or

''(D) is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;

''(7) has not been convicted of—

''(A) a felony;

''(B) a significant misdemeanor; or

''(C) three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct; and

''(8) does not otherwise pose a threat to national security or a threat to public safety.

''(d) DURATION OF PROVISIONAL PROTECTED PRESENCE AND EMPLOYMENT AUTHORIZATION.—Provisional protected presence and the employment authorization provided under this section shall be effective through September 30, 2019.

''(e) STATUS DURING PERIOD OF PROVISIONAL PROTECTED PRESENCE.—

''(1) IN GENERAL.—An alien granted provisional protected presence is not considered to be unlawfully present in the United States during the period beginning on the date such

status is granted and ending on the date described in subsection (d).

''(2) STATUS OUTSIDE PERIOD.—The granting of provisional protected presence under this section does not excuse previous or subsequent periods of unlawful presence.

''(f) APPLICATION.—

''(1) AGE REQUIREMENT.—

''(A) IN GENERAL.—An alien who has never been in removal proceedings, or whose proceedings have been terminated before making a request for provisional protected presence, shall be at least 15 years old on the date on which the alien submits an application under this section.

''(B) EXCEPTION.—The age requirement set forth in subparagraph (A) shall not apply to an alien who, on the date on which the alien applies for provisional protected presence, is in removal proceedings, has a final removal order, or has a voluntary departure order.

''(2) APPLICATION FEE.—

''(A) IN GENERAL.—The Secretary may require aliens applying for provisional protected presence and employment authorization under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

''(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

''(i)(I) is younger than 18 years of age;

''(II) received total income during the 12-month period immediately preceding the date on which the alien files an application under this section that is less than 150 percent of the United States poverty level; and

''(III) is in foster care or otherwise lacking any parental or other familial support;

''(ii) is younger than 18 years of age and is homeless;

''(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

''(II) received total income during the 12-month period immediately preceding the date on which the alien files an application under this section that is less than 150 percent of the United States poverty level; or

''(iv)(I) as of the date on which the alien files an application under this section, has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

''(II) received total income during the 12-month period immediately preceding the date on which the alien files an application under this section that is less than 150 percent of the United States poverty level.

''(3) REMOVAL STAYED WHILE APPLICATION PENDING.—The Secretary may not remove an alien from the United States who appears prima facie eligible for provisional protected presence while the alien's application for provisional protected presence is pending.

''(4) ALIENS NOT IN IMMIGRATION DETENTION.—An alien who is not in immigration detention, but who is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order, may apply for provisional protected presence under this section if the alien appears prima facie eligible for provisional protected presence.

''(5) ALIENS IN IMMIGRATION DETENTION.—The Secretary shall provide any alien in immigration detention, including any alien who is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order, who appears prima facie eligible for provisional protected presence, upon request, with a reasonable opportunity to apply for provisional protected presence under this section.

''(6) CONFIDENTIALITY.—

''(A) IN GENERAL.—The Secretary shall protect information provided in applications for provisional protected presence under this section and in requests for consideration of DACA from disclosure to U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection for the purpose of immigration enforcement proceedings.

''(B) REFERRALS PROHIBITED.—The Secretary may not refer individuals whose cases have been deferred pursuant to DACA or who have been granted provisional protected presence under this section to U.S. Immigration and Customs Enforcement.

''(C) LIMITED EXCEPTION.—The information submitted in applications for provisional protected presence under this section and in requests for consideration of DACA may be shared with national security and law enforcement agencies—

''(i) for assistance in the consideration of the application for provisional protected presence;

''(ii) to identify or prevent fraudulent claims;

''(iii) for national security purposes; and

''(iv) for the investigation or prosecution of any felony not related to immigration status.

''(7) ACCEPTANCE OF APPLICATIONS.—Not later than 60 days after the date of the enactment of this section, the Secretary shall begin accepting applications for provisional protected presence and employment authorization.

''(g) RESCISSION OF PROVISIONAL PROTECTED PRESENCE.—The Secretary may not rescind an alien's provisional protected presence or employment authorization granted under this section unless the Secretary determines that the alien—

''(1) has been convicted of—

''(A) a felony;

''(B) a significant misdemeanor; or

''(C) three or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct;

''(2) poses a threat to national security or a threat to public safety;

''(3) has traveled outside of the United States without authorization from the Secretary; or

''(4) has ceased to continuously reside in the United States.

''(h) TREATMENT OF BRIEF, CASUAL, AND INNOCENT DEPARTURES AND CERTAIN OTHER ABSENCES.—For purposes of subsections (c)(3) and (g)(4), an alien shall not be considered to have failed to continuously reside in the United States due to—

''(1) brief, casual, and innocent absences from the United States during the period beginning on June 15, 2007, and ending on August 14, 2012; or

''(2) travel outside of the United States on or after August 15, 2012, if such travel was authorized by the Secretary.

''(i) TREATMENT OF EXPUNGED CONVICTIONS.—For purposes of subsections (c)(7) and (g)(1), an expunged conviction shall not automatically be treated as a disqualifying felony, significant misdemeanor, or misdemeanor, but shall be evaluated on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the alien should be eligible for provisional protected presence under this section.

''(j) EFFECT OF DEFERRED ACTION UNDER DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM.—

''(1) PROVISIONAL PROTECTED PRESENCE.—A DACA recipient is deemed to have provisional protected presence under this section through date that is the earlier of—

''(A) the date that is 1 year after the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application; or

''(B) September 30, 2019.

''(2) EMPLOYMENT AUTHORIZATION.—If a DACA recipient has been granted employment authorization by the Secretary in addition to deferred action, the employment authorization shall continue through the earlier of—

''(A) the date that is 1 year after the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application; or

''(B) September 30, 2019.

''(3) EFFECT OF APPLICATION.—If a DACA recipient files an application for provisional protected presence under this section not later than the expiration date of the alien's deferred action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application, the alien's provisional protected presence, and any employment authorization, shall remain in effect pending the adjudication of such application.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Provisional protected presence.''.

TITLE II—BORDER SECURITY APPROPRIATIONS.

SEC. 201. OPERATIONS AND SUPPORT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018, and in addition to any amounts otherwise provided in such fiscal year, $675,000,000 to U.S. Customs and Border Protection for ''Operations and Support'', which shall remain available until September 30, 2019, of which—

(1) $531,000,000 shall be available for—

(A) border security technologies;

(B) facilities;

(C) equipment; and

(D) the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems;

(2) $48,000,000 shall be available for retention, recruitment, and relocation of Border Patrol Agents, Customs Officers, and Air and Marine personnel;

(3) $75,000,000 shall be available to hire 615 additional U.S. Customs and Border Protection Officers for deployment to ports of entry; and

(4) $21,000,000 shall be available for data circuits and network bandwidth surveillance and associated personnel.

SEC. 202. PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2018, and in addition to any amounts otherwise provided in such fiscal year, $2,030,239,000 for ''Procurement, Construction, and Improvements'', which shall remain available until September 30, 2022, of which—

(1) $784,000,000 shall be available for 32 miles of border bollard fencing in the Rio Grande Valley Sector, Texas;

(2) $498,000,000 shall be available for 28 miles of a bollard levee fencing in the Rio Grande Valley Sector, Texas;

(3) $251,000,000 shall be available for 14 miles of secondary fencing in the San Diego Sector, California;

(4) $444,000,000 shall be available for border security technologies, marine vessels, aircraft unmanned aerial systems, facilities, and equipment;

(5) $38,239,000 shall be available to prepare the reports required under subsections (b) and (c) of section 203; and

(6) $15,000,000 shall be available for chemical screening devices (as defined in section 2 of the INTERDICT Act (Public Law 115–112)).

SEC. 203. ADMINISTRATIVE PROVISIONS.

(a) LIMITATION.—Amounts appropriated under paragraphs (1) through (3) of section 202 shall only be available for operationally effective designs deployed as of the date of the enactment of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety.

(b) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit an interim report to the Committee on Appropriations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Comptroller General of the United States that—

(1) identifies, with respect to the physical barriers described in paragraphs (1) through (3) of section 202—

(A) all necessary land acquisitions;

(B) the total number of necessary condemnation actions; and

(C) the precise number of landowners that will be impacted by the construction of such physical barriers;

(2) contains a comprehensive plan to consult State and local elected officials on the eminent domain and construction process relating to such physical barriers;

(3) provides, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, a comprehensive analysis of the environmental impacts of the construction and placement of such physical barriers along the Southwest border, including barriers in the Santa Ana National Wildlife Refuge; and

(4) includes, for each barrier segment described in paragraphs (1) through (3) of section 202, a thorough analysis and comparison of alternatives to a physical barrier to determine the most cost effective security solution, including—

(A) underground sensors;

(B) infrared or other day/night cameras;

(C) tethered or mobile aerostats;

(D) drones or other airborne assets;

(E) integrated fixed towers; and

(F) the deployment of additional border personnel.

(c) ANNUAL REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit a report containing all of the information required under paragraphs (1) through (4) of subsection (b) to the Committee on Appropriations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Comptroller General of the United States.

(d) GAO EVALUATION.—Not later than 180 days after the date on which the Secretary of Homeland Security submits each report described in subsections (b) and (c), the Comptroller General of the United States shall submit an evaluation of the strengths and weaknesses of the report to the Committee on Appropriations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Homeland Security of the House of Representatives.

(e) RESCISSION.—Notwithstanding any other provision of law, any amounts appropriated under paragraphs (1) through (3) of section 202 that remain available after the completion of the construction projects described in such paragraphs shall be rescinded and returned to the general fund of the Treasury.

(f) PROHIBITION.—Notwithstanding any other provision of law, none of the amounts appropriated under this title may be reprogrammed or transferred for any other activity within the Department of Homeland Security.

SA 1971. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON PARENTS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

An alien shall not be eligible to adjust status to that of an alien lawfully admitted for permanent residence based on a petition filed by a child or a son or daughter of the alien if—

(1) the child or son or daughter was granted permanent resident status on a conditional basis under this Act; and

(2) the alien knowingly assisted the child or son or daughter to enter the United States unlawfully.

SA 1972. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ILLEGAL REENTRY.

(a) SHORT TITLE.—This section may be cited as ''Kate's Law''.

(b) REENTRY OF REMOVED ALIEN.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

''SEC. 276. REENTRY OF REMOVED ALIEN.

''(a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection was convicted before such removal or departure—

''(1) for 3 or more misdemeanors or for a felony, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(2) for a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

''(3) for a felony for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

''(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, or for 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

''(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

''(2) with respect to an alien previously denied admission and removed, the alien—

''(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

''(B) had complied with all other laws and regulations governing the alien's admission into the United States.

''(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien.

''(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(h) DEFINITIONS.—For purposes of this section and section 275, the following definitions shall apply:

''(1) CROSSES THE BORDER TO THE UNITED STATES.—The term 'crosses the border' refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

''(2) FELONY.—The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

''(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

SA 1973. Mr. GRAHAM (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. H–2B NONIMMIGRANT RETURNING WORKERS.

Section 214(g)(9) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)) is amended—

(1) in subparagraph (A)—

(A) by striking ''(B) and (C)'' and inserting ''(B), (C), and (D),'';

(B) by striking ''fiscal year 2013, 2014, or 2015'' and inserting ''any of the three previous fiscal years''; and

(C) by striking ''fiscal year 2016'' and inserting ''the current fiscal year''; and

(2) by inserting at the end the following new subparagraph:

''(D) The number of aliens considered to be returning workers under subparagraph (A) in any fiscal year may not exceed the highest number of nonimmigrants who participated in the returning worker program in any fiscal year in which returning workers were exempt from the numerical limitation under paragraph (1)(B).''.

SA 1974. Ms. SMITH submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. HELPING SEPARATED CHILDREN.

(a) SHORT TITLES.—This section may be cited as the ''Humane Enforcement and Legal Protections for Separated Children Act'' or the ''HELP Separated Children Act''.

(b) DEFINITIONS.—In this section:

(1) APPREHENSION.—The term ''apprehension'' means the detention or arrest by officials of the Department or cooperating entities.

(2) CHILD.—The term ''child'' means an individual who is younger than 18 years of age.

(3) CHILD WELFARE AGENCY.—The term ''child welfare agency'' means a State or local agency responsible for child welfare services under subtitles B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(4) COOPERATING ENTITY.—The term ''cooperating entity'' means a State or local entity acting under agreement with the Secretary.

(5) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(6) DETENTION FACILITY.—The term ''detention facility'' means a Federal, State, or local government facility, or a privately owned and operated facility, that is used, in whole or in part, to hold individuals under the authority of the Director of U.S. Immigration and Customs Enforcement, including facilities that hold such individuals under a contract or agreement with the Director.

(7) IMMIGRATION ENFORCEMENT ACTION.—The term ''immigration enforcement action'' means the apprehension of one or more individuals whom the Department has reason to believe are removable from the United States by the Secretary or a cooperating entity.

(8) PARENT.—The term ''parent'' means a biological or adoptive parent of a child, whose parental rights have not been relinquished or terminated under State law or the law of a foreign country, or a legal guardian under State law or the law of a foreign country.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(c) APPREHENSION PROCEDURES FOR IMMIGRATION ENFORCEMENT-RELATED ACTIVITIES.—

(1) APPREHENSION PROCEDURES.—In any immigration enforcement action, the Secretary and cooperating entities shall—

(A) as soon as possible, but generally not later than 2 hours after an immigration enforcement action, inquire whether an individual is a parent or primary caregiver of a child in the United States and provide any such individuals with—

(i) the opportunity to make a minimum of 2 telephone calls to arrange for the care of such child in the individual's absence; and

(ii) contact information for—

(I) child welfare agencies and family courts in the same jurisdiction as the child; and

(II) consulates, attorneys, and legal service providers capable of providing free legal advice or representation regarding child welfare, child custody determinations, and immigration matters;

(B) notify the child welfare agency with jurisdiction over the child if the child's parent or primary caregiver is unable to make care arrangements for the child or if the child is in imminent risk of serious harm;

(C) ensure that personnel of the Department and cooperating entities do not, absent medical necessity or extraordinary circumstances, compel or request children to interpret or translate for interviews of their parents or of other individuals who are encountered as part of an immigration enforcement action; and

(D) ensure that any parent or primary caregiver of a child in the United States—

(i) absent medical necessity or extraordinary circumstances, is not transferred from his or her area of apprehension until the individual—

(I) has made arrangements for the care of such child; or

(II) if such arrangements are unavailable or the individual is unable to make such arrangements, is informed of the care arrangements made for the child and of a means to maintain communication with the child;

(ii) absent medical necessity or extraordinary circumstances, and to the extent practicable, is placed in a detention facility that is—

(I) proximate to the location of apprehension; and

(II) proximate to the child's habitual place of residence; and

(iii) receives due consideration of the best interests of such child in any decision or action relating to his or her detention, release, or transfer between detention facilities.

(2) REQUESTS TO STATE AND LOCAL ENTITIES.—If the Secretary requests a State or local entity to hold in custody an individual whom the Department has reason to believe is removable pending transfer of that individual to the custody of the Secretary or to a detention facility, the Secretary shall also request that the State or local entity provide the individual the protections specified in subparagraphs (A) and (B) of paragraph (1) if that individual is found to be the parent or primary caregiver of a child in the United States.

(3) PROTECTIONS AGAINST TRAFFICKING PRESERVED.—Nothing in this subsection may be construed to impede, delay, or limit the obligations of the Secretary, the Attorney General, or the Secretary of Health and Human Services under section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232), section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279), or the Stipulated Settlement Agreement filed in the United States District Court for the Central District of California on January 17, 1997 (CV 85-4544-RJK) (commonly known as the ''Flores Settlement Agreement'').

(d) ACCESS TO CHILDREN, STATE AND LOCAL COURTS, CHILD WELFARE AGENCIES, AND CONSULAR OFFICIALS.—At all detention facilities, the Secretary shall—

(1) prominently post in a manner accessible to detainees and visitors and include in detainee handbooks information on the protections of this subtitle as well as information on potential eligibility for parole or release;

(2) absent extraordinary circumstances, ensure that individuals who are detained by the Department and are parents of children in the United States are—

(A) permitted regular phone calls and contact visits with their children;

(B) provided with contact information for child welfare agencies and family courts in the relevant jurisdictions;

(C) able to participate fully and, to the extent possible, in person in all family court proceedings and any other proceedings that may impact their right to custody of their children;

(D) granted free and confidential telephone calls to relevant child welfare agencies and family courts as often as is necessary to ensure that the best interest of their children, including a preference for family unity whenever appropriate, can be considered in child welfare agency or family court proceedings;

(E) able to fully comply with all family court or child welfare agency orders impacting custody of their children;

(F) provided access to United States passport applications or other relevant travel document applications for the purpose of obtaining travel documents for their children;

(G) afforded timely access to a notary public for the purpose of applying for a passport for their children or executing guardianship or other agreements to ensure the safety of their children; and

(H) granted adequate time before removal to obtain passports, apostilled birth certificates, travel documents, and other necessary records on behalf of their children if such children will accompany them on their return to their country of origin or join them in their country of origin; and

(3) if doing so would not impact public safety or national security, facilitate the ability of detained alien parents and primary caregivers to share information regarding travel arrangements with their consulate, children, child welfare agencies, or other caregivers in advance of the detained alien individual's departure from the United States.

(e) MANDATORY TRAINING.—The Secretary, in consultation with the Secretary of Health and Human Services and independent child welfare and family law experts, shall develop and provide training on the protections required under subsections (c) and (d) to all personnel of the Department, cooperating entities, and detention facilities operated by or under agreement with the Department who regularly engage in immigration enforcement actions, including detention, and

in the course of such actions come into contact with individuals who are parents or primary caregivers of children in the United States.

(f) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement subsections (c) and (d).

(g) SEVERABILITY.—If any provision of this section, any amendment made by this section, or the application of any such provision or amendment to any person or circumstance is held to be unconstitutional, the remaining provisions of this section, the remaining amendments made by this section, and the application of such provisions and amendments to any person or circumstance shall not be affected by such holding.

SA 1975. Mrs. MCCASKILL (for herself, Mr. TESTER, and Ms. HEITKAMP) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER AND PORT SECURITY.

(a) SHORT TITLE.—This section may be cited as the ''Border and Port Security Act''.

(b) ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.—

(1) OFFICERS.—The Commissioner of U.S. Customs and Border Protection shall hire, train, and assign not fewer than 500 new Office of Field Operations officers above the current authorized level every fiscal year until the total number of Office of Field Operations officers equals the requirements identified each year in the Workload Staffing Model.

(2) SUPPORT STAFF.—The Commissioner is authorized to hire, train, and assign support staff, including technicians, to perform non-law enforcement administrative functions to support the new Office of Field Operations officers hired pursuant to paragraph (1).

(3) TRAFFIC FORECASTS.—In calculating the number of Office of Field Operations officers needed at each port of entry through the Workload Staffing Model, the Office of Field Operations shall—

(A) rely on data collected regarding the inspections and other activities conducted at each such port of entry; and

(B) consider volume from seasonal surges, other projected changes in commercial and passenger volumes, the most current commercial forecasts, and other relevant information.

(4) REPORT ON WORKLOAD STAFFING MODEL UPDATES.—As part of the Annual Report on Staffing required under section 411(g)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)(A)), the Commissioner shall include information concerning the progress made toward meeting Office of Field Operations officer and support staff hiring targets, while accounting for attrition.

(5) GAO REPORT.—If the Commissioner does not hire the 500 additional Office of Field Operations officers authorized under paragraph (1) in fiscal year 2020, or in any subsequent fiscal year in which the hiring requirements set forth in the Workload Staffing Model have not been achieved, the Comptroller General of the United States shall—

(A) conduct a review of U.S. Customs and Border Protection hiring practices to determine the reasons that such requirements were not achieved and other issues related to hiring by U.S. Customs and Border Protection; and

(B) submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the results of the review conducted under subparagraph (A).

(c) PORTS OF ENTRY INFRASTRUCTURE ENHANCEMENT REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that identifies—

(1) infrastructure improvements at ports of entry that would enhance the ability of Office of Field Operations officers to interdict opioids and other drugs that are being illegally transported into the United States, including a description of circumstances at specific ports of entry that prevent the implementation of technology used at other ports of entry;

(2) detection equipment that would improve the ability of such Office of Field Operations officers to identify opioids, including precursors and derivatives, that are being illegally transported into the United States; and

(3) safety equipment that would protect such Office of Field Operations officers from accidental exposure to such drugs or other dangers associated with the inspection of potential drug traffickers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $69,520,000 for each of the fiscal years 2018 through 2024.

SA 1976. Ms. DUCKWORTH (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ___—Visas for Veterans

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''Veterans Visa and Protection Act of 2018''.

SEC. ___2. DEFINITIONS.

In this subtitle:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' means an offense defined in section 16 of title 18, United States Code—

(A) that is not a purely political offense; and

(B) for which the noncitizen has served a term of imprisonment of at least 5 years.

(2) DEPORTED VETERAN.—The term ''deported veteran'' means a veteran who—

(A) is a noncitizen; and

(B)(i) was removed from the United States; or

(ii) is abroad and is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(3) NONCITIZEN.—The term ''noncitizen'' means an individual who is not a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) SERVICE MEMBER.—The term ''service member'' means an individual who is serving as—

(A) a member of a regular or reserve component of the Armed Forces of the United States on active duty; or

(B) a member of a reserve component of the Armed Forces in an active status.

(6) VETERAN.—The term ''veteran'' has the meaning given such term under section 101(2) of title 38, United States Code.

SEC. ___3. RETURN OF NONCITIZEN VETERANS REMOVED FROM THE UNITED STATES; STATUS FOR NONCITIZEN VETERANS IN THE UNITED STATES.

(a) IN GENERAL.—

(1) DUTIES OF SECRETARY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(A) establish a program and application procedure to permit—

(i) a deported veteran who meets each requirement under subsection (b) to enter the United States as an alien lawfully admitted for permanent residence; and

(ii) a noncitizen veteran in the United States who meets each requirement under subsection (b) to adjust status to that of an alien lawfully admitted for permanent residence; and

(B) cancel the removal of any noncitizen veteran ordered removed who meets each requirement under subsection (b) and allow the noncitizen veteran to adjust status to that of an alien lawfully admitted for permanent residence.

(2) NO NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of veterans who may be eligible to receive a benefit under paragraph (1).

(b) ELIGIBILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, including sections 212 and 237 of the Immigration and Nationality Act (8 U.S.C. 1182 and 1227), a veteran shall be eligible to participate in the program established under subsection (a)(1)(A), or for cancellation of removal under subsection (a)(1)(B), if the Secretary determines that the veteran—

(A) was not ordered removed, or removed, from the United States due to a criminal conviction for—

(i) a crime of violence; or

(ii) a crime that endangers the national security of the United States for which the noncitizen has served a term of imprisonment of at least 5 years; and

(B) is not inadmissible to, or deportable from, the United States due to a criminal conviction described in subparagraph (A).

(2) WAIVER.—The Secretary may waive the application of paragraph (1)—

(A) for humanitarian purposes;

(B) to ensure family unity;

(C) due to exceptional service in the United States Armed Forces; or

(D) if such waiver otherwise is in the public interest.

SEC. ___4. PROTECTING VETERANS AND SERVICE MEMBERS FROM REMOVAL.

Notwithstanding any other provision of law, including section 237 of the Immigration and Nationality Act (8 U.S.C. 1227), a noncitizen who is a veteran or service member may not be removed from the United States unless the noncitizen has a criminal conviction for a crime of violence.

SEC. ___5. NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

An alien who has obtained the status of an alien lawfully admitted for permanent residence pursuant to section ___3(a) shall be eligible for naturalization through service in the Armed Forces of the United States under sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440), except that—

(1) when determining whether the noncitizen is a person of good moral character, disregard the ground on which the noncitizen was—

(A) ordered removed, or was removed, from the United States; or

(B) rendered inadmissible to, or deportable from, the United States; and

(2) any period of absence from the United States due to the noncitizen having been removed, or being inadmissible, shall be disregarded when determining if the noncitizen satisfies any requirement relating to continuous residence or physical presence.

SEC. _____6. ACCESS TO MILITARY BENEFITS.

An alien who has obtained the status of an alien lawfully admitted for permanent residence pursuant to section _____3(a) shall be eligible for all military and veterans benefits for which the noncitizen would have been eligible if, from the United States, the noncitizen had never—

(a) been ordered removed;

(b) been removed; or

(c) voluntarily departed.

SEC. _____7. IMPLEMENTATION.

(a) IDENTIFICATION.—The Secretary shall identify cases involving any service member or veteran at risk of removal from the United States by—

(1) inquiring of every noncitizen processed prior to initiating a removal proceeding whether the noncitizen is serving, or has served—

(A) as a member of a regular or reserve component of the Armed Forces of the United States on active duty; or

(B) as a member of a reserve component of the Armed Forces in an active status;

(2) requiring U.S. Immigration and Customs Enforcement personnel to seek supervisory approval prior to initiating a removal proceeding against a service member or veteran; and

(3) keeping records of any service member or veteran who has—

(A) had removal proceedings initiated against them;

(B) been detained; or

(C) been removed.

(b) RECORD ANNOTATION.—

(1) IN GENERAL.—When the Secretary has identified a case under subsection (a), the Secretary shall annotate all immigration and naturalization records of the Department of Homeland Security relating to the noncitizen involved to—

(A) reflect that identification; and

(B) afford an opportunity to track the outcomes for the noncitizen.

(2) ANNOTATIONS.—Each annotation under paragraph (1) shall include—

(A) the branch of military service in which each noncitizen served;

(B) whether or not the noncitizen is serving, or has served, during a period of military hostilities described in section 329 of the Immigration and Nationality Act (8 U.S.C. 1440);

(C) the immigration status of each noncitizen at the time of enlistment;

(D) whether the noncitizen is serving honorably or was separated under honorable conditions;

(E) the basis for which removal was sought; and

(F) the crime for which conviction was obtained if the basis for removal was a criminal conviction.

SEC. _____8. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement this subtitle.

SA 1977. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. IDENTIFYING ALIENS CONNECTED TO THE ARMED FORCES.

Upon an alien's application for an immigration benefit or the placement of such alien in an immigration enforcement proceeding, the Secretary of Homeland Security shall—

(1) determine if the alien is serving, or has served, as a member of—

(A) a regular or reserve component of the Armed Forces of the United States on active duty; or

(B) a reserve component of the Armed Forces in an active status; and

(2) annotate every immigration and naturalization record of the Department of Homeland Security relating to an alien described in paragraph (1) to—

(A) reflect that membership; and

(B) afford an opportunity to track the outcomes for each alien.

SA 1978. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PAROLE FOR CERTAIN VETERANS.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) in subparagraph (A), by inserting ''or (C)'' after ''(B)'';

(2) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(3) by adding the following:

''(C)(i) The Secretary of Homeland Security may parole any alien qualified under clause (ii) into the United States—

''(I) at the discretion of the Secretary;

''(II) on a case-by-case basis; and

''(III) temporarily under such conditions as the Secretary may prescribe.

''(ii) To qualify for parole under clause (i) an alien applying for admission to the United States shall—

''(I) be a veteran (as defined in section 101(2) of title 38, United States Code);

''(II) seek parole to receive health care furnished by the Secretary of Veterans Affairs under chapter 17 of title 38, United States Code; and

''(III) be outside of the United States pursuant to having been ordered removed or voluntarily departed from the United States under section 240B.

''(iii) Parole of an alien under clause (i) shall not be regarded as an admission of the alien.

''(iv) If the Secretary of Homeland Security determines that the purposes of such parole have been served, the alien shall forthwith return or be returned to the custody from which the alien was paroled.

''(v) Parole shall not be available under clause (i) for an alien who is inadmissible due to a criminal conviction—

''(I)(aa) for a crime of violence (as defined in section 16 of title 18, United States Code), excluding a purely political offense; or

''(bb) for a crime that endangers the national security of the United States; and

''(II) for which the alien has served a term of imprisonment of at least 5 years.''.

SA 1979. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PERMANENT RESIDENT STATUS FOR MIGUEL ANGEL PEREZ-MONTES, JR.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), on filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident, Miguel Angel Perez-Montes, Jr., shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence.

(b) ADJUSTMENT OF STATUS.—If Miguel Angel Perez-Montes, Jr., enters the United States before the date of the filing deadline described in subsection (c), the alien shall be—

(1) considered to have entered and remained lawfully in the United States; and

(2) eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of enactment of this Act, if the alien is otherwise eligible for adjustment of status under that section.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed, together with the applicable fees, not later than 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—On the granting of an immigrant visa or permanent residence to Miguel Angel Perez-Montes, Jr., the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of the alien under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of the alien under section 202(e) of that Act (8 U.S.C. 1152(e)).

SA 1980. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ESTABLISHMENT AND USE OF NATURALIZATION OFFICES AT INITIAL MILITARY TRAINING SITES.

(a) DEFINITION.—In this section, the term ''Secretary concerned'' has the meaning given that term in section 101(a) of title 10, United States Code.

(b) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard, shall establish a naturalization office at each initial military training site of the Armed Forces under the jurisdiction of the respective Secretary.

(c) OUTREACH.—In coordination with the Under Secretary of Defense for Personnel

and Readiness and the Director of U.S. Citizenship and Immigration Services, each Secretary concerned shall, to the maximum extent practicable—

(1) identify each member of the Armed Forces overseen by such Secretary who is not a citizen of the United States;

(2) inform each noncitizen member of the Armed Forces overseen by such Secretary about—

(A) the existence of a naturalization office at each initial military training site;

(B) the continuous availability of each naturalization office throughout the career of a member of the Armed Forces to—

(i) evaluate the extent to which a noncitizen member of the Armed Forces is eligible to become a naturalized citizen; and

(ii) assess the suitability for citizenship of a noncitizen member of the Armed Forces;

(C) each potential pathway to citizenship;

(D) each service a naturalization office provides;

(E) the required length of service to obtain citizenship during—

(i) peacetime; and

(ii) a period of hostility; and

(F) the application process for citizenship, including—

(i) details of the application process;

(ii) required application materials;

(iii) requirements for a naturalization interview; and

(iv) any other information required to become a citizen under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(d) TIMING.—Each Secretary concerned shall complete the notifications required under subsection (c)—

(1) during every stage of basic training;

(2) during training for any military occupational specialty;

(3) at each school of professional military education;

(4) upon each transfer of a duty station; and

(5) at any other time determined appropriate by the Secretary concerned.

(e) TRAINED PERSONNEL.—

(1) AVAILABILITY.—Each Secretary concerned shall retain trained personnel at a naturalization office at every initial military training site to provide appropriate services to every member of the Armed Forces who is not a citizen of the United States.

(2) TRAINING.—All personnel retained under paragraph (1) shall be familiar with—

(A) the special provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) authorizing the expedited application and naturalization process for current members of the Armed Forces and veterans;

(B) the application process for naturalization and associated application materials; and

(C) the naturalization process administered by U.S. Citizenship and Immigration Services.

(f) ASSIGNMENT PREFERENCE.—The Secretary concerned, to the extent practicable, shall assign each new member of the Armed Forces who is not a citizen of the United States to an initial military training site that has a naturalization office.

(g) REPORTING REQUIREMENT.—The Director of the U.S. Citizenship and Immigration Services shall annually publish, on a publicly accessible website—

(1) the number of members of the Armed Forces who became naturalized United States citizens during the most recent year for which data is available, categorized by country in which the naturalization ceremony took place;

(2) the number of Armed Forces member's children who became naturalized United States citizens during the most recent year for which data is available, categorized by country in which the naturalization ceremony took place; and

(3) the number of Armed Forces member's spouses who became naturalized United States citizens during the most recent year for which data is available, categorized by country in which the naturalization ceremony took place.

(h) REGULATIONS.—Each Secretary concerned shall prescribe in regulation a definition of the term ''initial military training site'' for purposes of this section.

SA 1981. Ms. DUCKWORTH (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON DEPORTATION OR REMOVAL OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM PARTICIPANTS WHO ARE CURRENT OR FORMER MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—The Secretary of Homeland Security may not deport or remove any alien who was granted DACA if the alien is a current or former member of the Armed Forces.

(b) DEFINITIONS.—In this section:

(1) The term ''DACA'' means deferred action pursuant to the Deferred Action for Childhood Arrivals program announced by President Obama on June 15, 2012.

(2) The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101(a)(4) of title 10, United States Code, and includes the reserve components of the Armed Forces.

SA 1982. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 1959 proposed by Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. TILLIS, Mr. LANKFORD, Mr. COTTON, Mr. PERDUE, Mr. CORNYN, Mr. ALEXANDER, and Mr. ISAKSON) to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

Strike title II and insert the following:

TITLE II—INTERIOR ENFORCEMENT

SEC. 2001. UNLAWFUL EMPLOYMENT OF UNAUTHORIZED ALIENS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

''SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

''(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

''(1) IN GENERAL.—It is unlawful for an employer—

''(A) to hire, recruit, or refer for a fee an alien for employment in the United States knowing that the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, recruit, or refer for a fee for employment in the United States an individual without complying with the requirements under subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—

''(A) PROHIBITION ON CONTINUED EMPLOYMENT OF UNAUTHORIZED ALIENS.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

''(B) PROHIBITION ON CONSIDERATION OF PREVIOUS UNAUTHORIZED STATUS.—Nothing in this section may be construed to prohibit the employment of an individual who is authorized for employment in the United States if such individual was previously an unauthorized alien.

''(3) USE OF LABOR THROUGH CONTRACT.—For purposes of this section, any employer that uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States while knowing that the alien is an unauthorized alien with respect to performing such labor shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

''(4) USE OF STATE EMPLOYMENT AGENCY DOCUMENTATION.—For purposes of paragraphs (1)(B), (5), and (6), an employer shall be deemed to have complied with the requirements under subsection (c) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Secretary) if the employer has and retains (for the period and in the manner described in subsection (c)(3)) appropriate documentation of such referral by such agency, certifying that such agency has complied with the procedures described in subsection (c) with respect to the individual's referral. An employer that relies on a State agency's certification of compliance with subsection (c) under this paragraph may utilize and retain the State agency's certification of compliance with the procedures described in subsection (d), if any, in the manner provided under this paragraph.

''(5) GOOD FAITH DEFENSE.—

''(A) DEFENSE.—An employer, person, or entity that hires, employs, recruits, or refers individuals for employment in the United States, or is otherwise obligated to comply with the requirements under this section and establishes good faith compliance with the requirements under paragraphs (1) through (4) of subsection (c) and subsection (d)—

''(i) has established an affirmative defense that the employer, person, or entity has not violated paragraph (1)(A) with respect to hiring and employing; and

''(ii) has established compliance with its obligations under subparagraph (A) and (B) of paragraph (1) and subsection (c) unless the Secretary demonstrates by clear and convincing evidence that the employer had knowledge that an individuals hired, employed, recruited, or referred by the employer, person, or entity is an unauthorized alien.

''(B) EXCEPTION FOR CERTAIN EMPLOYERS.—An employer who is not required to participate in the System or who is participating in the System on a voluntary basis pursuant to subsection (d)(2)(J) has established an affirmative defense under subparagraph (A) and need not demonstrate compliance with the requirements under subsection (d).

''(6) GOOD FAITH COMPLIANCE.—

''(A) IN GENERAL.—Except as otherwise provided in this subsection, an employer, person, or entity is considered to have complied with a requirement under this subsection notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

''(B) EXCEPTION IF FAILURE TO CORRECT AFTER NOTICE.—Subparagraph (A) shall not apply if—

''(i) the failure is not de minimis;

''(ii) the Secretary of Homeland Security has explained to the employer, person, or entity the basis for the failure and why it is not de minimis;

''(iii) the employer, person, or entity has been provided a period of not less than 30 days (beginning after the date of the explanation) to correct the failure; and

''(iv) the employer, person, or entity has not corrected the failure voluntarily within such period.

''(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to an employer, person, or entity that has engaged or is engaging in a pattern or practice of violations of paragraph (1)(A) or (2).

''(7) PRESUMPTION.—After the date on which an employer is required to participate in the System under subsection (d), the employer is presumed to have acted with knowledge for purposes of paragraph (1)(A) if the employer hires, employs, recruits, or refers an employee for a fee and fails to make an inquiry to verify the employment authorization status of the employee through the System.

''(8) CONTINUED APPLICATION OF WORKFORCE AND LABOR PROTECTION REMEDIES DESPITE UNAUTHORIZED EMPLOYMENT.—

''(A) IN GENERAL.—Subject only to subparagraph (B), all rights and remedies provided under any Federal, State, or local law relating to workplace rights, including but not limited to back pay, are available to an employee despite—

''(i) the employee's status as an unauthorized alien during or after the period of employment; or

''(ii) the employer's or employee's failure to comply with the requirements of this section.

''(B) REINSTATEMENT.—Reinstatement shall be available to individuals who—

''(i) are authorized to work in the United States at the time such relief is ordered or effectuated; or

''(ii) lost employment-authorized status due to the unlawful acts of the employer under this section.

''(b) DEFINITIONS.—In this section:

''(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Social Security.

''(2) DEPARTMENT.—Except as otherwise provided, the term 'Department' means the Department of Homeland Security.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including an agency or department of a Federal, State, or local government, an agent, or a System service provider acting on behalf of an employer, that hires, employs, recruits, or refers for a fee an individual for employment in the United States that is not casual, sporadic, irregular, or intermittent (as defined by the Secretary).

''(4) EMPLOYMENT AUTHORIZED STATUS.—The term 'employment authorized status' means, with respect to an individual, that the individual is authorized to be employed in the United States under the immigration laws of the United States.

''(5) SECRETARY.—Except as otherwise specifically provided, the term 'Secretary' means the Secretary of Homeland Security.

''(6) SYSTEM.—The term 'System' means the Employment Verification System established under subsection (d).

''(7) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means an alien who, with respect to employment in the United States at a particular time—

''(A) is not lawfully admitted for permanent residence; or

''(B) is not authorized to be employed under this Act or by the Secretary.

''(8) WORKPLACE RIGHTS.—The term 'workplace rights' means rights guaranteed under Federal, State, or local labor or employment laws, including laws concerning wages and hours, benefits and employment standards, labor relations, workplace health and safety, work-related injuries, nondiscrimination, and retaliation for exercising rights under such laws.

''(c) DOCUMENT VERIFICATION REQUIREMENTS.—Any employer hiring an individual for employment in the United States shall comply with the following requirements and the requirements under subsection (d) to verify that the individual has employment authorized status.

''(1) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

''(A) IN GENERAL.—

''(i) EXAMINATION BY EMPLOYER.—An employer shall attest, under penalty of perjury on a form prescribed by the Secretary, that the employer has verified the identity and employment authorization status of the individual—

''(I) by examining—

''(aa) a document specified in subparagraph (C); or

''(bb) a document specified in subparagraph (D) and a document specified in subparagraph (E); and

''(II) by using an identity authentication mechanism described in clause (iii) or (iv) of subparagraph (F).

''(ii) PUBLICATION OF DOCUMENTS.—The Secretary shall publish a picture of each document specified in subparagraphs (C) and (E) on the U.S. Citizenship and Immigration Services website.

''(B) REQUIREMENTS.—

''(i) FORM.—The form referred to in subparagraph (A)(i)—

''(I) shall be prescribed by the Secretary not later than 6 months after the date of the enactment of the SECURE and SUCCEED Act;

''(II) shall be available as—

''(aa) a paper form;

''(bb) a form that may be completed by an employer via telephone or video conference;

''(cc) an electronic form; or

''(dd) a form that is integrated electronically with the requirements under subparagraph (F) and subsection (d).

''(ii) ATTESTATION.—Each such form shall require the employer to sign an attestation with a handwritten, electronic, or digital signature, according to standards prescribed by the Secretary.

''(iii) COMPLIANCE.—An employer has complied with the requirements under this paragraph with respect to examination of the documents included in subclauses (I) and (II) of subparagraph (A)(i) if—

''(I) the employer has, in good faith, followed applicable regulations and any written procedures or instructions provided by the Secretary; and

''(II) a reasonable person would conclude that the documentation is genuine and relates to the individual presenting such documentation.

''(C) DOCUMENTS ESTABLISHING IDENTITY AND EMPLOYMENT AUTHORIZED STATUS.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

''(i) A United States passport or passport card issued to an individual pursuant to the Secretary of State's authority under the Act entitled 'An Act to regulate the issue and validity of passports, and for other purposes', approved July 3, 1926 (22 U.S.C. 211a).

''(ii) A document issued to an alien evidencing that the alien is lawfully admitted for permanent residence or another document issued to an individual evidencing the individual's employment authorized status, as designated by the Secretary, if the document—

''(I) contains a photograph of the individual, or such other personal identifying information relating to the individual as the Secretary determines, by regulation, to be sufficient for the purposes of this subparagraph;

''(II) is evidence of employment authorized status; and

''(III) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use.

''(iii) An enhanced driver's license or identification card issued to a national of the United States by a State, an outlying possession of the United States, or a federally recognized Indian tribe that—

''(I) meets the requirements under section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note); and

''(II) the Secretary has certified by notice published in the Federal Register and through appropriate notice directly to employers registered in the System 3 months prior to publication that such enhanced license or card is suitable for use under this subparagraph based upon the accuracy and security of the issuance process, security features on the document, and such other factors as the Secretary may prescribe.

''(iv) A passport issued by the appropriate authority of a foreign country accompanied by a Form I–94 or Form I–94A (or similar successor record), or other documentation as designated by the Secretary that specifies the individual's status in the United States and the duration of such status if the proposed employment is not in conflict with any restriction or limitation specified on such form or documentation.

''(v) A passport issued by the Federated States of Micronesia or the Republic of the Marshall Islands with evidence of nonimmigrant admission to the United States under the Compact of Free Association between the United States and the Federated States of Micronesia or the Republic of the Marshall Islands.

''(D) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

''(i) A driver's license or identity card that is not described in subparagraph (C)(iii) and is issued to an individual by a State or an outlying possession of the United States, a federally recognized Indian tribe, or an agency (including military) of the Federal Government if the driver's license or identity card includes, at a minimum—

''(I) the individual's photograph, name, date of birth, gender, and driver's license or identification card number; and

''(II) security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use.

''(ii) A voter registration card.

''(iii) A document that complies with the requirements under section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note).

''(iv) For individuals under 18 years of age who are unable to present a document listed in clause (i) or (ii), documentation of personal identity of such other type as the Secretary determines will provide a reliable means of identification, which may include an attestation as to the individual's identity by a parent or legal guardian under penalty of perjury.

''(E) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document is specified in this subparagraph if the document is unexpired (unless the validity of the document is extended by law) and is 1 of the following:

''(i) A social security account number card issued by the Commissioner, other than a card which specifies on its face that the card

is not valid to evidence employment authorized status or has other similar words of limitation.

''(ii) Any other documentation evidencing employment authorized status that the Secretary determines and publishes in the Federal Register and through appropriate notice directly to employers registered within the System to be acceptable for purposes of this subparagraph if such documentation, including any electronic security measures linked to such documentation, contains security features to make such documentation resistant to tampering, counterfeiting, and fraudulent use.

''(F) IDENTITY AUTHENTICATION MECHANISM.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) COVERED IDENTITY DOCUMENT.—The term 'covered identity document' means a valid—

''(aa) United States passport, passport card, or a document evidencing lawful permanent residence status or employment authorized status issued to an alien;

''(bb) enhanced driver's license or identity card issued by a participating State or an outlying possession of the United States; or

''(cc) photograph and appropriate identifying information provided by the Secretary of State pursuant to the granting of a visa.

''(II) PARTICIPATING STATE.—The term 'participating State' means a State that has an agreement with the Secretary to provide the Secretary, for purposes of identity verification in the System, with photographs and appropriate identifying information maintained by the State.

''(ii) REQUIREMENT FOR IDENTITY AUTHENTICATION.—In addition to verifying the documents specified in subparagraph (C), (D), or (E), the System shall require each employer to verify the identity of each new hire using the identity authentication mechanism described in clause (iii), or for an individual whose identity is not able to be verified using that mechanism, to use the additional security measures provided in clause (iv) after such measures become available. A failure of the System to verify the identity of an individual due to the use of an identity authentication mechanism shall result in a further action notice under subsection (d)(4)(C)(iii).

''(iii) PHOTO TOOL.—

''(I) USE REQUIREMENT.—An employer that hires an individual who has presented a covered identity document to establish his or her identity and employment authorization under this subsection shall verify the identity of such individual using the photo tool described in subclause (II).

''(II) DEVELOPMENT REQUIREMENT.—The Secretary shall develop and maintain a photo tool that enables employers to match the photograph on a covered identity document provided to the employer to a photograph maintained by a U.S. Citizenship and Immigration Services database or other appropriate database.

''(III) INDIVIDUAL QUERIES.—The photo tool capability shall be incorporated into the System and made available to employers not later than 1 year after the date on which regulations are published implementing subsection (d).

''(IV) LIMITATIONS ON USE OF INFORMATION.—Information and images acquired from State motor vehicle databases through the photo tool developed under this clause—

''(aa) may only be used for matching photographs to a covered identity document for the purposes of employment verification;

''(bb) shall not be collected or stored by the Federal Government; and

''(cc) may only be disseminated in response to an individual photo tool query.

''(iv) ADDITIONAL SECURITY MEASURES.—

''(I) USE REQUIREMENT.—An employer seeking to hire an individual whose identity is not able to be verified using the photo tool described in clause (iii) because the employee did not present a covered document for employment eligibility verification purposes shall verify the identity of such individual using the additional security measures described in subclause (II).

''(II) DEVELOPMENT REQUIREMENT.—The Secretary shall develop, after publication in the Federal Register and an opportunity for public comment, specific and effective additional security measures to adequately verify the identity of an individual whose identity is not able to be verified using the photo tool described in clause (iii). Such additional security measures—

''(aa) shall be kept up-to-date with technological advances;

''(bb) shall provide a means of identity authentication in a manner that provides a high level of certainty as to the identity of such individual, using immigration and identifying information that may include review of identity documents or background screening verification techniques using publicly available information; and

''(cc) shall be incorporated into the System and made available to employers not later than 1 year after the date on which regulations are published implementing subsection (d).

''(III) COMPREHENSIVE USE.—An employer may employ the additional security measures set forth in this clause with respect to all individuals the employer hires if the employer notifies the Secretary of such election at the time the employer registers for use of the System under subsection (d)(4)(A)(i) or anytime thereafter. An election under this subclause may be withdrawn 90 days after the employer notifies the Secretary of the employer's intent to discontinue such election.

''(v) AUTOMATED VERIFICATION.—The Secretary—

''(I) may establish a program, in addition to the identity authentication mechanism described in paragraph (F)(iii), in which the System automatically verifies information contained in a covered identity document issued by a participating State, which is presented under subparagraph (D)(i), including information needed to verify that the covered identity document matches the State's records;

''(II) may not maintain information provided by a participating State in a database maintained by U.S. Citizenship and Immigration Services; and

''(III) may not use or disclose such information, except as authorized under this section.

''(G) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents specified in subparagraph (B), (C), or (D) does not reliably establish identity or that employment authorized status is being used fraudulently to an unacceptable degree, the Secretary—

''(i) may prohibit or restrict the use of such document or class of documents for purposes of this subsection; and

''(ii) shall directly notify all employers registered within the System of the prohibition through appropriate means.

''(H) AUTHORITY TO ALLOW USE OF CERTAIN DOCUMENTS.—If the Secretary has determined that another document or class of documents, such as a document issued by a federally recognized Indian tribe, may be used to reliably establish identity or employment authorized status, the Secretary—

''(i) may allow the use of that document or class of documents for purposes of this subsection after publication in the Federal Register and an opportunity for public comment;

''(ii) shall publish a description of any such document or class of documents on the U.S. Citizenship and Immigration Services website; and

''(iii) shall directly notify all employers registered within the System of the addition through appropriate means.

''(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—An individual, upon commencing employment with an employer, shall—

''(A) attest, under penalty of perjury, on the form prescribed by the Secretary, that the individual is—

''(i) a citizen of the United States;

''(ii) an alien lawfully admitted for permanent residence;

''(iii) an alien who has employment authorized status; or

''(iv) otherwise authorized by the Secretary to be hired for such employment;

''(B) provide such attestation by a handwritten, electronic, or digital signature; and

''(C) provide the individual's social security account number to the Secretary, unless the individual has not yet been issued such a number, on such form as the Secretary may require.

''(3) RETENTION OF VERIFICATION RECORD.—

''(A) IN GENERAL.—After completing a form for an individual in accordance with paragraphs (1) and (2), the employer shall retain a version of such completed form and make such form available for inspection by the Secretary or the Office of Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice during the period beginning on the hiring date of the individual and ending on the later of—

''(i) the date that is 3 years after such hiring date; or

''(ii) the date that is 1 year after the date on which the individual's employment with the employer is terminated.

''(B) REQUIREMENT FOR ELECTRONIC RETENTION.—The Secretary—

''(i) shall permit an employer to retain the form described in subparagraph (A) in electronic form; and

''(ii) shall permit an employer to retain such form in paper, microfiche, microfilm, portable document format, or other media.

''(4) COPYING OF DOCUMENTATION AND RECORDKEEPING.—The Secretary may promulgate regulations regarding—

''(A) copying documents and related information pertaining to employment verification presented by an individual under this subsection; and

''(B) retaining such information during a period not to exceed the required retention period set forth in paragraph (3).

''(5) PENALTIES.—An employer that fails to comply with any requirement under this subsection may be penalized under subsection (e)(4)(B).

''(6) PROTECTION OF CIVIL RIGHTS.—

''(A) IN GENERAL.—Nothing in this section may be construed to diminish any rights otherwise protected by Federal law.

''(B) PROHIBITION ON DISCRIMINATION.—An employer shall use the procedures for document verification set forth in this paragraph for all employees without regard to race, color, religion, sex, national origin, or, unless specifically permitted in this section, to citizenship status.

''(7) RECEIPTS.—The Secretary may authorize the use of receipts for replacement documents, and temporary evidence of employment authorization by an individual to meet a documentation requirement under this subsection on a temporary basis not to exceed 1 year, after which time the individual

shall provide documentation sufficient to satisfy the documentation requirements under this subsection.

''(8) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to directly or indirectly authorize the issuance, use, or establishment of a national identification card.

''(d) EMPLOYMENT VERIFICATION SYSTEM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The Secretary, in consultation with the Commissioner, shall establish the Employment Verification System.

''(B) MONITORING.—The Secretary shall create the necessary processes to monitor—

''(i) the functioning of the System, including the volume of the workflow, the speed of processing of queries, and the speed and accuracy of responses;

''(ii) the misuse of the System, including the prevention of fraud or identity theft;

''(iii) whether the use of the System results in wrongful adverse actions or discrimination based upon a prohibited factor against citizens or nationals of the United States or individuals who have employment authorized status; and

''(iv) the security, integrity, and privacy of the System.

''(C) PROCEDURES.—The Secretary—

''(i) shall create processes to provide an individual with direct access to the individual's case history in the System, including—

''(I) the identities of all persons or entities that have queried the individual through the System;

''(II) the date of each such query; and

''(III) the System response for each such query; and

''(ii) in consultation with the Commissioner, shall develop—

''(I) protocols to notify an individual, in a timely manner through the use of electronic correspondence or mail, that a query for the individual has been processed through the System; or

''(II) a process for the individual to submit additional queries to the System or notify the Secretary of potential identity fraud.

''(2) PARTICIPATION REQUIREMENTS.—

''(A) FEDERAL GOVERNMENT.—Except as provided in subparagraph (B), all agencies and departments in the executive, legislative, or judicial branches of the Federal Government shall participate in the System beginning on the earlier of—

''(i) the date of the enactment of the SECURE and SUCCEED Act, to the extent required under section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a) and as already implemented by each agency or department; or

''(ii) the date that is 90 days after the date of the enactment of the SECURE and SUCCEED Act.

''(B) FEDERAL CONTRACTORS.—Federal contractors shall participate in the System as provided in the final rule relating to employment eligibility verification published in the Federal Register on November 14, 2008 (73 Fed. Reg. 67,651), or any similar subsequent regulation, for which purpose references to E-Verify in the final rule shall be construed to apply to the System.

''(C) CRITICAL INFRASTRUCTURE.—

''(i) IN GENERAL.—Beginning on the date that is 1 year after the date on which regulations are published implementing this subsection, the Secretary may authorize or direct any employer, person, or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to participate in the System to the extent the Secretary determines that such participation will assist in the protection of the critical infrastructure.

''(ii) NOTIFICATION TO EMPLOYERS.—The Secretary shall notify an employer required to participate in the System under this subparagraph not later than 90 days before the date on which the employer is required to participate.

''(D) EMPLOYERS WITH MORE THAN 10,000 EMPLOYEES.—Not later than 1 year after regulations are published implementing this subsection, all employers with more than 10,000 employees shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(E) EMPLOYERS WITH MORE THAN 500 EMPLOYEES.—Not later than 2 years after regulations are published implementing this subsection, all employers with more than 500 employees shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(F) EMPLOYERS WITH MORE THAN 20 EMPLOYEES.—Not later than 3 years after regulations are published implementing this subsection, all employers with more than 20 employees shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(G) AGRICULTURAL EMPLOYMENT.—Not later than 4 years after regulations are published implementing this subsection, employers of employees performing agricultural employment (as defined in section 218A) shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents. An agricultural employee shall not be counted for purposes of subparagraph (D), (E), or (F).

''(H) ALL EMPLOYERS.—Not later than 4 years after regulations are published implementing this subsection, all employers shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(I) TRIBAL GOVERNMENT EMPLOYERS.—

''(i) RULEMAKING.—In developing regulations to implement this subsection, the Secretary shall—

''(I) consider the effects of this section on federally recognized Indian tribes and tribal members; and

''(II) consult with the governments of federally recognized Indian tribes.

''(ii) REQUIRED PARTICIPATION.—Not later than 4 years after regulations are published implementing this subsection, all employers owned by, or entities of, the government of a federally recognized Indian tribe shall participate in the System with respect to all newly hired employees and employees with expiring temporary employment authorization documents.

''(J) IMMIGRATION LAW VIOLATORS.—

''(i) ORDERS FINDING VIOLATIONS.—An order finding any employer to have violated this section or section 274C may, in the Secretary's discretion, require the employer to participate in the System with respect to newly hired employees and employees with expiring temporary employment authorization documents, if such employer is not otherwise required to participate in the System under this section. The Secretary shall monitor such employer's compliance with System procedures.

''(ii) PATTERN OR PRACTICE OF VIOLATIONS.—The Secretary may require an employer that is required to participate in the System with respect to newly hired employees to participate in the System with respect to the employer's current employees if the employer is determined by the Secretary or other appropriate authority to have engaged in a pattern or practice of violations of the immigration laws of the United States.

''(K) VOLUNTARY PARTICIPATION.—The Secretary may permit any employer that is not required to participate in the System under this section to do so on a voluntary basis.

''(3) CONSEQUENCE OF FAILURE TO PARTICIPATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the failure, other than a de minimis or inadvertent failure, of an employer that is required to participate in the System to comply with the requirements of the System with respect to an individual—

''(i) shall be treated as a violation of subsection (a)(1)(B) with respect to that individual; and

''(ii) creates a rebuttable presumption that the employer has violated paragraph (1)(A) or (2) of subsection (a).

''(B) EXCEPTION.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply in a criminal prosecution.

''(ii) USE AS EVIDENCE.—Nothing in this paragraph may be construed to limit the use in the prosecution of a Federal crime, in a manner otherwise consistent with Federal criminal law and procedure, of evidence relating to the employer's failure to comply with requirements of the System.

''(4) PROCEDURES FOR PARTICIPANTS IN THE SYSTEM.—

''(A) IN GENERAL.—An employer participating in the System shall register such participation with the Secretary and, when hiring any individual for employment in the United States, shall comply with the following:

''(i) REGISTRATION OF EMPLOYERS.—The Secretary, through notice in the Federal Register, shall prescribe procedures that employers shall be required to follow to register with the System.

''(ii) UPDATING INFORMATION.—The employer is responsible for providing notice of any change to the information required under subclauses (I), (II), and (III) of clause (v) before conducting any further inquiries within the System, or on such other schedule as the Secretary may prescribe.

''(iii) TRAINING.—The Secretary shall require employers to undergo such training as the Secretary determines to be necessary to ensure proper use, protection of civil rights and civil liberties, privacy, integrity, and security of the System. To the extent practicable, such training shall be made available electronically on the U.S. Citizenship and Immigration Services website.

''(iv) NOTIFICATION TO EMPLOYEES.—The employer shall inform individuals hired for employment that the System—

''(I) will be used by the employer;

''(II) may be used for immigration enforcement purposes; and

''(III) may not be used to discriminate or to take adverse action against a national of the United States or an alien who has employment authorized status.

''(v) PROVISION OF ADDITIONAL INFORMATION.—The employer shall obtain from the individual (and the individual shall provide) and shall record in such manner as the Secretary may specify—

''(I) the individual's social security account number;

''(II) if the individual does not attest to United States citizenship or status as a national of the United States under subsection (c)(2), such identification or authorization number established by the Department as the Secretary shall specify; and

''(III) such other information as the Secretary may require to determine the identity and employment authorization of an individual.

''(vi) PRESENTATION OF DOCUMENTATION.—The employer, and the individual whose identity and employment authorized status are being confirmed, shall fulfill the requirements under subsection (c).

''(B) SEEKING CONFIRMATION.—

''(i) IN GENERAL.—An employer shall use the System to confirm the identity and employment authorized status of any individual during—

''(I) the period beginning on the date on which the individual accepts an offer of employment and ending 3 business days after the date on which employment begins; or

''(II) such other reasonable period as the Secretary may prescribe.

''(ii) LIMITATION.—An employer may not make the starting date of an individual's employment or training or any other term and condition of employment dependent on the receipt of a confirmation of identity and employment authorized status by the System.

''(iii) REVERIFICATION.—If an individual has a limited period of employment authorized status, the individual's employer shall reverify such status through the System not later than 3 business days after the last day of such period.

''(iv) OTHER EMPLOYMENT.—For employers directed by the Secretary to participate in the System under paragraph (2)(C)(i) to protect critical infrastructure or otherwise specified circumstances in this section to verify their entire workforce, the System may be used for initial verification of an individual who was hired before the employer became subject to the System, and the employer shall initiate all required procedures on or before such date as the Secretary shall specify.

''(v) NOTIFICATION.—

''(I) IN GENERAL.—The Secretary shall provide, and the employer shall use, as part of the System, a method of notifying employers of a confirmation or nonconfirmation of an individual's identity and employment authorized status, or a notice that further action is required to verify such identity or employment eligibility (referred to in this subsection as a 'further action notice').

''(II) PROCEDURES.—The Secretary shall—

''(aa) directly notify the individual and the employer, by means of electronic correspondence, mail, text message, telephone, or other direct communication, of a nonconfirmation or further action notice;

''(bb) provide information about filing an administrative appeal under paragraph (6) and a filing for review before an administrative law judge under paragraph (7); and

''(cc) establish procedures to directly notify the individual and the employer of a confirmation.

''(III) IMPLEMENTATION.—The Secretary may provide for a phased-in implementation of the notification requirements under this clause, as appropriate. The notification system shall cover all inquiries not later than 1 year from the date of the enactment of the SECURE and SUCCEED Act.

''(C) CONFIRMATION OR NONCONFIRMATION.—

''(i) INITIAL RESPONSE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the System shall provide—

''(aa) a confirmation of an individual's identity and employment authorized status or a further action notice at the time of the inquiry; and

''(bb) an appropriate code indicating such confirmation or such further action notice.

''(II) ALTERNATIVE DEADLINE.—If the System is unable to provide immediate confirmation or further action notice for technological reasons or due to unforeseen circumstances, the System shall provide a confirmation or further action notice not later than 3 business days after the initial inquiry.

''(ii) CONFIRMATION UPON INITIAL INQUIRY.—If the employer receives an appropriate confirmation of an individual's identity and employment authorized status under the System, the employer shall record the confirmation in such manner as the Secretary may specify.

''(iii) FURTHER ACTION NOTICE AND LATER CONFIRMATION OR NONCONFIRMATION.—

''(I) NOTIFICATION AND ACKNOWLEDGMENT THAT FURTHER ACTION IS REQUIRED.—Not later than 3 business days after an employer receives a further action notice of an individual's identity or employment eligibility under the System, or during such other reasonable time as the Secretary may prescribe, the employer shall notify the individual for whom the confirmation is sought of the further action notice and any procedures specified by the Secretary for addressing such notice. The employer shall give the further action notice to the individual in writing and the employer shall acknowledge in the System under penalty of perjury that it provided the employee with the further action notice. The individual shall affirmatively acknowledge in writing, or in such other manner as the Secretary may specify, the receipt of the further action notice from the employer. If the individual refuses to acknowledge the receipt of the further action notice, or acknowledges in writing that the individual will not contest the further action notice under subclause (II), the employer shall notify the Secretary in such manner as the Secretary may specify.

''(II) CONTEST.—Not later than 10 business days after receiving notification of a further action notice under subclause (I), the individual shall contact the appropriate Federal agency and, if the Secretary so requires, appear in person for purposes of verifying the individual's identity and employment eligibility. The Secretary, in consultation with the Commissioner and other appropriate Federal agencies, shall specify an available secondary verification procedure to confirm the validity of information provided and to provide a confirmation or nonconfirmation. Any procedures for reexamination shall not limit in any way an employee's right to appeal a nonconfirmation.

''(III) NO CONTEST.—If the individual refuses to acknowledge receipt of the further action notice, acknowledges that the individual will not contest the further action notice as provided in subclause (I), or does not contact the appropriate Federal agency within the period specified in subclause (II), following expiration of the period specified in subclause (II), a nonconfirmation shall be issued. The employer shall record the nonconfirmation in such manner as the Secretary may specify and terminate the individual's employment. An individual's failure to contest a further action notice shall not be considered an admission of guilt with respect to any violation of this section or any provision of law.

''(IV) CONFIRMATION OR NONCONFIRMATION.—Unless the period is extended in accordance with this subclause, the System shall provide a confirmation or nonconfirmation not later than 10 business days after the date on which the individual contests the further action notice under subclause (II). If the Secretary determines that good cause exists, after taking into account adverse impacts to the employer, and including time to permit the individual to obtain and provide needed evidence of identity or employment eligibility, the Secretary shall extend the period for providing confirmation or nonconfirmation for stated periods beyond 10 business days. When confirmation or nonconfirmation is provided, the confirmation system shall provide an appropriate code indicating such confirmation or nonconfirmation.

''(V) REEXAMINATION.—Nothing in this section shall prevent the Secretary from establishing procedures to reexamine a case where a confirmation or nonconfirmation has been provided if subsequently received information indicates that the confirmation or nonconfirmation may not have been correct. Any procedures for reexamination shall not limit in any way an employee's right to appeal a nonconfirmation.

''(VI) EMPLOYEE PROTECTIONS.—An employer may not terminate employment or take any other adverse action against an individual solely because of a failure of the individual to have identity and employment eligibility confirmed under this subsection until—

''(aa) a nonconfirmation has been issued;

''(bb) if the further action notice was contested, the period to timely file an administrative appeal has expired without an appeal or the contestation to the further action notice is withdrawn; or

''(cc) if an appeal before an administrative law judge under paragraph (7) has been filed, the nonconfirmation has been upheld or the appeal has been withdrawn or dismissed.

''(iv) NOTICE OF NONCONFIRMATION.—Not later than 3 business days after an employer receives a nonconfirmation, or during such other reasonable time as the Secretary may provide, the employer shall notify the individual who is the subject of the nonconfirmation, and provide information about filing an administrative appeal pursuant to paragraph (6) and a request for a hearing before an administrative law judge pursuant to paragraph (7). The employer shall give the nonconfirmation notice to the individual in writing and the employer shall acknowledge in the System under penalty of perjury that it provided the notice (or adequately attempted to provide notice, but was unable to do so despite reasonable efforts). The individual shall affirmatively acknowledge in writing, or in such other manner as the Secretary may prescribe, the receipt of the nonconfirmation notice from the employer. If the individual refuses or fails to acknowledge the receipt of the nonconfirmation notice, the employer shall notify the Secretary in such manner as the Secretary may prescribe.

''(D) CONSEQUENCES OF NONCONFIRMATION.—

''(i) TERMINATION OF CONTINUED EMPLOYMENT.—Except as provided in clause (iii), an employer that has received a nonconfirmation regarding an individual and has made reasonable efforts to notify the individual in accordance with subparagraph (C)(iv) shall terminate the employment of the individual upon the expiration of the time period specified in paragraph (7).

''(ii) CONTINUED EMPLOYMENT AFTER NONCONFIRMATION.—If the employer continues to employ an individual after receiving nonconfirmation and exhaustion of all appeals or expiration of all rights to appeal if not appealed, in violation of clause (i), a rebuttable presumption is created that the employer has violated paragraphs (1)(A) and (2) of subsection (a). Such presumption shall not apply in any prosecution under subsection (k)(1).

''(iii) EFFECT OF ADMINISTRATIVE APPEAL OR REVIEW BY ADMINISTRATIVE LAW JUDGE.—If an individual files an administrative appeal of the nonconfirmation within the time period specified in paragraph (6)(A), or files for review with an administrative law judge specified in paragraph (7)(A), the employer shall not terminate the individual's employment under this subparagraph prior to the resolution of the administrative appeal unless the Secretary or Commissioner terminates the stay under paragraph (6)(B) or (7)(B).

''(iv) WEEKLY REPORT.—The Director of U.S. Citizenship and Immigration Services

shall submit a weekly report to the Assistant Secretary for Immigration and Customs Enforcement that includes, for each individual who receives final nonconfirmation through the System—

''(I) the name of such individual;

''(II) his or her social security number or alien file number;

''(III) the name and contact information for his or her current employer; and

''(IV) any other critical information that the Assistant Secretary determines to be appropriate.

''(v) OTHER REFERRAL.—The Director of U.S. Citizenship and Immigration Services shall refer to the Assistant Secretary for Immigration and Customs Enforcement for appropriate action by the Assistant Secretary, or for referral by the Assistant Secretary to another law enforcement agency, as appropriate—

''(I) any case in which the Director believes that a social security number has been falsely or fraudulently used; and

''(II) any case in which a false or fraudulent document is used by an employee who has received a further action notice to resolve such notice.

''(E) OBLIGATION TO RESPOND TO QUERIES AND ADDITIONAL INFORMATION.—

''(i) IN GENERAL.—Employers shall comply with requests for information from the Secretary and the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, including queries concerning current and former employees, within the time frame during which records are required to be maintained under this section regarding such former employees, if such information relates to the functioning of the System, the accuracy of the responses provided by the System, or any suspected misuse, discrimination, fraud, or identity theft in the use of the System. Failure to comply with a request under this clause constitutes a violation of subsection (a)(1)(B).

''(ii) ACTION BY INDIVIDUALS.—

''(I) IN GENERAL.—Individuals being verified through the System may be required to take further action to address questions identified by the Secretary or the Commissioner regarding the documents relied upon for purposes of subsection (c).

''(II) NOTIFICATION.—Not later than 3 business days after the receipt of such questions regarding an individual, or during such other reasonable time as the Secretary may prescribe, the employer shall—

''(aa) notify the individual of any such requirement for further actions; and

''(bb) record the date and manner of such notification.

''(III) ACKNOWLEDGMENT.—The individual shall acknowledge the notification received from the employer under subclause (II) in writing, or in such other manner as the Secretary may prescribe.

''(iii) RULEMAKING.—

''(I) IN GENERAL.—The Secretary, in consultation with the Commissioner and the Attorney General, is authorized to issue regulations implementing, clarifying, and supplementing the requirements under this subparagraph—

''(aa) to facilitate the functioning, accuracy, and fairness of the System;

''(bb) to prevent misuse, discrimination, fraud, or identity theft in the use of the System; and

''(cc) to protect and maintain the confidentiality of information that could be used to locate or otherwise place at risk of harm victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking, and of the applicant or beneficiary of any petition described in section 384(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)(2)).

''(II) NOTICE.—The regulations issued under subclause (I) shall be—

''(aa) published in the Federal Register; and

''(bb) provided directly to all employers registered in the System.

''(F) DESIGNATED AGENTS.—The Secretary shall establish a process—

''(i) for certifying, on an annual basis or at such times as the Secretary may prescribe, designated agents and other System service providers seeking access to the System to perform verification queries on behalf of employers, based upon training, usage, privacy, and security standards prescribed by the Secretary;

''(ii) for ensuring that designated agents and other System service providers are subject to monitoring to the same extent as direct access users; and

''(iii) for establishing standards for certification of electronic I–9 programs.

''(G) REQUIREMENT TO PROVIDE INFORMATION.—

''(i) IN GENERAL.—No later than 3 months after the date of the enactment of the SECURE and SUCCEED Act, the Secretary, in consultation with the Secretary of Labor, the Secretary of Agriculture, the Commissioner, the Attorney General, the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration, shall commence a campaign to disseminate information respecting the procedures, rights, and remedies prescribed under this section.

''(ii) CAMPAIGN REQUIREMENTS.—The campaign authorized under clause (i)—

''(I) shall be aimed at increasing the knowledge of employers, employees, and the general public concerning employer and employee rights, responsibilities, and remedies under this section; and

''(II) shall be coordinated with the public education campaign conducted by U.S. Citizenship and Immigration Services.

''(iii) ASSESSMENT.—The Secretary shall assess the success of the campaign in achieving the goals of the campaign.

''(iv) AUTHORITY TO CONTRACT.—In order to carry out and assess the campaign under this subparagraph, the Secretary may, to the extent deemed appropriate and subject to the availability of appropriations, contract with public and private organizations for outreach and assessment activities under the campaign.

''(v) FUNDING.—From amounts in the Border Security Enforcement Fund under section 1301 of the SECURE and SUCCEED Act, there shall be available in each of fiscal years 2019 through 2012 such sums as may be necessary to carry out this paragraph.

''(H) AUTHORITY TO MODIFY INFORMATION REQUIREMENTS.—Based on a regular review of the System and the document verification procedures to identify misuse or fraudulent use and to assess the security of the documents and processes used to establish identity or employment authorized status, the Secretary, in consultation with the Commissioner, after publication of notice in the Federal Register and an opportunity for public comment, may modify, if the Secretary determines that the modification is necessary to ensure that the System accurately and reliably determines the identity and employment authorized status of employees and maintains existing protections against misuse, discrimination, fraud, and identity theft—

''(i) the information that shall be presented to the employer by an individual;

''(ii) the information that shall be provided to the System by the employer; and

''(iii) the procedures that shall be followed by employers with respect to the process of verifying an individual through the System.

''(I) SELF-VERIFICATION.—Subject to appropriate safeguards to prevent misuse of the system, the Secretary, in consultation with the Commissioner, shall establish a secure self-verification procedure to permit an individual who seeks to verify the individual's own employment eligibility to contact the appropriate agency and, in a timely manner, correct or update the information contained in the System.

''(5) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE SYSTEM.—An employer shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good faith reliance on information provided by the System.

''(6) ADMINISTRATIVE APPEAL.—

''(A) IN GENERAL.—An individual who is notified of a nonconfirmation may, not later than 10 business days after the date that such notice is received, file an administrative appeal of such nonconfirmation with the Commissioner if the notice is based on records maintained by the Commissioner, or in any other case, with the Secretary. An individual who does not timely contest a further action notice timely received by that individual for which the individual acknowledged receipt may not be granted a review under this paragraph.

''(B) ADMINISTRATIVE STAY OF NONCONFIRMATION.—The nonconfirmation shall be automatically stayed upon the timely filing of an administrative appeal, unless the nonconfirmation resulted after the individual acknowledged receipt of the further action notice but failed to contact the appropriate agency within the time provided. The stay shall remain in effect until the resolution of the appeal, unless the Secretary or the Commissioner terminates the stay based on a determination that the administrative appeal is frivolous or filed for purposes of delay.

''(C) REVIEW FOR ERROR.—The Secretary and the Commissioner shall develop procedures for resolving administrative appeals regarding nonconfirmations based upon the information that the individual has provided, including any additional evidence or argument that was not previously considered. Any such additional evidence or argument shall be filed within 10 business days of the date the appeal was originally filed. Appeals shall be resolved within 20 business days after the individual has submitted all evidence and arguments the individual wishes to submit, or has stated in writing that there is no additional evidence that the individual wishes to submit. The Secretary and the Commissioner may, on a case by case basis for good cause, extend the filing and submission period in order to ensure accurate resolution of an appeal before the Secretary or the Commissioner.

''(D) PREPONDERANCE OF EVIDENCE.—Administrative appeal under this paragraph shall be limited to whether a nonconfirmation notice is supported by a preponderance of the evidence.

''(E) DAMAGES, FEES, AND COSTS.—No money damages, fees, or costs may be awarded in the administrative appeal process under this paragraph.

''(7) REVIEW BY ADMINISTRATIVE LAW JUDGE.—

''(A) IN GENERAL.—Not later than 30 days after the date an individual receives a final determination on an administrative appeal under paragraph (6), the individual may obtain review of such determination by filing a

complaint with a Department of Justice administrative law judge in accordance with this paragraph.

''(B) STAY OF NONCONFIRMATION.—The nonconfirmation related to such final determination shall be automatically stayed upon the timely filing of a complaint under this paragraph, and the stay shall remain in effect until the resolution of the complaint, unless the administrative law judge determines that the action is frivolous or filed for purposes of delay.

''(C) SERVICE.—The respondent to complaint filed under this paragraph is either the Secretary or the Commissioner, but not both, depending upon who issued the administrative order under paragraph (6). In addition to serving the respondent, the plaintiff shall serve the Attorney General.

''(D) AUTHORITY OF ADMINISTRATIVE LAW JUDGE.—

''(i) RULES OF PRACTICE.—The Secretary shall promulgate regulations regarding the rules of practice in appeals brought pursuant to this subsection.

''(ii) AUTHORITY OF ADMINISTRATIVE LAW JUDGE.—The administrative law judge shall have power to—

''(I) terminate a stay of a nonconfirmation under subparagraph (B) if the administrative law judge determines that the action is frivolous or filed for purposes of delay;

''(II) adduce evidence at a hearing;

''(III) compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing;

''(IV) resolve claims of identity theft; and

''(V) enter, upon the pleadings and any evidence adduced at a hearing, a decision affirming or reversing the result of the agency, with or without remanding the cause for a rehearing.

''(iii) SUBPOENA.—In case of contumacy or refusal to obey a subpoena lawfully issued under this section and upon application of the administrative law judge, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt of such court.

''(iv) TRAINING.—An administrative law judge hearing cases shall have special training respecting employment authorized status verification.

''(E) ORDER BY ADMINISTRATIVE LAW JUDGE.—

''(i) IN GENERAL.—The administrative law judge shall issue and cause to be served to the parties in the proceeding an order which may be appealed as provided in subparagraph (G).

''(ii) CONTENTS OF ORDER.—Such an order shall uphold or reverse the final determination on the request for reconsideration and order lost wages and other appropriate remedies as provided in subparagraph (F).

''(F) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—In cases in which the administrative law judge reverses the final determination of the Secretary or the Commissioner made under paragraph (6), and the administrative law judge finds that—

''(I) the nonconfirmation was due to gross negligence or intentional misconduct of the employer, the administrative law judge may order the employer to pay the individual lost wages, and reasonable costs and attorneys' fees incurred during administrative and judicial review; or

''(II) such final determination was erroneous by reason of the negligence of the Secretary or the Commissioner, the administrative law judge may order the Secretary or the Commissioner to pay the individual lost wages, and reasonable costs and attorneys' fees incurred during the administrative appeal and the administrative law judge review.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 120 days after completion of the administrative law judge's review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first. If the individual obtains employment elsewhere at a lower wage rate, the individual shall be compensated for the difference in wages for the period ending 120 days after completion of the administrative law judge review process. No lost wages shall be awarded for any period of time during which the individual was not in employment authorized status.

''(iii) PAYMENT OF COMPENSATION.—Notwithstanding any other law, payment of compensation for lost wages, costs, and attorneys' fees under this paragraph, or compromise settlements of the same, shall be made as provided by section 1304 of title 31, United States Code. Appropriations made available to the Secretary or the Commissioner, accounts provided for under section 286, and funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund shall not be available to pay such compensation.

''(G) APPEAL.—No later than 45 days after the entry of such final order, any person adversely affected by such final order may seek review of such order in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

''(8) MANAGEMENT OF THE SYSTEM.—

''(A) IN GENERAL.—The Secretary is authorized to establish, manage, and modify the System, which shall—

''(i) respond to inquiries made by participating employers at any time through the internet, or such other means as the Secretary may designate, concerning an individual's identity and whether the individual is in employment authorized status;

''(ii) maintain records of the inquiries that were made, of confirmations provided (or not provided), and of the codes provided to employers as evidence of their compliance with their obligations under the System; and

''(iii) provide information to, and require action by, employers and individuals using the System.

''(B) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed and operated—

''(i) to maximize its reliability and ease of use by employers consistent with protecting the privacy and security of the underlying information, and ensuring full notice of such use to employees;

''(ii) to maximize its ease of use by employees, including direct notification of its use, of results, and ability to challenge results;

''(iii) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed and to register any times when the system is unable to receive inquiries;

''(iv) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, misuse by employers and employees, and discrimination;

''(v) to require regularly scheduled refresher training of all users of the System to ensure compliance with all procedures;

''(vi) to allow for auditing of the use of the System to detect misuse, discrimination, fraud, and identity theft, to protect privacy and assess System accuracy, and to preserve the integrity and security of the information in all of the System, including—

''(I) to develop and use tools and processes to detect or prevent fraud and identity theft, such as multiple uses of the same identifying information or documents to fraudulently gain employment;

''(II) to develop and use tools and processes to detect and prevent misuse of the system by employers and employees;

''(III) to develop tools and processes to detect anomalies in the use of the system that may indicate potential fraud or misuse of the system; and

''(IV) to audit documents and information submitted by employees to employers, including authority to conduct interviews with employers and employees, and obtain information concerning employment from the employer;

''(vii) to confirm identity and employment authorization through verification and comparison of records as determined necessary by the Secretary;

''(viii) to confirm electronically the issuance of the employment authorization or identity document and—

''(I) if such photograph is available, to display the digital photograph that the issuer placed on the document so that the employer can compare the photograph displayed to the photograph on the document presented by the employee; or

''(II) if a photograph is not available from the issuer, to confirm the authenticity of the document using such additional security measures set forth in subsection (c)(1)(F)(iv);

''(ix) to employ specific and effective additional security measures set forth in subsection (c)(1)(F)(iv) to adequately verify the identity of an individual that are designed and operated—

''(I) to use state-of-the-art technology to determine to a high degree of accuracy whether an individual presenting biographic information is the individual with that true identity;

''(II) to retain under the control of the Secretary the use of all determinations communicated by the System, regardless of the entity operating the system pursuant to a contract or other agreement with a nongovernmental entity or entities to the extent helpful in acquiring the best technology to implement the additional security measures;

''(III) to be integrated with the System so that employment authorizations will be determined for all individuals identified as presenting their true identities through the databases maintained by the Commissioner of Social Security and the Secretary;

''(IV) to use tools and processes to detect and prevent further action notices and final nonconfirmations that are not correlated to fraud or identity theft;

''(V) to make risk-based assessments regarding the reliability of a claim of identity made by an individual presenting biographic information and to tailor the identity determination in accordance with those assessments;

''(VI) to permit queries to be presented to individuals subject to identity verification at the time their identities are being verified in a manner that permits rapid communication through the internet, mobile phone, and landline telephone connections to facilitate identity proofing;

''(VII) to generate queries that conform to the context of the identity verification process and the circumstances of the individual whose identity is being verified;

''(VIII) to use publicly available databases and databases under the jurisdiction of the Commissioner of Social Security, the Secretary, and the Secretary of State to formulate queries to be presented to individuals

whose identities are being verified, as appropriate;

''(IX) to not retain data collected by the System within any database separate from the database in which the operating system is located and to limit access to the existing databases to a reference process that shields the operator of the System from acquiring possession of the data beyond the formulation of queries and verification of responses;

''(X) to not permit individuals or entities using the System to access any data related to the individuals whose identities are being verified beyond confirmations, further action notices, and final nonconfirmations of identity;

''(XI) to include, if feasible, a capability for permitting document or other inputs that can be offered to individuals and entities using the System and that may be used at the option of employees to facilitate identity verification, but would not be required of either employers or employees; and

''(XII) to the greatest extent possible, in accordance with the time frames specified in this section; and

''(x) to provide appropriate notification directly to employers registered with the System of all changes made by the Secretary or the Commissioner related to allowed and prohibited documents, and use of the System.

''(C) SAFEGUARDS TO THE SYSTEM.—

''(i) REQUIREMENT TO DEVELOP.—The Secretary, in consultation with the Commissioner and other appropriate Federal and State agencies, shall develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the records accessed or maintained by the System. The Secretary, in consultation with the Commissioner and other appropriate Federal and State agencies, shall develop and deploy appropriate privacy and security training for the Federal and State employees accessing the records under the System.

''(ii) PRIVACY AUDITS.—The Secretary, acting through the Chief Privacy Officer of the Department, shall conduct regular privacy audits of the policies and procedures established under clause (i) and the compliance of the Department with the limitations set forth in subsection (c)(1)(F)(iii)(IV), including any collection, use, dissemination, and maintenance of personally identifiable information and any associated information technology systems, as well as scope of requests for this information. The Chief Privacy Officer shall review the results of the audits and recommend to the Secretary any changes necessary to improve the privacy protections of the program.

''(iii) ACCURACY AUDITS.—

''(I) IN GENERAL.—Not later than November 30 of each year, the Inspector General of the Department of Homeland Security shall submit a report to the Secretary, with a copy to the President of the Senate and the Speaker of the House of Representatives, that sets forth the error rate of the System for the previous fiscal year and the assessments required to be submitted by the Secretary under subparagraphs (A) and (B) of paragraph (10). The report shall describe in detail the methodology employed for purposes of the report, and shall make recommendations for how error rates may be reduced.

''(II) ERROR RATE DEFINED.—In this clause, the term 'error rate' means the percentage determined by dividing—

''(aa) the number of employment authorized individuals who received further action notices, contested such notices, and were subsequently found to be employment authorized; by

''(bb) the number of System inquiries submitted for employment authorized individuals.

''(III) ERROR RATE DETERMINATION.—The audits required under this clause shall—

''(aa) determine the error rate for identity determinations pursuant to subsection (c)(1)(F) for individuals presenting their true identities in the same manner and applying the same standard as for employment authorization; and

''(bb) include recommendations, as provided in subclause (I), but no reduction in fines pursuant to subclause (IV)

''(IV) REDUCTION OF PENALTIES FOR RECORDKEEPING OR VERIFICATION PRACTICES FOLLOWING PERSISTENT SYSTEM INACCURACIES.—Notwithstanding subsection (e)(4)(C)(i), in any calendar year following a report by the Inspector General under subclause (I) that the System had an error rate higher than 0.3 percent for the previous fiscal year, the civil penalty assessable by the Secretary or an administrative law judge under that subsection for each first-time violation by an employer who has not previously been penalized under this section may not exceed $1,000.

''(iv) RECORDS SECURITY PROGRAM.—Any person, including a private third party vendor, who retains document verification or System data pursuant to this section shall implement an effective records security program that—

''(I) ensures that only authorized personnel have access to document verification or System data; and

''(II) ensures that whenever such data is created, completed, updated, modified, altered, or corrected in electronic format, a secure record is created that establishes the date of access, the identity of the individual who accessed the electronic record, and the particular action taken.

''(v) RECORDS SECURITY PROGRAM.—In addition to the security measures described in clause (iv), a private third party vendor who retains document verification or System data pursuant to this section shall implement an effective records security program that—

''(I) provides for backup and recovery of any records maintained in electronic format to protect against information loss, such as power interruptions; and

''(II) ensures that employees are trained to minimize the risk of unauthorized or accidental alteration or erasure of such data in electronic format.

''(vi) AUTHORIZED PERSONNEL DEFINED.—In this subparagraph, the term 'authorized personnel' means anyone registered as a System user, or anyone with partial or full responsibility for completion of employment authorization verification or retention of data in connection with employment authorization verification on behalf of an employer.

''(D) AVAILABLE FACILITIES AND ALTERNATIVE ACCOMMODATIONS.—The Secretary shall make appropriate arrangements and develop standards to allow employers or employees, including remote hires, who are otherwise unable to access the System to use electronic and telephonic formats (including video conferencing, scanning technology, and other available technologies), Federal Government facilities, public facilities, or other available locations in order to use the System.

''(E) RESPONSIBILITIES OF THE SECRETARY.—

''(i) IN GENERAL.—As part of the System, the Secretary shall maintain a reliable, secure method, which, operating through the System and within the time periods specified, compares the name, alien identification or authorization number, or other information as determined relevant by the Secretary, provided in an inquiry against such information maintained or accessed by the Secretary in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and number, whether the alien has employment authorized status (or, to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States), and such other information as the Secretary may prescribe.

''(ii) PHOTOGRAPH DISPLAY.—As part of the System, the Secretary shall establish a reliable, secure method, which, operating through the System, displays the digital photograph described in subparagraph (B)(viii)(I).

''(iii) TIMING OF NOTICES.—The Secretary shall have authority to prescribe when a confirmation, nonconfirmation, or further action notice shall be issued.

''(iv) USE OF INFORMATION.—The Secretary shall perform regular audits under the System, as described in subparagraph (B)(vi) and shall use the information obtained from such audits, as well as any information obtained from the Commissioner pursuant to part E of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), for the purposes of this section and to administer and enforce the immigration laws.

''(v) IDENTITY FRAUD PROTECTION.—To prevent identity fraud, not later than 18 months after the date of the enactment of the SECURE and SUCCEED Act, the Secretary shall—

''(I) in consultation with the Commissioner, establish a program to provide a reliable, secure method for an individual to temporarily suspend or limit the use of the individual's social security account number or other identifying information for verification by the System; and

''(II) for each individual being verified through the System—

''(aa) notify the individual that the individual has the option to limit the use of the individual's social security account number or other identifying information for verification by the System; and

''(bb) provide instructions to the individuals for exercising the option referred to in item (aa).

''(vi) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILD'S IDENTITY.—The Secretary, in consultation with the Commissioner, shall establish a program that provides a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the System. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

''(vii) PROTECTION FROM MULTIPLE USE.—The Secretary and the Commissioner shall establish a procedure for identifying and handling a situation in which a social security account number has been identified to be subject to unusual multiple use in the System or is otherwise suspected or determined to have been compromised by identity fraud. Such procedure shall include notifying the legitimate holder of the social security number at the appropriate time.

''(viii) MONITORING AND COMPLIANCE UNIT.—The Secretary shall establish or designate a monitoring and compliance unit to detect and reduce identity fraud and other misuse of the System.

''(ix) CIVIL RIGHTS AND CIVIL LIBERTIES ASSESSMENTS.—

''(I) REQUIREMENT TO CONDUCT.—The Secretary shall conduct regular civil rights and civil liberties assessments of the System, including participation by employers, other

private entities, and Federal, State, and local government entities.

''(II) REQUIREMENT TO RESPOND.—Employers, other private entities, and Federal, State, and local entities shall timely respond to any request in connection with such an assessment.

''(III) ASSESSMENT AND RECOMMENDATIONS.—The Officer for Civil Rights and Civil Liberties of the Department shall review the results of each such assessment and recommend to the Secretary any changes necessary to improve the civil rights and civil liberties protections of the System.

''(F) GRANTS TO STATES.—

''(i) IN GENERAL.—The Secretary shall create and administer a grant program to help provide funding for States that grant—

''(I) the Secretary access to driver's license information as needed to confirm that a driver's license presented under subsection (c)(1)(D)(i) confirms the identity of the subject of the System check, and that a driver's license matches the State's records; and

''(II) such assistance as the Secretary may request in order to resolve further action notices or nonconfirmations relating to such information.

''(ii) CONSTRUCTION WITH THE DRIVER'S PRIVACY PROTECTION ACT OF 1994.—The provision of a photograph to the Secretary as described in clause (i) may not be construed as a violation of section 2721 of title 18, United States Code, and is a permissible use under subsection (b)(1) of that section.

''(iii) FUNDING.—Of amounts in the Border Security Enforcement Fund in section 1301 of the SECURE and SUCCEED Act, $500,000,000 shall be available to carry out this subparagraph.

''(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—As part of the System, the Secretary of State shall provide to the Secretary access to passport and visa information as needed to confirm that a passport, passport card, or visa presented under subsection (c)(1)(C) confirms the identity of the subject of the System check, and that a passport, passport card, or visa photograph matches the Secretary of State's records, and shall provide such assistance as the Secretary may request in order to resolve further action notices or nonconfirmations relating to such information.

''(H) UPDATING INFORMATION.—The Commissioner, the Secretary, and the Secretary of State shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information.

''(9) LIMITATION ON USE OF THE SYSTEM.—Notwithstanding any other provision of law, no department, bureau, or other agency of the United States Government or any other entity may use, share, or transmit any information, database, or other records assembled under this subsection for any purpose other than for employment verification or to ensure secure, appropriate, and nondiscriminatory use of the System.

''(10) ANNUAL REPORT AND CERTIFICATION.—Not later than 18 months after the promulgation of regulations to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes the following:

''(A) An assessment, as submitted to the Secretary by the Inspector General of the Department of Homeland Security pursuant to paragraph (8)(C)(iii)(I), of the accuracy rates of further action notices and other System notices provided by employers to individuals who are authorized to be employed in the United States.

''(B) An assessment, as submitted to the Secretary by the Inspector General of the Department of Homeland Security pursuant to paragraph (8)(C)(iii)(I), of the accuracy rates of further action notices and other System notices provided directly (by the System) in a timely fashion to individuals who are not authorized to be employed in the United States.

''(C) An assessment of any challenges faced by small employers in using the System.

''(D) An assessment of the rate of employer noncompliance (in addition to failure to provide required notices in a timely fashion) in each of the following categories:

''(i) Taking adverse action based on a further action notice.

''(ii) Use of the System for nonemployees or other individuals before they are offered employment.

''(iii) Use of the System to reverify employment authorized status of current employees except if authorized to do so.

''(iv) Use of the System selectively, except in cases in which such use is authorized.

''(v) Use of the System to deny employment or post-employment benefits or otherwise interfere with labor rights.

''(vi) Requiring employees or applicants to use any self-verification feature or to provide self-verification results.

''(vii) Discouraging individuals who receive a further action notice from challenging the further action notice or appealing a determination made by the System.

''(E) An assessment of the rate of employee noncompliance in each of the following categories:

''(i) Obtaining employment when unauthorized with an employer complying with the System in good faith.

''(ii) Failure to provide required documents in a timely manner.

''(iii) Attempting to use fraudulent documents or documents not related to the individual.

''(iv) Misuse of the administrative appeal and judicial review process.

''(F) An assessment of the amount of time taken for—

''(i) the System to provide the confirmation or further action notice;

''(ii) individuals to contest further action notices;

''(iii) the System to provide a confirmation or nonconfirmation of a contested further action notice;

''(iv) individuals to file an administrative appeal of a nonconfirmation; and

''(v) resolving administrative appeals regarding nonconfirmations.

''(11) ANNUAL GAO STUDY AND REPORT.—

''(A) REQUIREMENT.—The Comptroller General shall, for each year, undertake a study to evaluate the accuracy, efficiency, integrity, and impact of the System.

''(B) REPORT.—Not later than 18 months after the promulgation of regulations to implement this subsection, and yearly thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

''(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within the required periods, including a separate assessment of such rate for naturalized United States citizens, nationals of the United States, and aliens.

''(ii) An assessment of the privacy and confidentiality of the System and of the overall security of the System with respect to cybertheft and theft or misuse of private data.

''(iii) An assessment of whether the System is being implemented in a manner that is not discriminatory or used for retaliation against employees.

''(iv) An assessment of the most common causes for the erroneous issuance of nonconfirmations by the System and recommendations to correct such causes.

''(v) The recommendations of the Comptroller General regarding System improvements.

''(vi) An assessment of the frequency and magnitude of changes made to the System and the impact on the ability for employers to comply in good faith.

''(vii) An assessment of the direct and indirect costs incurred by employers in complying with the System, including costs associated with retaining potential employees through the administrative appeals process and receiving a nonconfirmation.

''(viii) An assessment of any backlogs or delays in the System providing the confirmation or further action notice and impacts to hiring by employers.

''(ix) An assessment of the effect of the identity authentication mechanism and any other security measures set forth in subsection (c)(1)(F)(iv) to verify identity incorporated into the System or otherwise used by employers on employees.

''(12) OUTREACH AND PARTNERSHIP.—

''(A) OUTREACH.—The Secretary may conduct outreach and establish programs to assist employers in verifying employment authorization and preventing identity fraud.

''(B) PARTNERSHIP INITIATIVE.—The Secretary may establish partnership initiatives between the Federal Government and private sector employers to foster cooperative relationships and to strengthen overall hiring practices.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints respecting potential violations of subsections (a) or (f)(1);

''(B) for the investigation of those complaints which the Secretary deems appropriate to investigate; and

''(C) for providing notification to the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice of potential violations of section 274B.

''(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and proceedings under this subsection—

''(A) immigration officers shall have reasonable access to examine evidence of the employer being investigated;

''(B) immigration officers designated by the Secretary, and administrative law judges and other persons authorized to conduct proceedings under this section, may compel by subpoena the attendance of relevant witnesses and the production of relevant evidence at any designated place in an investigation or case under this subsection. In case of refusal to fully comply with a subpoena lawfully issued under this paragraph, the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with the subpoena, and any failure to obey such order may be punished by the court as contempt. Failure to cooperate with the subpoena shall be subject to further penalties, including further fines and the voiding of any mitigation of penalties or termination of proceedings under paragraph (4)(E); and

''(C) the Secretary, in cooperation with the Commissioner and Attorney General, and in consultation with other relevant agencies, shall establish a Joint Employment Fraud Task Force consisting of, at a minimum—

''(i) the System's compliance personnel;

''(ii) immigration law enforcement officers;

''(iii) personnel of the Office of Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice;

''(iv) personnel of the Office for Civil Rights and Civil Liberties of the Department; and

''(v) personnel of Office of Inspector General of the Social Security Administration.

''(3) COMPLIANCE PROCEDURES.—

''(A) PRE-PENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a civil violation of this section in the previous 3 years, the Secretary shall issue to the employer concerned a written notice of the Department's intention to issue a claim for a monetary or other penalty. Such pre-penalty notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) disclose the material facts which establish the alleged violation;

''(iv) describe the penalty sought to be imposed; and

''(v) inform such employer that such employer shall have a reasonable opportunity to make representations as to why a monetary or other penalty should not be imposed.

''(B) EMPLOYER'S RESPONSE.—Whenever any employer receives written pre-penalty notice of a fine or other penalty in accordance with subparagraph (A), the employer may, within 60 days from receipt of such notice, file with the Secretary its written response to the notice. The response may include any relevant evidence or proffer of evidence that the employer wishes to present with respect to whether the employer violated this section and whether, if so, the penalty should be mitigated, and shall be filed and considered in accordance with procedures to be established by the Secretary.

''(C) RIGHT TO A HEARING.—Before issuance of an order imposing a penalty on any employer, person, or entity, the employer, person, or entity shall be entitled to a hearing before an administrative law judge, if requested within 60 days of the notice of penalty. The hearing shall be held at the nearest location practicable to the place where the employer, person, or entity resides or of the place where the alleged violation occurred.

''(D) ISSUANCE OF ORDERS.—If no hearing is so requested, the Secretary's imposition of the order shall constitute a final and unappealable order. If a hearing is requested and the administrative law judge determines, upon clear and convincing evidence received, that there was a violation, the administrative law judge shall issue the final determination with a written penalty claim. The penalty claim shall specify all charges in the information provided under clauses (i) through (iii) of subparagraph (A) and any mitigation of the penalty that the administrative law judge deems appropriate under paragraph (4)(E).

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of subsection (a)(1)(A) or (a)(2) shall—

''(i) pay a civil penalty of not less than $3,500 and not more than $7,500 for each unauthorized alien with respect to which each violation of either subsection (a)(1)(A) or (a)(2) occurred;

''(ii) if the employer has previously been fined as a result of a previous enforcement action or previous violation under this paragraph, pay a civil penalty of not less than $5,000 and not more than $15,000 for each unauthorized alien with respect to which a violation of either subsection (a)(1)(A) or (a)(2) occurred; and

''(iii) if the employer has previously been fined more than once under this paragraph, pay a civil penalty of not less than $10,000 and not more than $25,000 for each unauthorized alien with respect to which a violation of either subsection (a)(1)(A) or (a)(2) occurred.

''(B) ENHANCED PENALTIES.—After the Secretary certifies to Congress that the System has been established, implemented, and made mandatory for use by all employers in the United States, the Secretary may establish an enhanced civil penalty for an employer who—

''(i) fails to query the System to verify the identify and work authorized status of an individual; and

''(ii) violates a Federal, State, or local law related to—

''(I) the payment of wages;

''(II) hours worked by employees; or

''(III) workplace health and safety.

''(C) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with any requirement under subsection (a)(1)(B), other than a minor or inadvertent failure, as determined by the Secretary, shall pay a civil penalty of—

''(i) not less than $500 and not more than $2,000 for each violation;

''(ii) if an employer has previously been fined under this paragraph, not less than $1,000 and not more than $4,000 for each violation; and

''(iii) if an employer has previously been fined more than once under this paragraph, not less than $2,000 and not more than $8,000 for each violation.

''(D) OTHER PENALTIES.—The Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the remedy provided by subsection (f)(2).

''(E) MITIGATION.—The Secretary or, if an employer requests a hearing, the administrative law judge, is authorized, upon such terms and conditions as the Secretary or administrative law judge deems reasonable and just and in accordance with such procedures as the Secretary may establish or any procedures established governing the administrative law judge's assessment of penalties, to reduce or mitigate penalties imposed upon employers, based upon factors including, the employer's hiring volume, compliance history, good-faith implementation of a compliance program, the size and level of sophistication of the employer, and voluntary disclosure of violations of this subsection to the Secretary. The Secretary or administrative law judge shall not mitigate a penalty below the minimum penalty provided by this section, except that the Secretary may, in the case of an employer subject to penalty for recordkeeping or verification violations only who has not previously been penalized under this section, in the Secretary's or administrative law judge's discretion, mitigate the penalty below the statutory minimum or remit it entirely. In any case where a civil money penalty has been imposed on an employer under section 274B for an action or omission that is also a violation of this section, the Secretary or administrative law judge shall mitigate any civil money penalty under this section by the amount of the penalty imposed under section 274B.

''(F) EFFECTIVE DATE.—The civil money penalty amounts and the enhanced penalties provided by subparagraphs (A), (B), and (C) of this paragraph and by subsection (f)(2) shall apply to violations of this section committed on or after the date that is 1 year after the date of the enactment of the SECURE and SUCCEED Act. For violations committed prior to such date of enactment, the civil money penalty amounts provided by regulations implementing this section as in effect the minute before such date of enactment with respect to knowing hiring or continuing employment, verification, or indemnity bond violations, as appropriate, shall apply.

''(5) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

''(A) EMPLOYER COMPLIANCE.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that it is in compliance with this section, or has instituted a program to come into compliance.

''(B) EMPLOYER CERTIFICATION.—

''(i) REQUIREMENT.—Except as provided in subparagraph (C), not later than 60 days after receiving a notice from the Secretary requiring a certification under subparagraph (A), an official with responsibility for, and authority to bind the company on, all hiring and immigration compliance notices shall certify under penalty of perjury that the employer is in conformance with the requirements of paragraphs (1) through (4) of subsection (c), pertaining to document verification requirements, and with subsection (d), pertaining to the System (once the System is implemented with respect to that employer according to the requirements under subsection (d)(2)), and with any additional requirements that the Secretary may promulgate by regulation pursuant to subsection (c) or (d) or that the employer has instituted a program to come into compliance with these requirements.

''(ii) APPLICATION.—Clause (i) shall not apply until the date that the Secretary certifies to Congress that the System has been established, implemented, and made mandatory for use by all employers in the United States.

''(C) EXTENSION OF DEADLINE.—At the request of the employer, the Secretary may extend the 60-day deadline for good cause.

''(D) STANDARDS OR METHODS.—The Secretary is authorized to publish in the Federal Register standards or methods for such certification, require specific recordkeeping practices with respect to such certifications, and audit the records thereof at any time. This authority shall not be construed to diminish or qualify any other penalty provided by this section.

''(6) REQUIREMENTS FOR REVIEW OF A FINAL DETERMINATION.—With respect to judicial review of a final determination or penalty order issued under paragraph (3)(D), the following requirements apply:

''(A) DEADLINE.—The petition for review must be filed no later than 30 days after the date of the final determination or penalty order issued under paragraph (3)(D).

''(B) VENUE AND FORMS.—The petition for review shall be filed with the court of appeals for the judicial circuit where the employer's principal place of business was located when the final determination or penalty order was made. The record and briefs do not have to be printed. The court shall review the proceeding on a typewritten or electronically filed record and briefs.

''(C) SERVICE.—The respondent is the Secretary. In addition to serving the respondent, the petitioner shall serve the Attorney General.

''(D) PETITIONER'S BRIEF.—The petitioner shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the respondent, and the court may not extend these deadlines, except for good cause shown. If a petitioner fails to file a brief within the time

provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result.

''(E) SCOPE AND STANDARD FOR REVIEW.—The court of appeals shall conduct a de novo review of the administrative record on which the final determination was based and any additional evidence that the Court finds was previously unavailable at the time of the administrative hearing.

''(F) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—A court may review a final determination under paragraph (3)(C) only if—

''(i) the petitioner has exhausted all administrative remedies available to the petitioner as of right, including any administrative remedies established by regulation; and

''(ii) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

''(G) ENFORCEMENT OF ORDERS.—If the final determination issued against the employer under this subsection is not subjected to review as provided in this paragraph, the Attorney General, upon request by the Secretary, may bring a civil action to enforce compliance with the final determination in any appropriate district court of the United States. The court, on a proper showing, shall issue a temporary restraining order or a preliminary or permanent injunction requiring that the employer comply with the final determination issued against that employer under this subsection. In any such civil action, the validity and appropriateness of the final determination shall not be subject to review.

''(7) CREATION OF LIEN.—If any employer liable for a fee or penalty under this section neglects or refuses to pay such liability after demand and fails to file a petition for review (if applicable) as provided in paragraph (6), the amount of the fee or penalty shall be a lien in favor of the United States on all property and rights to property, whether real or personal, belonging to such employer. If a petition for review is filed as provided in paragraph (6), the lien shall arise upon the entry of a final judgment by the court. The lien continues for 20 years or until the liability is satisfied, remitted, set aside, or terminated.

''(8) FILING NOTICE OF LIEN.—

''(A) PLACE FOR FILING.—The notice of a lien referred to in paragraph (7) shall be filed as described in 1 of the following:

''(i) UNDER STATE LAWS.—

''(I) REAL PROPERTY.—In the case of real property, in 1 office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated.

''(II) PERSONAL PROPERTY.—In the case of personal property, whether tangible or intangible, in 1 office within the State (or the county, or other governmental subdivision), as designated by the laws of such State, in which the property subject to the lien is situated, except that State law merely conforming to or reenacting Federal law establishing a national filing system does not constitute a second office for filing as designated by the laws of such State.

''(ii) WITH CLERK OF DISTRICT COURT.—In the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated, whenever the State has not by law designated 1 office which meets the requirements of clause (i).

''(iii) WITH RECORDER OF DEEDS OF THE DISTRICT OF COLUMBIA.—In the office of the Recorder of Deeds of the District of Columbia, if the property subject to the lien is situated in the District of Columbia.

''(B) SITUS OF PROPERTY SUBJECT TO LIEN.—For purposes of subparagraph (A), property shall be deemed to be situated as follows:

''(i) REAL PROPERTY.—In the case of real property, at its physical location.

''(ii) PERSONAL PROPERTY.—In the case of personal property, whether tangible or intangible, at the residence of the taxpayer at the time the notice of lien is filed.

''(C) DETERMINATION OF RESIDENCE.—For purposes of subparagraph (B)(ii), the residence of a corporation or partnership shall be deemed to be the place at which the principal executive office of the business is located, and the residence of a taxpayer whose residence is outside the United States shall be deemed to be in the District of Columbia.

''(D) EFFECT OF FILING NOTICE OF LIEN.—

''(i) IN GENERAL.—Upon filing of a notice of lien in the manner described in this paragraph, the lien shall be valid against any purchaser, holder of a security interest, mechanic's lien, or judgment lien creditor, except with respect to properties or transactions specified in subsection (b), (c), or (d) of section 6323 of the Internal Revenue Code of 1986 for which a notice of tax lien properly filed on the same date would not be valid.

''(ii) NOTICE OF LIEN.—The notice of lien shall be considered a notice of lien for taxes payable to the United States for the purpose of any State or local law providing for the filing of a notice of a tax lien. A notice of lien that is registered, recorded, docketed, or indexed in accordance with the rules and requirements relating to judgments of the courts of the State where the notice of lien is registered, recorded, docketed, or indexed shall be considered for all purposes as the filing prescribed by this section.

''(iii) OTHER PROVISIONS.—The provisions of section 3201(e) of title 28, United States Code, shall apply to liens filed as prescribed by this paragraph.

''(E) ENFORCEMENT OF A LIEN.—A lien obtained through this paragraph shall be considered a debt as defined by section 3002 of title 28, United States Code and enforceable pursuant to chapter 176 of such title.

''(9) ATTORNEY GENERAL ADJUDICATION.—The Attorney General shall have jurisdiction to adjudicate administrative proceedings under this subsection. Such proceedings shall be conducted in accordance with requirements of section 554 of title 5, United States Code.

''(f) CRIMINAL AND CIVIL PENALTIES AND INJUNCTIONS.—

''(1) PROHIBITION OF INDEMNITY BONDS.—It is unlawful for an employer, in the hiring of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring of the individual.

''(2) CIVIL PENALTY.—Any employer who is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

''(g) GOVERNMENT CONTRACTS.—

''(1) CONTRACTORS AND RECIPIENTS.—Whenever an employer who is a Federal contractor (meaning an employer who holds a Federal contract, grant, or cooperative agreement, or reasonably may be expected to submit an offer for or be awarded a government contract) is determined by the Secretary to have violated this section on more than 3 occasions or is convicted of a crime under this section, the employer shall be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the procedures and standards and for the periods prescribed by the Federal Acquisition Regulation. However, any administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

''(2) INADVERTENT VIOLATIONS.—Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

''(3) OTHER REMEDIES AVAILABLE.—Nothing in this subsection shall be construed to modify or limit any remedy available to any agency or official of the Federal Government for violation of any contractual requirement to participate in the System, as provided in the final rule relating to employment eligibility verification published in the Federal Register on November 14, 2008 (73 Fed. Reg. 67,651), or any similar subsequent regulation.

''(h) PREEMPTION.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, relating to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens. A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the System.

''(i) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Comprehensive Immigration Reform Trust Fund established under section 6(a)(1) of the SECURE and SUCCEED Act.

''(j) CHALLENGES TO VALIDITY OF THE SYSTEM.—

''(1) IN GENERAL.—Any right, benefit, or claim not otherwise waived or limited pursuant to this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

''(A) whether this section, or any regulation issued to implement this section, violates the Constitution of the United States; or

''(B) whether such a regulation issued by or under the authority of the Secretary to implement this section, is contrary to applicable provisions of this section or was issued in violation of chapter 5 of title 5, United States Code.

''(2) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this subsection must be filed no later than 180 days after the date the challenged section or regulation described in subparagraph (A) or (B) of paragraph (1) becomes effective. No court shall have jurisdiction to review any challenge described in subparagraph (B) after the time period specified in this subsection expires.

''(k) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) PATTERN AND PRACTICE.—Any employer who engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined under title 18, United States Code, no more than $10,000 for each unauthorized alien with respect to whom such violation occurs, imprisoned for not more than 2 years for the entire pattern or practice, or both.

''(2) TERM OF IMPRISONMENT.—The maximum term of imprisonment of a person convicted of any criminal offense under the United States Code shall be increased by 5 years if the offense is committed as part of

a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).

''(3) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment in violation of subsection (a)(1)(A) or (a)(2), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary or Attorney General deems necessary.

''(l) CRIMINAL PENALTIES FOR UNLAWFUL AND ABUSIVE EMPLOYMENT.—

''(1) IN GENERAL.—Any person who, during any 12-month period, knowingly employs or hires, employs, recruits, or refers for a fee for employment 10 or more individuals within the United States who are under the control and supervision of such person—

''(A) knowing that the individuals are unauthorized aliens; and

''(B) under conditions that violate section 5(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654(a) (relating to occupational safety and health), section 6 or 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207) (relating to minimum wages and maximum hours of employment), section 3142 of title 40, United States Code, (relating to required wages on construction contracts), or sections 6703 or 6704 of title 41, United States Code, (relating to required wages on service contracts),

shall be fined under title 18, United States Code, or imprisoned for not more than 10 years, or both.

''(2) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.

''(m) LIMITATION ON ADJUSTMENT OF STATUS.—The Secretary may not adjust the status of aliens who have been granted registered provisional immigrant status, except for aliens granted blue card status as described in section 245D(b), unless the Secretary, after consultation with the Comptroller General of the United States, certifies in writing to the President and Congress that the Secretary has implemented the System, including the full incorporation of the photo tool and additional security measures, required by this section, and has required the use of the System by all employers to prevent unauthorized workers from obtaining employment in the United States.''.

(b) REPORT ON USE OF THE SYSTEM IN THE AGRICULTURAL INDUSTRY.—Not later than 18 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture, shall submit a report to Congress that assesses implementation of the Employment Verification System established under section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), in the agricultural industry, including the use of such System technology in agriculture industry hiring processes, user, contractor, and third-party employer agent employment practices, timing and logistics regarding employment verification and reverification processes to meet agriculture industry practices, and identification of potential challenges and modifications to meet the unique needs of the agriculture industry. Such report shall review—

(1) the modality of access, training and outreach, customer support, processes for further action notices and secondary verifications for short-term workers, monitoring, and compliance procedures for such System;

(2) the interaction of such System with the process to admit nonimmigrant workers pursuant to section 218 or 218A of the Immigration and Nationality Act (8 U.S.C. 1188 et seq.) and with enforcement of the immigration laws; and

(3) the collaborative use of processes of other Federal and State agencies that intersect with the agriculture industry.

(c) REPORT ON IMPACT OF THE SYSTEM ON EMPLOYERS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report that assesses—

(1) the implementation of the Employment Verification System established under section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), by employers;

(2) any adverse impact on the revenues, business processes, or profitability of employers required to use such System; and

(3) the economic impact of such System on small businesses.

(d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF THE EFFECTS OF DOCUMENT REQUIREMENTS ON EMPLOYMENT AUTHORIZED PERSONS AND EMPLOYERS.—

(1) STUDY.—The Comptroller General of the United States shall carry out a study of—

(A) the effects of the documentary requirements of section 274A of the Immigration and Nationality Act, as amended by subsection (a), on employers, naturalized United States citizens, nationals of the United States, and individuals with employment authorized status; and

(B) the challenges such employers, citizens, nationals, or individuals may face in obtaining the documentation required under that section.

(2) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under paragraph (1). Such report shall include, at a minimum, the following:

(A) An assessment of available information regarding the number of working age nationals of the United States and individuals who have employment authorized status who lack documents required for employment by such section 274A.

(B) A description of the additional steps required for individuals who have employment authorized status and do not possess the documents required by such section 274A to obtain such documents.

(C) A general assessment of the average financial costs for individuals who have employment authorized status who do not possess the documents required by such section 274A to obtain such documents.

(D) A general assessment of the average financial costs and challenges for employers who have been required to participate in the Employment Verification System established by subsection (d) of such section 274A.

(E) A description of the barriers to individuals who have employment authorized status in obtaining the documents required by such section 274A, including barriers imposed by the executive branch of the Government.

(F) Any particular challenges facing individuals who have employment authorized status who are members of a federally recognized Indian tribe in complying with the provisions of such section 274A.

(e) REPEAL OF PILOT PROGRAMS AND E-VERIFY AND TRANSITION PROCEDURES.—

(1) REPEAL.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(2) TRANSITION PROCEDURES.—

(A) CONTINUATION OF E-VERIFY PROGRAM.—Notwithstanding the repeals made by paragraph (1), the Secretary shall continue to operate the E-Verify Program as described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note), as in effect the minute before the date of the enactment of this Act, until the transition to the System described in section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), is determined by the Secretary to be complete.

(B) TRANSITION TO THE SYSTEM.—Any employer who was participating in the E-Verify Program described in section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note), as in effect the minute before the date of the enactment of this Act, shall participate in the System described in section 274A(d) of the Immigration and Nationality Act, as amended by subsection (a), to the same extent and in the same manner that the employer participated in such E-Verify Program.

(3) CONSTRUCTION.—The repeal made by paragraph (1) may not be construed to limit the authority of the Secretary to allow or continue to allow the participation in such System of employers who have participated in such E-Verify Program, as in effect on the minute before the date of the enactment of this Act.

(f) CONFORMING AMENDMENT.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(g) TAXPAYER ADDRESS INFORMATION.—Section 6103(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(8) TAXPAYER ADDRESS INFORMATION FURNISHED TO SECRETARY OF HOMELAND SECURITY.—Upon written request from the Secretary of Homeland Security, the Secretary shall disclose the mailing address of any taxpayer who is entitled to receive a notification from the Secretary of Homeland Security pursuant to paragraphs (1)(C) and (8)(E)(vii) of section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) for use only by employees of the Department of Homeland for the purpose of mailing such notification to such taxpayer.''.

(h) SOCIAL SECURITY ACCOUNT STATEMENTS.—Section 1143(a)(2) of the Social Security Act (8 U.S.C. 1320b–13(a)(2)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) to the extent resources are available, information in the Commissioner's records indicating that a query was submitted to the employment verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) under that individual's name or social security number; and

''(G) a toll-free telephone number operated by the Department of Homeland Security for employment verification system inquiries and a link to self-verification procedure established under section 274A(d)(4)(I) of such Act (8 U.S.C. 1324a(d)(4)(I)).''.

(i) GOOD FAITH COMPLIANCE.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

''(7) TREATMENT OF CERTAIN VIOLATIONS AFTER REASONABLE STEPS IN GOOD FAITH.—Notwithstanding paragraphs (4) and (6), a person, other entity, or employment agency

shall not be liable for civil penalties described in subsection (g)(2)(B)(iv) that are related to a violation of any such paragraph if the person, entity, or employment agency has taken reasonable steps, in good faith, to comply with such paragraphs at issue, unless the person, other entity, or employment agency—

''(A) was, for similar conduct, subject to—

''(i) a reasonable cause determination by the Office of Special Counsel for Immigration Related Unfair Employment Practices; or

''(ii) a finding by an administrative law judge that a violation of this section has occurred.

''(8) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

''(A) to permit the Office of Special Counsel for Immigration-Related Unfair Employment Practices or an administrative law judge hearing a claim under this Section to enforce any workplace rights other than those guaranteed under this section; or

''(B) to prohibit any person, other entity, or employment agency from using an identity verification system, service, or method (in addition to the employment verification system described in section 274A(d)), until the date on which the employer is required to participate in the System under section 274A(d)(2) and the additional security measures mandated by section 274A(c)(F)(iv) have become available to verify the identity of a newly hired employee, if such system—

''(i) is used in a uniform manner for all newly hired employees;

''(ii) is not used for the purpose or with the intent of discriminating against any individual;

''(iii) provides for timely notice to employees run through the system of a mismatch or failure to confirm identity; and

''(iv) sets out procedures for employees run through the system to resolve a mismatch or other failure to confirm identity.

''(j) MAINTENANCE OF REASONABLE LEVELS OF SERVICE AND ENFORCEMENT.—Amounts available in the Border Security Enforcement Fund under section 1301 of the SECURE and SUCCEED Act shall be available to maintain reasonable levels of service and enforcement rather than a specific numeric increase in the number of Department personnel dedicated to administering the Employment Verification System.''.

SEC. 2002. INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.

(a) FRAUD-RESISTANT, TAMPER-RESISTANT, WEAR-RESISTANT, AND IDENTITY THEFT-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—

(A) PRELIMINARY WORK.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Social Security shall begin work to administer and issue fraud-resistant, tamper-resistant, wear-resistant, and identity theft-resistant social security cards.

(B) COMPLETION.—Not later than 5 years after the date of the enactment of this Act, the Commissioner of Social Security shall issue only social security cards determined to be fraud-resistant, tamper-resistant, wear-resistant, and identity theft-resistant.

(2) AMENDMENT.—

(A) IN GENERAL.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended by striking the second sentence and inserting the following: ''The social security card shall be fraud-resistant, tamper-resistant, wear-resistant, and identity theft-resistant.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on the date that is 5 years after the date of the enactment of this Act.

(3) FUNDING.—From amounts in the Border Security Enforcement Funds under section 1301, there shall be available such sums as may be necessary to carry out this section and the amendments made by this section.

(b) MULTIPLE CARDS.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)), as amended by subsection (a)(2), is amended—

(1) by inserting ''(i)'' after ''(G)''; and

(2) by adding at the end the following:

''(ii) The Commissioner of Social Security shall restrict the issuance of multiple replacement social security cards to any individual to 3 per year and 10 for the life of the individual, except that the Commissioner may allow for reasonable exceptions from the limits under this clause on a case-by-case basis in compelling circumstances.''.

(c) CRIMINAL PENALTIES.—

(1) SOCIAL SECURITY FRAUD.—

(A) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting at the end the following:

''§ 1041. Social Security fraud

''Any person who—

''(1) knowingly possesses or uses a social security account number or social security card knowing that the number or card was obtained from the Commissioner of Social Security by means of fraud or false statement;

''(2) knowingly and falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to him or her or to another person, when such number is known not to be the social security account number assigned by the Commissioner of Social Security to him or her or to such other person;

''(3) knowingly, and without lawful authority, buys, sells, or possesses with intent to buy or sell a social security account number or a social security card that is or purports to be a number or card issued by the Commissioner of Social Security;

''(4) knowingly alters, counterfeits, forges, or falsely makes a social security account number or a social security card;

''(5) knowingly uses, distributes, or transfers a social security account number or a social security card knowing the number or card to be intentionally altered, counterfeited, forged, falsely made, or stolen; or

''(6) without lawful authority, knowingly produces or acquires for any person a social security account number, a social security card, or a number or card that purports to be a social security account number or social security card,

shall be fined under this title, imprisoned not more than 5 years, or both.''.

(B) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding after the item relating to section 1040 the following:

''1041. Social Security fraud.''.

(2) INFORMATION DISCLOSURE.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), the Commissioner of Social Security shall disclose for the purpose of investigating a violation of section 1041 of title 18, United States Code, or section 274A, 274B, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324b, and 1324c), after receiving a written request from an officer in a supervisory position or higher official of any Federal law enforcement agency, the following records of the Social Security Administration:

(i) Records concerning the identity, address, location, or financial institution accounts of the holder of a social security account number or social security card.

(ii) Records concerning the application for and issuance of a social security account number or social security card.

(iii) Records concerning the existence or nonexistence of a social security account number or social security card.

(B) LIMITATION.—The Commissioner of Social Security shall not disclose any tax return or tax return information pursuant to subparagraph (A) except as authorized by section 6103 of the Internal Revenue Code of 1986.

SEC. 2003. INCREASING SECURITY AND INTEGRITY OF IMMIGRATION DOCUMENTS.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the feasibility, advantages, and disadvantages of including, in addition to a photograph, other biometric information on each employment authorization document issued by the Department.

SEC. 2004. RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

''PART E—EMPLOYMENT VERIFICATION

''SEC. 1186. RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.

''(a) CONFIRMATION OF EMPLOYMENT VERIFICATION DATA.—As part of the employment verification system established by the Secretary of Homeland Security under the provisions of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) (in this section referred to as the 'System'), the Commissioner of Social Security shall, subject to the provisions of section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), establish a reliable, secure method that, operating through the System and within the time periods specified in section 274A(d) of such Act—

''(1) compares the name, date of birth, social security account number, and available citizenship information provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided regarding an individual whose identity and employment eligibility must be confirmed;

''(2) determines the correspondence of the name, date of birth, and number;

''(3) determines whether the name and number belong to an individual who is deceased according to the records maintained by the Commissioner;

''(4) determines whether an individual is a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(5) determines whether the individual has presented a social security account number that is not valid for employment.

''(b) PROHIBITION.—The System shall not disclose or release social security information to employers through the confirmation system (other than such confirmation or nonconfirmation, information provided by the employer to the System, or the reason for the issuance of a further action notice).''.

SEC. 2005. IMPROVED PROHIBITION ON DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.

(a) IN GENERAL.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended to read as follows:

''(a) PROHIBITION ON DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.—

''(1) PROHIBITION ON DISCRIMINATION GENERALLY.—It is an unfair immigration-related employment practice for a person, other entity, or employment agency, to discriminate

against any individual (other than an unauthorized alien defined in section 274A(b)) because of such individual's national origin or citizenship status, with respect to the following:

''(A) The hiring of the individual for employment.

''(B) The verification of the individual's eligibility to work in the United States.

''(C) The discharging of the individual from employment.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following:

''(A) A person, other entity, or employer that employs 3 or fewer employees, except for an employment agency.

''(B) A person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that employer, person, or entity and that individual is covered under section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2), unless the discrimination is related to an individual's verification of employment authorization.

''(C) Discrimination because of citizenship status which—

''(i) is otherwise required in order to comply with a provision of Federal, State, or local law related to law enforcement;

''(ii) is required by Federal Government contract; or

''(iii) the Secretary or Attorney General determines to be essential for an employer to do business with an agency or department of the Federal Government or a State, local, or tribal government.

''(3) ADDITIONAL EXCEPTION PROVIDING RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—Notwithstanding any other provision of this section, it is not an unfair immigration-related employment practice for an employer (as defined in section 274A(b)) to prefer to hire, recruit, or refer for a fee an individual who is a citizen or national of the United States over another individual who is an alien if the 2 individuals are equally qualified.

''(4) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES RELATING TO THE SYSTEM.—It is also an unfair immigration-related employment practice for a person, other entity, or employment agency—

''(A) to discharge or constructively discharge an individual solely due to a further action notice issued by the Employment Verification System created by section 274A until the administrative appeal described in section 274A(d)(6) is completed;

''(B) to use the System with regard to any person for any purpose except as authorized by section 274A(d);

''(C) to use the System to reverify the employment authorization of a current employee, including an employee continuing in employment, other than reverification upon expiration of employment authorization, or as otherwise authorized under section 274A(d) or by regulation;

''(D) to use the System selectively for employees, except where authorized by law;

''(E) to fail to provide to an individual any notice required in section 274A(d) within the relevant time period;

''(F) to use the System to deny workers' employment or post-employment benefits;

''(G) to misuse the System to discriminate based on national origin or citizenship status;

''(H) to require an employee or prospective employee to use any self-verification feature of the System or provide, as a condition of application or employment, any self-verification results;

''(I) to use an immigration status verification system, service, or method other than those described in section 274A for purposes of verifying employment eligibility; or

''(J) to grant access to document verification or System data, to any individual or entity other than personnel authorized to have such access, or to fail to take reasonable safeguards to protect against unauthorized loss, use, alteration, or destruction of System data.

''(5) PROHIBITION OF INTIMIDATION OR RETALIATION.—It is also an unfair immigration-related employment practice for a person, other entity, or employment agency to intimidate, threaten, coerce, or retaliate against any individual—

''(A) for the purpose of interfering with any right or privilege secured under this section; or

''(B) because the individual intends to file or has filed a charge or a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—A person's, other entity's, or employment agency's request, for purposes of verifying employment eligibility, for more or different documents than are required under section 274A, or for specific documents, or refusing to honor documents tendered that reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice.

''(7) PROHIBITION OF WITHHOLDING EMPLOYMENT RECORDS.—It is an unfair immigration-related employment practice for an employer that is required under Federal, State, or local law to maintain records documenting employment, including dates or hours of work and wages received, to fail to provide such records to any employee upon request.

''(8) PROFESSIONAL, COMMERCIAL, AND BUSINESS LICENSES.—An individual who is authorized to be employed in the United States may not be denied a professional, commercial, or business license on the basis of his or her immigration status.

''(9) EMPLOYMENT AGENCY DEFINED.—In this section, the term 'employment agency' means any employer, person, or entity regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such employer, person, or entity.''.

(b) REFERRAL BY EEOC.—Section 274B(b)of the Immigration and Nationality Act (8 U.S.C. 1324b(b)) is amended by adding at the end the following:

''(3) REFERRAL BY EEOC.—The Equal Employment Opportunity Commission shall refer all matters alleging immigration-related unfair employment practices filed with the Commission, including those alleging violations of paragraphs (1), (4), (5), and (6) of subsection (a) to the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 274B(l)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(l)(3)) is amended by striking the period at the end and inserting ''and an additional $40,000,000 for each of fiscal years 2019 through 2021.''.

(d) FINES.—

(1) IN GENERAL.—Section 274B(g)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(B)) is amended by striking clause (iv) and inserting the following:

''(iv) to pay any applicable civil penalties prescribed below, the amounts of which may be adjusted periodically to account for inflation as provided by law—

''(I) except as provided in subclauses (II) through (IV), to pay a civil penalty of not less than $2,000 and not more than $5,000 for each individual subjected to an unfair immigration-related employment practice;

''(II) except as provided in subclauses (III) and (IV), in the case of an employer, person, or entity previously subject to a single order under this paragraph, to pay a civil penalty of not less than $4,000 and not more than $10,000 for each individual subjected to an unfair immigration-related employment practice;

''(III) except as provided in subclause (IV), in the case of an employer, person, or entity previously subject to more than 1 order under this paragraph, to pay a civil penalty of not less than $8,000 and not more than $25,000 for each individual subjected to an unfair immigration-related employment practice; and

''(IV) in the case of an unfair immigration-related employment practice described in paragraphs (4) through (7) of subsection (a), to pay a civil penalty of not less than $500 and not more than $2,000 for each individual subjected to an unfair immigration-related employment practice.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 1 year after the date of the enactment of this Act and apply to violations occurring on or after such date of enactment.

SEC. 2006. RULEMAKING.

(a) INTERIM FINAL REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act—

(A) the Secretary, shall issue regulations implementing sections 2001, 2002, and 2005 and the amendments made by such sections (except for section 274A(d)(7) of the Immigration and Nationality Act); and

(B) the Attorney General shall issue regulations implementing section 274A(d)(7) of the Immigration and Nationality Act, as added by section 2001 the amendments made by such section.

(2) EFFECTIVE DATE.—Regulations issued pursuant to paragraph (1) shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(b) FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations under subsection (a), the Secretary, in consultation with the Commissioner of Social Security and the Attorney General, shall publish final regulations implementing this title.

SEC. 2007. OFFICE OF THE SMALL BUSINESS AND EMPLOYEE ADVOCATE.

(a) ESTABLISHMENT OF SMALL BUSINESS AND EMPLOYEE ADVOCATE.—The Secretary shall establish and maintain within U.S. Citizenship and Immigration Services the Office of the Small Business and Employee Advocate (in this section referred to as the ''Office''). The purpose of the Office shall be to assist small businesses and individuals in complying with the requirements of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by this Act, including the resolution of conflicts arising in the course of attempted compliance with such requirements.

(b) FUNCTIONS.—The functions of the Office shall include, but not be limited to, the following:

(1) Informing small businesses and individuals about the verification practices required by section 274A of the Immigration and Nationality Act, including, but not limited to, the document verification requirements and the employment verification system requirements under subsections (c) and (d) of that section.

(2) Assisting small businesses and individuals in addressing allegedly erroneous further action notices and nonconfirmations issued under subsection (d) of section 274A of the Immigration and Nationality Act.

(3) Informing small businesses and individuals of the financial liabilities and criminal penalties that apply to violations and failures to comply with the requirements of section 274A of the Immigration and Nationality Act, including, but not limited to, by issuing best practices for compliance with that section.

(4) To the extent practicable, proposing changes to the Secretary in the administrative practices of the employment verification system required under subsection (d) of section 274A of the Immigration and Nationality Act to mitigate the problems identified under paragraph (2).

(5) Making recommendations through the Secretary to Congress for legislative action to mitigate such problems.

(c) AUTHORITY TO ISSUE ASSISTANCE ORDER.—

(1) IN GENERAL.—Upon application filed by a small business or individual with the Office (in such form, manner, and at such time as the Secretary shall by regulations prescribe), the Office may issue an assistance order if—

(A) the Office determines the small business or individual is suffering or about to suffer a significant hardship as a result of the manner in which the employment verification laws under subsections (c) and (d) of section 274A of the Immigration and Nationality Act are being administered by the Secretary; or

(B) the small business or individual meets such other requirements as are set forth in regulations prescribed by the Secretary.

(2) DETERMINATION OF HARDSHIP.—For purposes of paragraph (1), a significant hardship shall include—

(A) an immediate threat of adverse action;

(B) a delay of more than 60 days in resolving employment verification system problems;

(C) the incurring by the small business or individual of significant costs if relief is not granted; or

(D) irreparable injury to, or a long-term adverse impact on, the small business or individual if relief is not granted.

(3) STANDARDS WHEN ADMINISTRATIVE GUIDANCE NOT FOLLOWED.—In cases where a U.S. Citizenship and Immigration Services employee is not following applicable published administrative guidance, the Office shall construe the factors taken into account in determining whether to issue an assistance order under this subsection in the manner most favorable to the small business or individual.

(4) TERMS OF ASSISTANCE ORDER.—The terms of an assistance order under this subsection may require the Secretary within a specified time period—

(A) to determine whether any employee is or is not authorized to work in the United States; or

(B) to abate any penalty under section 274A of the Immigration and Nationality Act that the Office determines is arbitrary, capricious, or disproportionate to the underlying offense.

(5) AUTHORITY TO MODIFY OR RESCIND.—Any assistance order issued by the Office under this subsection may be modified or rescinded—

(A) only by the Office, the Director or Deputy Director of U.S. Citizenship and Immigration Services, or the Secretary or the Secretary's designee; and

(B) if rescinded by the Director or Deputy Director of U.S. Citizenship and Immigration Services, only if a written explanation of the reasons of such official for the modification or rescission is provided to the Office.

(6) SUSPENSION OF RUNNING OF PERIOD OF LIMITATION.—The running of any period of limitation with respect to an action described in paragraph (4)(A) shall be suspended for—

(A) the period beginning on the date of the small business or individual's application under paragraph (1) and ending on the date of the Office's decision with respect to such application; and

(B) any period specified by the Office in an assistance order issued under this subsection pursuant to such application.

(7) INDEPENDENT ACTION OF OFFICE.—Nothing in this subsection shall prevent the Office from taking any action in the absence of an application under paragraph (1).

(d) ACCESSIBILITY TO THE PUBLIC.—

(1) IN PERSON, ONLINE, AND TELEPHONE ASSISTANCE.—The Office shall provide information and assistance specified in subsection (b) in person at locations designated by the Secretary, online through an Internet website of the Department available to the public, and by telephone.

(2) AVAILABILITY TO ALL EMPLOYERS.—In making information and assistance available, the Office shall prioritize the needs of small businesses and individuals. However, the information and assistance available through the Office shall be available to any employer.

(e) AVOIDING DUPLICATION THROUGH COORDINATION.—In the discharge of the functions of the Office, the Secretary shall consult with the Secretary of Labor, the Secretary of Agriculture, the Commissioner, the Attorney General, the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration in order to avoid duplication of efforts across the Federal Government.

(f) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term ''employer'' has the meaning given that term in section 274A(b) of the Immigration and Nationality Act.

(2) SMALL BUSINESS.—The term ''small business'' means an employer with 49 or fewer employees.

(g) FUNDING.—Of amounts in the Border Security Enforcement Fund under section 1301, there shall be available such sums as may be necessary to carry out the functions of the Office.

SA 1983. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON INADMISSIBILITY OR DEPORTATION OF ALIENS WHO COMPLY WITH STATE LAW.

(a) PROHIBITION ON INADMISSIBILITY.—Section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)(II)) is amended by inserting ''other than an act involving marijuana that is permitted under the laws of a State or the law of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), that has jurisdiction over the Indian country, as defined in section 1151 of title 18, United States Code, in which the act occurs'' after ''802)),''.

(b) PROHIBITION ON DEPORTATION.—Section 237(a)(2)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(B)(i)) is amended by striking ''marijuana,'' and inserting ''marijuana or an offense involving marijuana that is permitted under the laws of a State or the law of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), that has jurisdiction over the Indian country, as defined in section 1151 of title 18, United States Code, in which the offense occurs''.

SA 1984. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERAL PELL GRANT ELIGIBILITY FOR DREAMER STUDENTS.

Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (a)(5), by inserting '', or be a Dreamer student, as defined in subsection (u)'' after ''becoming a citizen or permanent resident''; and

(2) by adding at the end the following:

''(u) DREAMER STUDENTS.—

''(1) IN GENERAL.—In this section, the term 'Dreamer student' means an individual who—

''(A) was younger than 16 years of age on the date on which the individual initially entered the United States;

''(B) has provided a list of each secondary school that the student attended in the United States; and

''(C)(i) has earned a high school diploma, the recognized equivalent of such diploma from a secondary school, or a high school equivalency diploma in the United States or is scheduled to complete the requirements for such a diploma or equivalent before the next academic year begins;

''(ii) has acquired a degree from an institution of higher education or has completed not less than 2 years in a program for a baccalaureate degree or higher degree at an institution of higher education in the United States and has made satisfactory academic progress, as defined in subsection (c), during such time period;

''(iii) at any time was eligible for a grant of deferred action under—

''(I) the June 15, 2012, memorandum from the Secretary of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children'; or

''(II) the November 20, 2014, memorandum from the Secretary of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents'; or

''(iv) has served in the uniformed services, as defined in section 101 of title 10, United States Code, for not less than 4 years and, if discharged, received an honorable discharge.

''(2) HARDSHIP EXCEPTION.—The Secretary shall issue regulations that direct when the Department shall waive the requirement of subparagraph (A) or (B), or both, of paragraph (1) for an individual to qualify as a Dreamer student under such paragraph, if the individual—

''(A) demonstrates compelling circumstances for the inability to satisfy the requirement of such subparagraph (A) or (B), or both; and

''(B) satisfies the requirement of paragraph (1)(C).''.

SA 1985. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to

unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTING CHILD TRAFFICKING VICTIMS.

(a) SHORT TITLE.—This section may be cited as the ''Child Trafficking Victims Protection Act''.

(b) UNACCOMPANIED ALIEN CHILDREN DEFINED.—In this section, the term ''unaccompanied alien children'' has the meaning given such term in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) MANDATORY TRAINING.—The Secretary, in consultation with the Secretary of Health and Human Services and independent child welfare experts, shall mandate live training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, policies, practices, and procedures pertaining to this vulnerable population.

(d) CARE AND TRANSPORTATION.—Notwithstanding any other provision of law, the Secretary shall ensure that all unaccompanied children who will undergo any immigration proceedings before the Department or the Executive Office for Immigration Review are duly transported and placed in the care and legal and physical custody of the Office of Refugee Resettlement not later than 72 hours after their apprehension absent narrowly defined exceptional circumstances, including a natural disaster or comparable emergency beyond the control of the Secretary or the Office of Refugee Resettlement. The Secretary shall ensure that female officers are continuously present during the transfer and transport of female detainees who are in the custody of the Department.

(e) QUALIFIED RESOURCES.—The Secretary shall provide adequately trained and qualified staff resources at each major port of entry (as defined by the U.S. Customs and Border Protection station assigned to that port having in its custody during the past 2 fiscal years an yearly average of 50 or more unaccompanied alien children), including the accommodation of child welfare professionals in accordance with subsection (f).

(f) CHILD WELFARE PROFESSIONALS.—

(1) IN GENERAL.—The Senior Advisor on Trafficking in Persons in the Office of the Assistant Secretary for the Administration for Children and Families shall ensure that qualified child welfare professionals with expertise in culturally competent, trauma-centered, and developmentally appropriate interviewing skills are available at each major port of entry described in subsection (e).

(2) DUTIES.—Child welfare professionals described in paragraph (1) shall—

(A) in consultation with the Secretary and the Assistant Secretary for the Administration for Children and Families, develop guidelines for treatment of unaccompanied alien children in the custody of the Department;

(B) conduct screening on behalf of the Department of all unaccompanied alien children in accordance with section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4));

(C) notify the Department and the Office of Refugee Resettlement of children that meet the notification and transfer requirements set forth in subsections (a) and (b) of section 235 of such Act (8 U.S.C. 1232); and

(D) interview adult relatives accompanying unaccompanied alien children; and

(E) provide an initial family relationship and trafficking assessment and recommendations regarding unaccompanied alien children's initial placements to the Office of Refugee Resettlement, which shall be conducted in accordance with the time frame set forth in subsections (a)(4) and (b)(3) of section 235 of such Act (8 U.S.C. 1232); and

(F) ensure that each unaccompanied alien child in the custody of U.S. Customs and Border Protection—

(i) receives emergency medical care when necessary;

(ii) receives emergency medical and mental health care that complies with the standards adopted pursuant to section 8(c) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607(c)) whenever necessary, including in cases in which a child is at risk to harm himself, herself, or others;

(iii) is provided with climate appropriate clothing, shoes, basic personal hygiene and sanitary products, a pillow, linens, and sufficient blankets to rest at a comfortable temperature;

(iv) receives adequate nutrition;

(v) enjoys a safe and sanitary living environment;

(vi) has access to daily recreational programs and activities if held for a period longer than 12 hours;

(vii) has access to legal services and consular officials; and

(viii) is permitted to make supervised phone calls to family members.

(3) FINAL DETERMINATIONS.—The Office of Refugee Resettlement, in consultation with the Senior Advisor on Trafficking in Persons, in accordance with applicable policies and procedures for sponsors, shall submit final determinations on family relationships to the Secretary, who shall consider such adult relatives for community-based support alternatives to detention.

(4) REPORT.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Senior Advisor on Trafficking in Persons shall submit a report to Congress that—

(A) describes the screening procedures used by the child welfare professionals to screen unaccompanied alien children;

(B) assesses the effectiveness of such screenings; and

(C) includes data on all unaccompanied alien children who were screened by child welfare professionals;

(g) IMMEDIATE NOTIFICATION.—The Secretary shall immediately notify the Office of Refugee Resettlement of an unaccompanied alien child in the custody of the Department to effectively and efficiently coordinate the child's transfer to and placement with the Office of Refugee Resettlement.

(h) NOTICE OF RIGHTS AND RIGHT TO ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Secretary shall ensure that all unaccompanied alien children, upon apprehension, are provided—

(A) an interview and screening with a child welfare professional described in subsection (f)(1); and

(B) a video orientation and oral and written notice of their rights under the Immigration and Nationality Act, including—

(i) their right to relief from removal;

(ii) their right to confer with counsel (as guaranteed under section 292 of such Act (8 U.S.C. 1362)), family, or friends while in the temporary custody of the Department; and

(iii) relevant complaint mechanisms to report any abuse or misconduct they may have experienced.

(2) LANGUAGES.—The Secretary shall ensure that—

(A) the video orientation and written notice of rights described in paragraph (1) is available in English and in the 5 most common native languages spoken by the unaccompanied children held in custody at that location during the preceding fiscal year; and

(B) the oral notice of rights is available in English and in the most common native language spoken by the unaccompanied children held in custody at that location during the preceding fiscal year.

(i) CONFIDENTIALITY.—The Secretary of Health and Human Services shall maintain the privacy and confidentiality of all information gathered in the course of providing care, custody, placement and follow-up services to unaccompanied alien children, consistent with the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties unless such disclosure is—

(1) recorded in writing and placed in the child's file;

(2) in the child's best interest; and

(3)(A) authorized by the child or by an approved sponsor in accordance with section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and the Health Insurance Portability and Accountability Act (Public Law 104–191); or

(B) provided to a duly recognized law enforcement entity to prevent imminent and serious harm to another individual.

(j) OTHER POLICIES AND PROCEDURES.—The Secretary shall adopt fundamental child protection policies and procedures—

(1) for reliable age determinations of children, developed in consultation with medical and child welfare experts, which exclude the use of fallible forensic testing of children's bone and teeth;

(2) to ensure the safe and secure repatriation and reintegration of unaccompanied alien children to their home countries through specialized programs developed in close consultation with the Secretary of State, the Office of the Refugee Resettlement, and reputable independent child welfare experts, including placement of children with their families or nongovernmental agencies to provide food, shelter, and vocational training and microfinance opportunities;

(3) to utilize all legal authorities to defer the child's removal if the child faces a risk of life-threatening harm upon return including due to the child's mental health or medical condition; and

(4) to ensure, in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), that unaccompanied alien children, while in detention, are—

(A) physically separated from any adult who is not an immediate family member; and

(B) separated by sight and sound from—

(i) immigration detainees and inmates with criminal convictions;

(ii) pretrial inmates facing criminal prosecution; and

(iii) inmates exhibiting violent behavior.

(k) TRANSFER OF FUNDS.—

(1) AUTHORIZATION.—The Secretary, in accordance with a written agreement between the Secretary and the Secretary of Health and Human Services, shall transfer such amounts as may be necessary to carry out the duties described in subsection (f)(2) from amounts appropriated for U.S. Customs and Border Protection to the Department of Health and Human Services.

(2) REPORT.—Not later than 15 days before any proposed transfer under paragraph (1), the Secretary of Health and Human Services, in consultation with the Secretary, shall submit a detailed expenditure plan that describes the actions proposed to be taken with amounts transferred under such paragraph to—

(A) the Committee on Appropriations of the Senate; and

(B) the Committee on Appropriations of the House of Representatives.

(l) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preempt or alter any other rights or remedies, including any causes of action, available under any Federal or State law.

SA 1986. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. KEEPING TRACK OF UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED ALIEN CHILDREN DEFINED.—In this section, the term ''unaccompanied alien children'' has the meaning given such term in section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) ANNUAL REPORT.—Not less frequently than once each year, the Secretary of Homeland Security shall submit to Congress a report that sets forth, for the previous year, the following:

(1) The total number of unaccompanied alien children who were screened by U. S. Customs and Border Protection.

(2) The total number of unaccompanied alien Children who demonstrated trafficking indicators.

(3) The total number of unaccompanied alien children who, after demonstrating trafficking indicators, were removed to their home countries, and to which countries they were removed.

(4) The total number of unaccompanied alien children who were removed to their home countries, and to which countries they were removed.

(5) The total number of unaccompanied alien children who were referred to the Office of Refugee Resettlement of the Department of Health and Human Services.

(6) The total number of unaccompanied alien children who secured immigration relief.

SA 1987. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RELIEF FOR ORPHANS, WIDOWS, AND WIDOWERS.

(a) IN GENERAL.—

(1) SPECIAL RULE FOR ORPHANS, SPOUSES, AND PERMANENT PARTNERS.—In applying clauses (iii) and (iv) of section 201(b)(2)(A) of the Immigration and Nationality Act, [as added by section 102(a) of this Act], to an alien whose citizen or lawful permanent resident relative died before the date of the enactment of this Act, the alien relative may file the classification petition under section 204(a)(1)(A)(ii) of such Act, [as amended by section 102(c)(4)(A)(i)(II) of this Act], not later than 2 years after the date of the enactment of this Act.

(2) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined in section 201(b)(2)(A)(iv) of the Immigration and Nationality Act, [as amended by section 102(a) of this Act]) due to the death of such citizen or resident—

(A) such alien shall be eligible for parole into the United States pursuant to the Secretary of Homeland Security's discretionary authority under section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(3) ELIGIBILITY FOR PAROLE.—If an alien described in section 204(l) of the Immigration and Nationality Act (8 U.S.C. 1154(l)), was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act—

(A) such alien shall be eligible for parole into the United States pursuant to the Secretary of Homeland Security's discretionary authority under section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(b) PROCESSING OF IMMIGRANT VISAS AND DERIVATIVE PETITIONS.—

(1) IN GENERAL.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended—

(A) by striking ''After an investigation'' and inserting the following:

''(1) IN GENERAL.—After an investigation''; and

(B) by adding at the end the following:

''(2) DEATH OF QUALIFYING RELATIVE.—

''(A) IN GENERAL.—Any alien described in subparagraph (B) whose qualifying relative died before the completion of immigrant visa processing may have an immigrant visa application adjudicated as if such death had not occurred. An immigrant visa issued before the death of the qualifying relative shall remain valid after such death.

''(B) ALIEN DESCRIBED.—An alien described in this subparagraph is an alien who—

''(i) is an immediate relative (as described in section 201(b)(2)(A));

''(ii) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

''(iii) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

''(iv) is the spouse, permanent partner, or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3)).''.

(2) TRANSITION PERIOD.—

(A) IN GENERAL.—Notwithstanding a denial or revocation of an application for an immigrant visa for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee.

(B) INAPPLICABILITY OF BARS TO ENTRY.—Notwithstanding section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)), an alien's application for an immigrant visa shall be considered if the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act.

(c) NATURALIZATION.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place such term appears;

(2) by inserting ''(or, if the spouse is deceased, the spouse was a citizen of the United States)'' after ''citizen of the United States''; and

(3) by inserting ''or permanent partnership'' after ''marital union''.

(d) WAIVERS OF INADMISSIBILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) by redesignating the second subsection (t) as subsection (u); and

(2) by adding at the end the following:

''(v) CONTINUED WAIVER ELIGIBILITY FOR WIDOWS, WIDOWERS, AND ORPHANS.—In the case of an alien who would have been statutorily eligible for any waiver of inadmissibility under this Act but for the death of a qualifying relative, the eligibility of such alien shall be preserved as if the death had not occurred and the death of the qualifying relative shall be the functional equivalent of hardship for purposes of any waiver of inadmissibility which requires a showing of hardship.''.

(e) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—Section 204(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(l)(1)) is amended—

(1) by striking ''who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States''; and

(2) by striking ''any related applications,'' and inserting ''any related applications (including affidavits of support),''.

(f) IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking ''within 2 years after such date''.

(g) FAMILY-SPONSORED IMMIGRANTS.—Section 212(a)(4)(C)(i) is amended—

(1) in subclause (I), by striking '', or'' and inserting a semicolon;

(2) in subclause (II), by striking ''or'' at the end; and

(3) by adding at the end the following:

''(IV) the status as a surviving relative under section 204(l); or''.

SA 1988. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. V NONIMMIGRANT VISAS.

(a) NONIMMIGRANT ELIGIBILITY.—Subparagraph (V) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended to read as follows:

''(V)(i) subject to section 214(q)(1) and section 212(a)(4), an alien who is the beneficiary of an approved petition under section 203(a) as—

''(I) the unmarried son or unmarried daughter of a citizen of the United States;

''(II) the unmarried son or unmarried daughter of an alien lawfully admitted for permanent residence; or

''(III) the married son or married daughter of a citizen of the United States and who is 31 years of age or younger; or

''(ii) subject to section 214(q)(2), an alien who is—

''(I) the sibling of a citizen of the United States; or

''(II) the married son or married daughter of a citizen of the United States and who is older than 31 years of age;''.

(b) EMPLOYMENT AND PERIOD OF ADMISSION OF NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).—Section 214(q) of such Act (8 U.S.C. 1184(q)) is amended to read as follows:

''(q) NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).—

''(1) CERTAIN SONS AND DAUGHTERS.—

''(A) EMPLOYMENT AUTHORIZATION.—The Secretary shall—

''(i) authorize a nonimmigrant admitted pursuant to section 101(a)(15)(V)(i) to engage in employment in the United States during the period of such nonimmigrant's authorized admission; and

''(ii) provide such a nonimmigrant with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment.

''(B) TERMINATION OF ADMISSION.—The period of authorized admission for such a nonimmigrant shall terminate 30 days after the date on which—

''(i) such nonimmigrant's application for an immigrant visa pursuant to the approval of a petition under subsection (a) or (c) of section 203 is denied; or

''(ii) such nonimmigrant's application for adjustment of status under section 245 pursuant to the approval of such a petition is denied.

''(2) SIBLINGS AND SONS AND DAUGHTERS OF CITIZENS.—

''(A) EMPLOYMENT AUTHORIZATION.—The Secretary may not authorize a nonimmigrant admitted pursuant to section 101(a)(15)(V)(ii) to engage in employment in the United States.

''(B) PERIOD OF ADMISSION.—The period of authorized admission as such a nonimmigrant may not exceed 60 days per fiscal year.

''(C) TREATMENT OF PERIOD OF ADMISSION.—An alien admitted under section 101(a)(15)(V) may not receive an allocation of points pursuant to section 203(c) for residence in the United States while admitted as such a nonimmigrant.''.

(c) PUBLIC BENEFITS.—A noncitizen who is lawfully present in the United States pursuant to section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is not eligible for any means-tested public benefits (as such term is defined and implemented in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)). A noncitizen admitted under this section—

(1) is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 for his or her coverage;

(2) shall be subject to the rules applicable to individuals not lawfully present that are set forth in subsection (e) of such section;

(3) shall be subject to the rules applicable to individuals not lawfully present that are set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)); and

(4) shall be subject to the rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SA 1989. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IMMIGRATION JUDGES.

(a) SHORT TITLE.—The section may be cited as the ''Immigration Court Improvement Act of 2018''.

(b) FINDING; SENSE OF CONGRESS.—

(1) FINDING.—Congress finds that the United States tradition as a nation of laws and a nation of immigrants is best served by effective, fair, and impartial immigration judges, who have decisional independence and are free from political influence.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) immigration judges should be fair and impartial and have decisional independence that is free from political pressure or influence; and

(B) in order to promote even-handed, nonbiased, decision making that is representative of the public at large, immigration judges should be selected from a broad pool of candidates with a variety of legal experience, such as law professors, private practitioners, representatives of pro bono service and other nongovernmental organizations, military officers, and government employees.

(c) PROFESSIONAL TREATMENT OF IMMIGRATION JUDGES.—

(1) DEFINED TERM.—Section 101(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)) is amended to read as follows:

''(4)(A) The term 'immigration judge' means an attorney who—

''(i) has been appointed by the Attorney General to serve as a United States immigration judge;

''(ii) is qualified to conduct proceedings under this Act, including removal proceedings under section 240.

''(B) An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe as long as such supervision does not interfere with the immigration judge's exercise of independent decision making authority over cases in which he or she presides.

''(C) An immigration judge shall be an attorney at the time of his or her appointment by the Attorney General and shall maintain good standing or appropriate judicial status (as defined solely by the licensing jurisdiction) with the bar of the highest court of any State.

''(D) The service of an immigration judge is deemed to be judicial in nature. Actions taken by an immigration judge while serving in a judicial capacity shall be reviewed under the applicable Code of Judicial Conduct. Immigration judges shall not be subject to any code of attorney behavior for conduct or actions taken while performing duties as an immigration judge.

''(E) An immigration judge may not be disciplined for any good faith legal decisions made in the course of hearing and deciding cases. Criticism of an immigration judge, in a decision of any appellate court may not be considered or construed as a finding of misconduct.''.

(2) PERFORMANCE APPRAISALS.—Any system of completion goals or other efficiency standards imposed on immigration judges (as defined in section 101(b)(4) of the Immigration and Nationality Act)—

(A) may be used solely as management tools for obtaining or allocating resources; and

(B) may not be used—

(i) to limit the independent authority of immigration judges to fulfill their duties; or

(ii) as a reflection of individual judicial performance.

(3) JUDICIAL COMPLAINT PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall establish a transparent judicial complaint process that is consistent with the Guidelines for the Evaluation of Judicial Performance developed by the American Bar Association and the judicial performance evaluation principles developed by the Institute for the Advancement of the American Legal System.

(4) ANNUAL LEAVE.—Every immigration judge shall be presumed to have 15 years of Federal civilian service for the purpose of the accrual of annual leave.

(5) CONTINUING LEGAL EDUCATION.—

(A) IN GENERAL.—In addition to the training required under section 603(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6473(c)), the Attorney General shall provide immigration judges with—

(i) meaningful, ongoing training, including annual, in-person training, to maintain current knowledge of immigration cases, changes in the law and effective docketing practices; and

(ii) time away from the bench to assimilate the knowledge gained through such training.

(B) SERVICE TO THE LEGAL PROFESSION.—Immigration judges have an ethical duty to participate in continuing legal education, including teaching of law at institutions of higher learning and other activities to educate the public and to improve the legal profession. The Attorney General may not prevent or interfere with the participation of an immigration judge in any such bona fide activities if—

(i) undertaken in conjunction with an established university, law school, bar association, or legal organization; and

(ii) the immigration judge clearly indicates that such participation is in his or her personal capacity and does not reflect any official positions or policies.

(6) CONTEMPT AUTHORITY.—

(A) RULEMAKING.—

(i) INTERIM REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall promulgate interim regulations governing the exercise of the authority given to immigration judges under section 240(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(1)) to sanction contempt of an immigration judge's exercise of authority under such Act.

(ii) FINAL REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall promulgate final regulations governing the authority described in clause (i).

(B) EFFECT OF FAILURE TO PROMULGATE REGULATIONS.—If the Attorney General fails to comply with subparagraph (A)(ii), immigration judges shall—

(i) make appropriate findings of contempt; and

(ii) submit such findings to the United States District Court for the judicial district in which the immigration judge is physically located.

SA 1990. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—FAIR DAY IN COURT FOR KIDS

SEC. _____. SHORT TITLE.

This title may be cited as the ''Fair Day in Court for Kids Act of 2018''.

SEC. _____. IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.

(a) APPOINTMENT OF COUNSEL IN REMOVAL PROCEEDINGS; RIGHT TO REVIEW CERTAIN

DOCUMENTS IN REMOVAL PROCEEDINGS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking '', at no expense to the Government,''; and

(ii) by striking the comma at the end and inserting a semicolon;

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively;

(C) by inserting after subparagraph (A) the following:

''(B) the Attorney General may appoint or provide counsel, at Government expense, to aliens in immigration proceedings;

''(C) the alien, or the alien's counsel, not later than 7 days after receiving a notice to appear under section 239(a), shall receive a complete copy of the alien's immigration file (commonly known as an 'A-file') in the possession of the Department of Homeland Security (other than documents protected from disclosure under section 552(b) of title 5, United States Code);''; and

(D) in subparagraph (D), as redesignated, by striking '', and'' and inserting ''; and''; and

(2) by adding at the end the following:

''(8) FAILURE TO PROVIDE ALIEN REQUIRED DOCUMENTS.—A removal proceeding may not proceed until the alien, or the alien's counsel, if the alien is represented—

''(A) has received the documents required under paragraph (4)(C); and

''(B) has been provided at least 10 days to review and assess such documents.''.

(b) CLARIFICATION REGARDING THE AUTHORITY OF THE ATTORNEY GENERAL TO APPOINT COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

''SEC. 292. RIGHT TO COUNSEL.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), in any removal proceeding and in any appeal proceeding before the Attorney General from any such removal proceeding, the subject of the proceeding shall have the privilege of being represented by such counsel as may be authorized to practice in such proceeding as he or she may choose. This subsection shall not apply to screening proceedings described in section 235(b)(1)(A).

''(b) ACCESS TO COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.—

''(1) IN GENERAL.—In any removal proceeding and in any appeal proceeding before the Attorney General from any such removal proceeding, an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act on 2002 (6 U.S.C. 279(g))) shall be represented by Government-appointed counsel, at Government expense.

''(2) LENGTH OF REPRESENTATION.—Once a child is designated as an unaccompanied alien child under paragraph (1), the child shall be represented by counsel at every stage of the proceedings from the child's initial appearance through the termination of immigration proceedings, and any ancillary matters appropriate to such proceedings even if the child attains 18 years of age or is reunified with a parent or legal guardian while the proceedings are pending.

''(3) NOTICE.—Not later than 72 hours after an unaccompanied alien child is taken into Federal custody, the alien shall be notified that he or she will be provided with legal counsel in accordance with this subsection.

''(4) WITHIN DETENTION FACILITIES.—The Secretary of Homeland Security shall ensure that unaccompanied alien children have access to counsel inside all detention, holding, and border facilities.

''(c) PRO BONO REPRESENTATION.—

''(1) IN GENERAL.—To the maximum extent practicable, the Attorney General should make every effort to utilize the services of competent counsel who agree to provide representation to such children under subsection (b) without charge.

''(2) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—The Attorney General shall develop the necessary mechanisms to identify counsel available to provide pro bono legal assistance and representation to children under subsection (b) and to recruit such counsel.

''(d) CONTRACTS; GRANTS.—The Attorney General may enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children to carry out the responsibilities under this section, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys. Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration related legal services to children in order to carry out this section.

''(e) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

''(1) DEVELOPMENT OF GUIDELINES.—The Executive Office for Immigration Review, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings, which shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

''(2) PURPOSE OF GUIDELINES.—The guidelines developed under paragraph (1) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

''(f) DUTIES OF COUNSEL.—Counsel provided under this section shall—

''(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Department of Homeland Security;

''(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department of Homeland Security;

''(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client; and

''(4) carry out other such duties as may be proscribed by the Attorney General or the Executive Office for Immigration Review.

''(g) SAVINGS PROVISION.—Nothing in this section may be construed to supersede—

''(1) any duties, responsibilities, disciplinary, or ethical responsibilities an attorney may have to his or her client under State law;

''(2) the admission requirements under State law; or

''(3) any other State law pertaining to the admission to the practice of law in a particular jurisdiction.''.

(2) RULEMAKING.—The Attorney General shall promulgate regulations to implement section 292 of the Immigration and Nationality Act, as added by paragraph (1), in accordance with the requirements set forth in section 3006A of title 18, United States Code.

SEC. _____. ACCESS BY COUNSEL AND LEGAL ORIENTATION AT DETENTION FACILITIES.

The Secretary of Homeland Security shall provide access to counsel for all aliens detained in a facility under the supervision of U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or the Department of Health and Human Services, or in any private facility that contracts with the Federal Government to house, detain, or hold aliens.

SEC. _____. REPORT ON ACCESS TO COUNSEL.

(a) REPORT.—Not later than December 31 of each year, the Secretary of Homeland Security, in consultation with the Attorney General, shall prepare and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the extent to which aliens described in section 292(b) of the Immigration and Nationality Act, as added by this title, have been provided access to counsel.

(b) CONTENTS.—Each report submitted under paragraph (a) shall include, for the immediately preceding 1-year period—

(1) the number and percentage of aliens described in section 292(b) of the Immigration and Nationality Act, as added by this title, who were represented by counsel, including information specifying—

(A) the stage of the legal process at which each such alien was represented;

(B) whether the alien was in government custody; and

(C) the nationality and ages of such aliens; and

(2) the number and percentage of aliens who received legal orientation presentations, including the nationality and ages of such aliens.

SEC. _____. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Executive Office of Immigration Review of the Department of Justice such sums as may be necessary to carry out this title.

SA 1991. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS THAT FAMILY UNITY SHOULD CONTINUE TO BE A GUIDING PRINCIPLE OF UNITED STATES IMMIGRATION SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) The family is the bedrock of society in the United States.

(2) From time immemorial, families have served as a source of emotional support and economic security.

(3) Courageous people living in difficult circumstances often immigrate to the United States in order to make a better life for themselves and their families.

(4) Once such immigrants succeed and establish themselves as part of their communities in the United States, they want to help the families they left behind, and want their families to join them and provide succor and support.

(5) Families have proven to be a key factor in the successful integration of immigrant families into life in the United States.

(6) The Immigration and Nationality Act of 1965 recognized that families should not be kept apart based on the places close relatives were born.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) family unity should continue to be a guiding principle of the legal immigration system of the United States; and

(2) elimination or reduction of the number of family-based visas or family-based Green Cards would have a negative effect on the United States as a whole.

SA 1992. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION OF PHYSICAL BARRIERS ON CERTAIN FEDERAL LAND TO PROTECT WILDLIFE.

Notwithstanding any other provision of law, no wall or other physical barrier may be constructed on the international border between the United States and Mexico in or on—

(1) a unit of the National Park System;

(2) a national monument;

(3) a unit of the National Wildlife Refuge System; or

(4) National Forest System land.

SA 1993. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—PROTECTING DATA AT THE BORDER

SEC. __01. SHORT TITLE.

This title may be cited as the ''Protecting Data at the Border Act''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) United States persons have a reasonable expectation of privacy in the digital contents of their electronic equipment, the digital contents of their online accounts, and the nature of their online presence.

(2) The Supreme Court of the United States recognized in Riley v. California, 134 S. Ct. 2473 (2014) the extraordinary privacy interests in electronic equipment like cell phones.

(3) The privacy interest of United States persons in the digital contents of their electronic equipment, the digital contents of their online accounts, and the nature of their online presence differs in both degree and kind from their privacy interest in closed containers.

(4) Accessing the digital contents of electronic equipment, accessing the digital contents of an online account, or obtaining information regarding the nature of the online presence of a United States person entering or exiting the United States, without a lawful warrant based on probable cause, is unreasonable under the Fourth Amendment to the Constitution of the United States.

SEC. __03. SCOPE.

Nothing in this title shall be construed to—

(1) prohibit a Governmental entity from conducting an inspection of the external physical components of the electronic equipment to determine the presence or absence of weapons or contraband without a warrant, including activating or attempting to activate an object that appears to be electronic equipment to verify that the object is electronic equipment; or

(2) limit the authority of a Governmental entity under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. __04. DEFINITIONS.

As used in this title—

(1) the term ''access credential'' includes a username, password, PIN number, fingerprint, or biometric indicator;

(2) the term ''border'' means the international border of the United States and the functional equivalent of such border;

(3) the term ''digital contents'' means any signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by electronic equipment, or stored in electronic equipment or an online account;

(4) the term ''electronic communication service'' has the meaning given that term in section 2510 of title 18, United States Code;

(5) the term ''electronic equipment'' has the meaning given the term ''computer'' in section 1030(e) of title 18, United States Code;

(6) the term ''Governmental entity'' means a department or agency of the United States (including any officer, employee, or contractor or other agent thereof);

(7) the term ''online account'' means an online account with an electronic communication service or remote computing service;

(8) the term ''online account information'' means the screen name or other identifier or information that would allow a Governmental entity to identify the online presence of an individual;

(9) the term ''remote computing service'' has the meaning given that term in section 2711 of title 18, United States Code; and

(10) the term ''United States person'' means an individual who is a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. __05. PROCEDURES FOR LAWFUL ACCESS TO DIGITAL DATA AT THE BORDER.

(a) STANDARD.—Subject to subsection (b), a Governmental entity may not—

(1) access the digital contents of any electronic equipment belonging to or in the possession of a United States person at the border without a valid warrant supported by probable cause issued using the procedures described in the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

(2) deny entry into or exit from the United States by a United States person based on a refusal by the United States person to—

(A) disclose an access credential that would enable access to the digital contents of electronic equipment or the digital contents of an online account;

(B) provide access to the digital contents of electronic equipment or the digital contents of an online account; or

(C) provide online account information; or

(3) delay entry into or exit from the United States by a United States person for longer than the period of time, which may not exceed 4 hours, necessary to determine whether the United States person will, in a manner in accordance with subsection (c), consensually provide an access credential, access, or online account information, as described in subparagraphs (A), (B), and (C) of paragraph (2).

(b) EMERGENCY EXCEPTIONS.—

(1) EMERGENCY SITUATIONS GENERALLY.—

(A) IN GENERAL.—An investigative or law enforcement officer of a Governmental entity who is designated by the Secretary of Homeland Security for purposes of this paragraph may access the digital contents of electronic equipment belonging to or in possession of a United States person at the border without a warrant described in subsection (a)(1) if the investigative or law enforcement officer—

(i) reasonably determines that—

(I) an emergency situation exists that involves—

(aa) immediate danger of death or serious physical injury to any person;

(bb) conspiratorial activities threatening the national security interest of the United States; or

(cc) conspiratorial activities characteristic of organized crime;

(II) the emergency situation described in subclause (I) requires access to the digital contents of the electronic equipment before a warrant described in subsection (a)(1) authorizing such access can, with due diligence, be obtained; and

(III) there are grounds upon which a warrant described in subsection (a)(1) could be issued authorizing such access; and

(ii) makes an application in accordance with this section for a warrant described in subsection (a)(1) as soon as practicable, but not later than 7 days after the investigative or law enforcement officer accesses the digital contents under the authority under this subparagraph.

(B) WARRANT NOT OBTAINED.—If an application for a warrant described in subparagraph (A)(ii) is denied, or in any other case in which an investigative or law enforcement officer accesses the digital contents of electronic equipment belonging to or in possession of a United States person at the border without a warrant under the emergency authority under subparagraph (A) and a warrant authorizing the access is not obtained—

(i) any copy of the digital contents in the custody or control of a Governmental entity shall immediately be destroyed;

(ii) the digital contents, and any information derived from the digital contents, may not be disclosed to any Governmental entity or a State or local government; and

(iii) the Governmental entity employing the investigative or law enforcement officer that accessed the digital contents shall notify the United States person that any copy of the digital contents has been destroyed.

(2) PROTECTION OF PUBLIC SAFETY AND HEALTH.—A Governmental entity may access the digital contents of electronic equipment belonging to or in possession of a United States person at the border without a warrant described in subsection (a)(1) if the access is—

(A) necessary for the provision of fire, medical, public safety, or other emergency services; and

(B) unrelated to the investigation of a possible crime or other violation of the law.

(c) INFORMED CONSENT IN WRITING.—

(1) NOTICE.—

(A) IN GENERAL.—A Governmental entity shall provide the notice described in subparagraph (B) before requesting that a United States person at the border—

(i) provide consent to access the digital contents of any electronic equipment belonging to or in the possession of or the digital contents of an online account of the United States person;

(ii) disclose an access credential that would enable access to the digital contents of electronic equipment or the digital contents of an online account of the United States person;

(iii) provide access to the digital contents of electronic equipment or the digital contents of an online account of the United States person; or

(iv) provide online account information of the United States person.

(B) CONTENTS.—The notice described in this subparagraph is written notice in a language understood by the United States person that the Governmental entity—

(i) may not—

(I) compel access to the digital contents of electronic equipment belonging to or in the possession of, the digital contents of an online account of, or the online account information of a United States person without a valid warrant;

(II) deny entry into or exit from the United States by the United States person based on a refusal by the United States person to—

(aa) disclose an access credential that would enable access to the digital contents of electronic equipment or the digital contents of an online account;

(bb) provide access to the digital contents of electronic equipment or the digital contents of an online account; or

(cc) provide online account information; or

(III) delay entry into or exit from the United States by the United States person for longer than the period of time, which may not exceed 4 hours, necessary to determine whether the United States person will consensually provide an access credential, access, or online account information, as described in items (aa), (bb), and (cc) of subclause (II); and

(ii) if the Governmental entity has probable cause that the electronic equipment contains information that is relevant to an allegation that the United States person has committed a felony, may seize electronic equipment belonging to or in the possession of the United States person for a period of time if the United States person refuses to consensually provide access to the digital contents of the electronic equipment.

(2) CONSENT.—

(A) IN GENERAL.—A Governmental entity shall obtain written consent described in subparagraph (B) before—

(i) accessing, pursuant to the consent of a United States person at the border the digital contents of electronic equipment belonging to or in the possession of or the digital contents of an online account of the United States person;

(ii) obtaining, pursuant to the consent of a United States person at the border, an access credential of the United States person that would enable access to the digital contents of electronic equipment or the digital contents of an online account; or

(iii) obtaining, pursuant to the consent of a United States person at the border, online account information for an online account of the United States person.

(B) CONTENTS OF WRITTEN CONSENT.—Written consent described in this subparagraph is written consent that—

(i) indicates the United States person understands the protections and limitations described in paragraph (1)(B);

(ii) states the United States person is—

(I) providing consent to the Governmental entity to access certain digital contents or consensually disclosing an access credential; or

(II) consensually providing online account information; and

(iii) specifies the digital contents, access credential, or online account information with respect to which the United States person is providing consent.

(d) RETENTION OF DIGITAL CONTENTS.—

(1) LAWFUL ACCESS.—A Governmental entity that obtains access to the digital contents of electronic equipment, the digital contents of an online account, or online account information in accordance with this section may not make or retain a copy of the digital contents or online account information, or any information directly or indirectly derived from the digital contents or online account information, unless there is probable cause to believe the digital contents or online account information contains evidence of, or constitutes the fruits of, a crime.

(2) UNLAWFUL ACCESS.—If a Governmental entity obtains access to the digital contents of electronic equipment, digital contents of an online account, or online account information in a manner that is not in accordance with this section, the Governmental entity—

(A) shall immediately destroy any copy of the digital contents or online account information, and any information directly or indirectly derived from the digital contents or online account information, in the custody or control of the Governmental entity;

(B) may not disclose the digital contents or online account information, or any information directly or indirectly derived from the digital contents or online account information, to any other Governmental entity or a State or local government; and

(C) shall notify the United States person that any copy of the digital contents or online account information, and any information directly or indirectly derived from the digital contents or online account information, has been destroyed.

(e) RECORDKEEPING.—A Governmental entity shall keep a record of each instance in which the Governmental entity obtains access to the digital contents of electronic equipment belonging to or in the possession of an individual at the border, the digital contents of an online account of an individual who is at the border, or online account information of an individual who is at the border, which shall include—

(1) the reason for the access;

(2) the nationality, immigration status, and admission category of the individual;

(3) the nature and extent of the access;

(4) if the access was consensual, how and to what the individual consented, and what the individual provided by consent;

(5) whether electronic equipment of the individual was seized;

(6) whether the Governmental entity made a copy of all or a portion of the digital contents or online account information, or any information directly or indirectly derived from the digital contents or online account information; and

(7) whether the digital contents or online account information, or any information directly or indirectly derived from the digital contents or online account information, was shared with another Governmental entity or a State or local government.

SEC. __06. LIMITS ON USE OF DIGITAL CONTENTS AS EVIDENCE.

(a) IN GENERAL.—Whenever any digital contents or online account information have been obtained in violation of this title, no part of the digital contents or online account information and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding (including any proceeding relating to the immigration laws, as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))) in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof.

(b) APPLICATION.—To the maximum extent practicable, the limitations under subsection (a) shall be applied in the same manner as the limitations under section 2515 of title 18, United States Code.

SEC. __07. LIMITS ON SEIZURE OF ELECTRONIC EQUIPMENT.

A Governmental entity may not seize any electronic equipment belonging to or in the possession of a United States person at the border unless there is probable cause to believe that the electronic equipment contains information that is relevant to an allegation that the United States person has committed a felony.

SEC. __08. AUDIT AND REPORTING REQUIREMENTS.

In March of each year, the Secretary of Homeland Security shall submit to Congress and make publicly available on the Web site of the Department of Homeland Security a report that includes the following:

(1) The number of times during the previous year that an officer or employee of the Department of Homeland Security did each of the following:

(A) Accessed the digital contents of any electronic equipment belonging to or in the possession of or the digital contents of an online account of a United States person at the border pursuant to a warrant supported by probable cause issued using the procedures described in the Federal Rules of Criminal Procedure by a court of competent jurisdiction.

(B) Accessed the digital contents of any electronic equipment belonging to or in the possession of a United States person at the border pursuant to the emergency authority under section __05(b).

(C) Requested consent to access the digital contents of any electronic equipment belonging to or in the possession of, the digital contents of an online account of, or online account information of a United States person at the border.

(D) Accessed the digital contents of any electronic equipment belonging to or in the possession of, the digital contents of an online account of, or online account information of a United States person at the border pursuant to written consent provided in accordance with section __05(c).

(E) Requested a United States person at the border consensually disclose an access credential that would enable access to the digital contents of electronic equipment or the digital contents of an online account of the United States person.

(F) Accessed the digital contents of electronic equipment or the digital contents of an online account of a United States person at the border using an access credential pursuant to written consent provided in accordance with section __05(c).

(G) Accessed the digital contents of any electronic equipment belonging to or in the possession of, the digital contents of an online account of, or online account information of a United States person at the border in a manner that was not in accordance with section __05.

(H) Accessed the digital contents of any electronic equipment belonging to or in the possession of, the digital contents of an online account of, or online account information of an individual who is not a United States person at the border.

(I) Accessed the digital contents of any electronic equipment belonging to or in the possession of an individual at the border, the digital contents of an online account of an individual at the border, or online account information of an individual at the border (regardless of whether the individual is a United States person) at the request of a Governmental entity (including another component of the Department of Homeland Security) that is not the Governmental entity employing the individual accessing the digital contents or online account information.

(2) Aggregate data on—

(A) the number of United States persons for which a Governmental entity obtains access to—

(i) the digital contents of electronic equipment belonging to or in the possession of the United States person at the border;

(ii) the digital contents of an online account of the United States person while at the border; or

(iii) online account information of the United States person while at the border;

(B) the country from which United States persons departed most recently before arriving in the United States for the United States persons for which a Governmental entity obtains access to—

(i) the digital contents of electronic equipment belonging to or in the possession of the United States person at the border;

(ii) the digital contents of an online account of the United States person while at the border; or

(iii) online account information of the United States person while at the border;

(C) the number and nationality of individuals who are not United States persons for which a Governmental entity obtains access to—

(i) the digital contents of electronic equipment belonging to or in the possession of the individuals at the border;

(ii) the digital contents of an online account of the individuals while at the border; or

(iii) online account information of the individuals while at the border; and

(D) the country from which individuals who are not United States persons departed most recently before arriving in the United States for the individuals for which a Governmental entity obtains access to—

(i) the digital contents of electronic equipment belonging to or in the possession of the individuals at the border;

(ii) the digital contents of an online account of the individuals while at the border; or

(iii) online account information of the individuals while at the border.

(3) Aggregate data regarding the perceived race and ethnicity of individuals for whom a Governmental entity obtains access to—

(A) the digital contents of electronic equipment belonging to or in the possession of the individuals at the border;

(B) the digital contents of an online account of the individuals while at the border; or

(C) online account information of the individuals while at the border.

SA 1994. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON THE USE OF CELL SITE SIMULATORS.

Notwithstanding section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) or any other provision of law, an officer or employee of U.S. Immigration and Customs Enforcement may not use a cell site simulator—

(1) to locate an individual whose only suspected criminal offense is an offense under section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325, 1326); or

(2) to locate an individual in order to remove or deport the individual from the United States.

SA 1995. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. U.S. CUSTOMS AND BORDER PROTECTION HIRING AND RETENTION.

(a) SHORT TITLE.—This section may be cited as the ''U.S. Customs and Border Protection Hiring and Retention Act of 2018'' or the ''CBP HiRe Act''.

(b) FLEXIBILITY IN EMPLOYMENT AUTHORITIES.—

(1) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''§ 9702. U.S. Customs and Border Protection employment authorities

''(a) DEFINITIONS.—In this section—

''(1) the term 'CBP employee' means an employee of U.S. Customs and Border Protection;

''(2) the term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection;

''(3) the term 'Director' means the Director of the Office of Personnel Management;

''(4) the term 'rural or remote area' means an area within the United States that is not within an area defined and designated as an urbanized area by the Bureau of the Census in the most recently completed decennial census; and

''(5) the term 'Secretary' means the Secretary of Homeland Security.

''(b) DEMONSTRATION OF RECRUITMENT AND RETENTION DIFFICULTIES IN RURAL OR REMOTE AREAS.—

''(1) IN GENERAL.—For purposes of subsections (c) and (d), the Secretary shall determine, for a rural or remote area, whether there is—

''(A) a critical hiring need in the area; and

''(B) a direct relationship between—

''(i) the rural or remote nature of the area; and

''(ii) difficulty in the recruitment and retention of CBP employees in the area.

''(2) FACTORS.—To inform the determination of a direct relationship under paragraph (1)(B), the Secretary may consider evidence—

''(A) that the Secretary—

''(i) is unable to efficiently and effectively recruit individuals for positions as CBP employees, which may be demonstrated with various types of evidence, including—

''(I) evidence that multiple positions have been continuously vacant for significantly longer than the national average period for which similar positions in U.S. Customs and Border Protection are vacant; or

''(II) recruitment studies that demonstrate the inability of the Secretary to efficiently and effectively recruit CBP employees for positions in the area; or

''(ii) experiences a consistent inability to retain CBP employees that negatively impacts agency operations at a local or regional level; or

''(B) of any other inability, directly related to recruitment or retention difficulties, that the Secretary determines sufficient.

''(c) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

''(1) DIRECT HIRE AUTHORITY.—

''(A) IN GENERAL.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees, in a rural or remote area, if the Secretary—

''(i) determines that—

''(I) there is a critical hiring need; and

''(II) there exists a severe shortage of qualified candidates because of the direct relationship identified by the Secretary under subsection (b)(1)(B) of this section between—

''(aa) the rural or remote nature of the area; and

''(bb) difficulty in the recruitment and retention of CBP employees in the area; and

''(ii) has given public notice for the positions.

''(B) PRIORITIZATION OF HIRING VETERANS.—If the Secretary uses the direct hiring authority under subparagraph (A), the Secretary shall apply the principles of preference for the hiring of veterans established under subchapter I of chapter 33.

''(2) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a bonus to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

''(A) the Secretary determines that—

''(i) conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to any other provision of that section); and

''(ii) the position to which the individual is appointed or to which the individual moves or must relocate—

''(I) is a position as a CBP employee; and

''(II) is in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(aa) the rural or remote nature of the area; and

''(bb) difficulty in the recruitment and retention of CBP employees in the area; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(3) RETENTION BONUSES.—The Secretary may pay a retention bonus to a CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

''(A) the Secretary determines that—

''(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section);

''(ii) the CBP employee is employed in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(I) the rural or remote nature of the area; and

''(II) difficulty in the recruitment and retention of CBP employees in the area; and

''(iii) in the absence of a retention bonus, the CBP employee would be likely to leave—

''(I) the Federal service; or

''(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(4) RULES FOR BONUSES.—

''(A) MAXIMUM BONUS.—A bonus paid to an employee under—

''(i) paragraph (2) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

''(ii) paragraph (3) may not exceed 50 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period.

''(B) RELATION TO BASIC PAY.—A bonus paid to an employee under paragraph (2) or (3) shall not be considered part of the basic pay of the employee for any purpose.

''(5) OPM OVERSIGHT.—The Director shall, to the extent practicable—

''(A) set aside a determination of the Secretary under this subsection if the Director finds substantial evidence that the Secretary abused the discretion of the Secretary in making the determination; and

''(B) oversee the compliance of the Secretary with this subsection.

''(d) SPECIAL PAY AUTHORITY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section if the Director finds that the recruitment or retention efforts of the Secretary with respect to positions for CBP employees in 1 or more areas or locations are, or are likely to become, significantly handicapped because the positions are located in a rural or remote area for which the Secretary has identified a direct relationship under subsection (b)(1)(B) of this section between—

''(1) the rural or remote nature of the area; and

''(2) difficulty in the recruitment and retention of CBP employees in the area.

''(e) REGULAR CBP REVIEW.—

''(1) ENSURING FLEXIBILITIES MEET CBP NEEDS.—Each year, the Secretary shall review the use of hiring flexibilities under subsections (c) and (d) to fill positions at a location in a rural or remote area to determine—

''(A) the impact of the use of those flexibilities on solving hiring and retention challenges at the location;

''(B) whether hiring and retention challenges still exist at the location; and

''(C) whether the Secretary needs to continue to use those flexibilities at the location.

''(2) CONSIDERATION.—In conducting the review under paragraph (1), the Secretary shall consider—

''(A) whether any CBP employee accepted an employment incentive under subsection (c) or (d) and then transferred to a new location or left U.S. Customs and Border Protection; and

''(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

''(3) DISTRIBUTION.—The Secretary shall submit to Congress a report on each review required under paragraph (1).

''(f) IMPROVING CBP HIRING AND RETENTION.—

''(1) EDUCATION OF CBP HIRING OFFICIALS.—Not later than 180 days after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2018, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

''(2) ELEMENTS.—Elements of the strategy under paragraph (1) shall include the following:

''(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees.

''(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas.

''(C) The development of pilot programs or other programs, as appropriate, to address identified hiring challenges in rural or remote areas.

''(D) Developing and enhancing strategic recruiting efforts through relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas.

''(E) Examination of existing agency programs on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

''(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families.

''(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families.

''(H) Evaluation of Department of Homeland Security internship programs and the usefulness of those programs in improving hiring by the Secretary in rural or remote areas.

''(3) EVALUATION.—

''(A) IN GENERAL.—Each year, the Secretary shall —

''(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

''(ii) make any appropriate updates to the strategy under paragraph (1).

''(B) INFORMATION.—The evaluation conducted under subparagraph (A) shall include—

''(i) any reduction in the time taken by the Secretary to fill mission-critical positions in rural or remote areas;

''(ii) a general assessment of the impact of the strategy implemented under paragraph (1) on hiring challenges in rural or remote areas; and

''(iii) other information the Secretary determines relevant.

''(g) INSPECTOR GENERAL REVIEW.—Not later than 2 years after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2018, the Inspector General of the Department of Homeland Security shall review the use of hiring flexibilities by the Secretary under subsections (c) and (d) to determine whether the use of those flexibilities is helping the Secretary meet hiring and retention needs in rural and remote areas.

''(h) REPORT ON POLYGRAPH REQUESTS.—The Secretary shall report to Congress on the number of requests the Secretary receives from any other Federal agency for the file of an applicant for a position in U.S. Customs and Border Patrol that includes the results of a polygraph examination.

''(i) EXERCISE OF AUTHORITY.—

''(1) SOLE DISCRETION.—The exercise of authority under subsection (c) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71.

''(2) DELEGATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may delegate any authority under this section to the Commissioner.

''(B) OVERSIGHT.—The Commissioner may not make a determination under subsection (b)(1) unless the Secretary approves the determination.

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Secretary or the Director from the applicability of the merit system principles under section 2301.

''(k) SUNSET.—The authorities under subsections (c) and (d) shall terminate on the date that is 5 years after the date of enactment of the U.S. Customs and Border Protection Hiring and Retention Act of 2018.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. U.S. Customs and Border Protection employment authorities.''.

SA 1996. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 2009. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program, which shall be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall award grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall be located in—

''(1) a State bordering Canada or Mexico;

''(2) a State or territory with a maritime border; or

''(3) Indian country (as defined in section 1151 of title 18, United States Code) that is located all or in part of a State bordering Canada or Mexico.

''(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for—

''(1) equipment, including maintenance and sustainment costs;

''(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities;

''(3) any activity permitted for Operation Stonegarden under the Department of Homeland Security's most recent Homeland Security Grant Program Notice of Funding Opportunity; and

''(4) any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period of not less than 36 months.

''(e) REPORT.—For each of the fiscal years 2018 through 2022, the Administrator shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives containing information on the expenditure of grants made under this section by each grant recipient.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000, for each of the fiscal years 2019 through 2023, for grants under this section. There is hereby appropriated $110,000,000 for fiscal year 2019 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Section 2002(a) of the Homeland Security Act of 2002 (6 U.S.C. 603(a)) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 2008 the following:

''Sec. 2009. Operation Stonegarden.''.

SA 1997. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NORTHERN BORDER THREAT ANALYSIS AND STRATEGY.

The Northern Border Security Review Act (Public Law 114–267) is amended—

(1) in section 3(a)—

(A) in the matter preceding paragraph (1), by inserting ''and not later than 3 years thereafter,'' after ''this Act,'';

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(5) any additional factors that the Secretary determines to be relevant to the development of the Northern Border threat analysis; and

''(6) a determination of whether a new Northern Border strategy is needed to meet the threats identified by the Northern Border threat analysis.''; and

(2) by adding at the end the following:

''SEC. 4. NORTHERN BORDER STRATEGY.

''(a) IN GENERAL.—If the Secretary of Homeland Security determines under section 3(a)(6) that a new Northern Border strategy is needed to meet the threats identified by the threat analysis required under section 3(a), the new Northern Border strategy shall be submitted to the appropriate congressional committees not later than 180 days after the completion of the threat analysis.

''(b) STRATEGY REQUIREMENTS.—In developing a new strategy under this section, the Secretary shall consider—

''(1) the technology needs of the Department of Homeland Security;

''(2) the personnel needs of the Department of Homeland Security;

''(3) the role of State, tribal, and local law enforcement in general border security activities;

''(4) the best methods for improving partnerships between Federal, State, tribal, and local law enforcement to improve border security;

''(5) the need for cooperation among Federal, State, tribal, local, and Canadian law enforcement entities relating to border security, and how to improve such cooperation;

''(6) the infrastructure needs of the Department of Homeland Security, including the physical approaches to Department facilities; and

''(7) the terrain, population density, and climate along the Northern Border.

''SEC. 5. NORTHERN BORDER STRATEGY IMPLEMENTATION PLAN.

''(a) IN GENERAL.—If the Secretary develops a new Northern Border strategy under section 4, the Secretary shall submit a implementation plan for the strategy to the appropriate congressional committees not later than 180 days after the strategy is submitted to the appropriate congressional committees.

''(b) IMPLEMENTATION PLAN REQUIREMENTS.—In developing a new implementation plan under this section, the Secretary shall include—

''(1) the specific technology, personnel, and infrastructure needs of the Department of Homeland Security to successfully implement the strategy; and

''(2) any changes in Department policy required to successfully implement the strategy.''.

SA 1998. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON RESOURCE TRANSFERS FROM THE NORTHERN BORDER.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on Appropriations of the House of Representatives; and

(F) the Committee on the Judiciary of the House of Representatives.

(2) NORTHERN BORDER.—The term ''Northern Border'' means the land and maritime borders between the United States and Canada.

(b) LIMITATION.—The Secretary of Homeland Security may not reduce the levels of Department of Homeland Security personnel, resources, technological assets or funding for operations on the Northern Border below such levels in effect on the day before the date of the enactment of this Act.

(c) EMERGENCY AUTHORITY.—The Secretary may temporarily transfer personnel, resources, technological assets, or funding for operations on the Northern Border if the Secretary notifies and provides justification to the appropriate congressional committees that such a transfer is required to meet a critical emergency.

(d) DURATION OF AUTHORITY.—Any authority exercised under subsection (c) shall last for 90 days but may be extended for additional 90-day periods provided that the Secretary continues to notify the appropriate congressional committees for each additional 90-day extension and provide justification that the critical emergency continues to exist.

SA 1999. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STATUS FOR CERTAIN BATTERED SPOUSES AND CHILDREN.

(a) NONIMMIGRANT STATUS FOR CERTAIN BATTERED SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), as amended by section 2305(d)(6)(B)(i)(III), is further amended—

(A) in subparagraph (E), by striking ''or'' at the end the following;

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon and ''or''; and

(C) by adding at the end the following:

''(G) section 106 as an abused derivative alien.''.

(b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—

(1) IN GENERAL.—Section 106 of such Act (8 U.S.C. 1105a) is amended to read as follows:

''SEC. 106. RELIEF FOR ABUSED DERIVATIVE ALIENS.

''(a) ABUSED DERIVATIVE ALIEN DEFINED.—In this section, the term 'abused derivative alien' means an alien who—

''(1) is the spouse or child admitted under section 101(a)(15);

''(2) is accompanying or following to join a principal alien admitted under such a section; and

''(3) has been subjected to battery or extreme cruelty by such principal alien.

''(b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—The Secretary—

''(1) shall grant or extend the status of admission of an abused derivative alien under the such section 101(a)(15) under which the principal alien was admitted for the longer of—

''(A) the same period of time for which the principal was initially admitted; or

''(B) a period of 3 years;

''(2) may renew a grant or extension of status made under paragraph (1);

''(3) shall grant employment authorization to an abused derivative alien; and

''(4) may adjust the status of the abused derivative alien to that of an alien lawfully admitted for permanent residence if—

''(A) the alien is admissible under section 212(a) or the Secretary of Homeland Security finds the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest; and

''(B) the status under which the principal alien was admitted to the United States would have potentially allowed for eventual adjustment of status.

''(c) EFFECT OF TERMINATION OF RELATIONSHIP.—Termination of the relationship with principal alien shall not affect the status of an abused derivative alien under this section if battery or extreme cruelty by the principal alien was 1 central reason for termination of the relationship.

''(d) PROCEDURES.—Requests for relief under this section shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(C).''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 106 and inserting the following:

''Sec. 106. Relief for abused derivative aliens.''.

SA 2000. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ADDITION OF ELDER ABUSE TO LIST OF PREDICATE CRIMES FOR U VISAS.

Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended by inserting ''elder abuse;'' after ''stalking;''.

SA 2001. Ms. KLOBUCHAR (for herself and Ms. HEITKAMP) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION __—CONRAD STATE 30 AND PHYSICIAN ACCESS REAUTHORIZATION

SEC. 1. SHORT TITLE.

This division may be cited as the ''Conrad State 30 and Physician Access Reauthorization Act''.

SEC. 2. CONRAD STATE 30 PROGRAM.

(a) EXTENSION.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416; 8 U.S.C. 1182 note) is amended by striking ''September 30, 2015'' and inserting ''September 30, 2021''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on April 28, 2017.

SEC. 3. EMPLOYMENT PROTECTIONS FOR PHYSICIANS.

(a) IN GENERAL.—Section 214(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1) is amended—

(1) in the matter preceding subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (A), by striking ''Director of United States Information Agency'' and inserting ''Secretary of State'';

(3) in subparagraph (B), by inserting '', except as provided in paragraphs (7) and (8)'' before the semicolon at the end; and

(4) in subparagraph (C), by striking clauses (i) and (ii) and inserting the following:

''(i) the alien demonstrates a bona fide offer of full-time employment at a health facility or health care organization, which employment has been determined by the Secretary of Homeland Security to be in the public interest; and

''(ii) the alien—

''(I) has accepted employment with the health facility or health care organization in a geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals;

''(II) begins employment by the later of the date that is—

''(aa) 90 days after receiving such waiver;

''(bb) 90 days after completing graduate medical education or training under a program approved pursuant to section 212(j)(1); or

''(cc) 90 days after receiving nonimmigrant status or employment authorization, if the alien or the alien's employer petitions for such nonimmigrant status or employment authorization not later than 90 days after the date on which the alien completes his or her graduate medical education or training under a program approved pursuant to section 212(j)(1); and

''(III) agrees to continue to work for a total of not less than 3 years in the status authorized for such employment under this subsection unless—

''(aa) the Secretary of Homeland Security determines that extenuating circumstances, including violations by the employer of the employment agreement with the alien or of labor and employment laws, exist that justify a lesser period of employment at such facility or organization, in which case the alien shall demonstrate, not later than 90 days after the employment termination date (unless the Secretary determines that extenuating circumstances would justify an extension), another bona fide offer of employment at a health facility or health care organization in a geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals, for the remainder of such 3-year period;

''(bb) the interested State agency that requested the waiver attests that extenuating circumstances including violations by the employer of the employment agreement with the alien or of labor and employment laws, exist that justify a lesser period of employment at such facility or organization in which case the alien shall demonstrate, not later than 90 days after the employment termination date (unless the Secretary determines that extenuating circumstances would justify an extension), another bona fide offer of employment at a health facility or health care organization in a geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals, for the remainder of such 3-year period; or

''(cc) if the alien elects not to pursue a determination of extenuating circumstances pursuant to item (aa) or (bb), the alien terminates the alien's employment relationship with such facility or organization, in which case the alien shall demonstrate, not later than 45 days after the employment termination date, another bona fide offer of employment at a health facility or health care organization in a geographic area or areas, in the State that requested the alien's waiver, which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals, and agree to be employed for the remainder of such 3-year period, and 1 additional year for each termination under this subclause; and''.

(b) ALLOWABLE VISA STATUS FOR PHYSICIANS FULFILLING WAIVER REQUIREMENTS IN MEDICALLY UNDERSERVED AREAS.—Section 214(l)(2) of such Act (8 U.S.C. 1184(l)(2)) is amended by amending subparagraph (A) to read as follows:

''(A) Upon the request of an interested Federal agency or an interested State agency for recommendation of a waiver under this section by a physician who is maintaining valid nonimmigrant status under section 101(a)(15)(J) and a favorable recommendation by the Secretary of State, the Secretary of Homeland Security may change the status of such physician to that of an alien described in section 101(a)(15)(H)(i)(B). The numerical limitations contained in subsection (g)(1)(A) shall not apply to any alien whose status is changed under this subparagraph.''.

(c) VIOLATION OF AGREEMENTS.—Section 214(l)(3)(A) of such Act (8 U.S.C. 1184(l)(3)(A)) is amended by inserting ''substantial requirement of an'' before ''agreement entered into''.

(d) PHYSICIAN EMPLOYMENT IN UNDERSERVED AREAS.—Section 214(l) of such Act (8 U.S.C. 1184(l)) is amended by adding at the end the following:

''(4)(A) If an interested State agency denies the application for a waiver under paragraph (1)(B) from a physician pursuing graduate medical education or training pursuant to section 101(a)(15)(J) because the State has requested the maximum number of waivers permitted for that fiscal year, the physician's nonimmigrant status shall be extended for up to 6 months if the physician agrees to seek a waiver under this subsection (except for paragraph (1)(D)(ii)) to work for an employer described in paragraph (1)(C) in a State that has not yet requested the maximum number of waivers.

''(B) Such physician shall be authorized to work only for the employer referred to in subparagraph (A) from the date on which a new waiver application is filed with such State until the earlier of—

''(i) the date on which the Secretary of Homeland Security denies such waiver; or

''(ii) the date on which the Secretary approves an application for change of status under paragraph (2)(A) pursuant to the approval of such waiver.''.

(e) CONTRACT REQUIREMENTS.—Section 214(l) of such Act, as amended by subsection (d), is further amended by adding at the end the following:

''(5) An alien granted a waiver under paragraph (1)(C) shall enter into an employment agreement with the contracting health facility or health care organization that—

''(A) specifies the maximum number of on-call hours per week (which may be a monthly average) that the alien will be expected to be available and the compensation the alien will receive for on-call time;

''(B) specifies—

''(i) whether the contracting facility or organization will pay the alien's malpractice insurance premiums;

''(ii) whether the employer will provide malpractice insurance; and

''(iii) the amount of such insurance that will be provided;

''(C) describes all of the work locations that the alien will work and includes a statement that the contracting facility or organization will not add additional work locations without the approval of the Federal agency or State agency that requested the waiver; and

''(D) does not include a non-compete provision.

''(6) An alien granted a waiver under this subsection whose employment relationship with a health facility or health care organization terminates under paragraph (1)(C)(ii) during the 3-year service period required under paragraph (1) shall be considered to be maintaining lawful status in an authorized period of stay during the 90-day period referred to in items (aa) and (bb) of subclause

(III) of paragraph (1)(C)(ii) or the 45-day period referred to in subclause (III)(cc) of such paragraph.''.

(f) RECAPTURING WAIVER SLOTS LOST TO OTHER STATES.—Section 214(l) of such Act, as amended by subsections (d) and (e), is further amended by adding at the end the following:

''(7) If a recipient of a waiver under this subsection terminates the recipient's employment with a health facility or health care organization pursuant to paragraph (1)(C)(ii), including termination of employment because of circumstances described in paragraph (1)(C)(ii)(III), and accepts new employment with such a facility or organization in a different State, the State from which the alien is departing may be accorded an additional waiver by the Secretary of State for use in the fiscal year in which the alien's employment was terminated.''.

SEC. 4. ALLOTMENT OF CONRAD 30 WAIVERS.

(a) IN GENERAL.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 3, is further amended by adding at the end the following:

''(8)(A)(i) All States shall be allotted a total of 35 waivers under paragraph (1)(B) for a fiscal year if 90 percent of the waivers available to the States receiving at least 5 waivers were used in the previous fiscal year.

''(ii) When an allotment occurs under clause (i), all States shall be allotted an additional 5 waivers under paragraph (1)(B) for each subsequent fiscal year if 90 percent of the waivers available to the States receiving at least 5 waivers were used in the previous fiscal year. If the States are allotted 45 or more waivers for a fiscal year, the States will only receive an additional increase of 5 waivers the following fiscal year if 95 percent of the waivers available to the States receiving at least 1 waiver were used in the previous fiscal year.

''(B) Any increase in allotments under subparagraph (A) shall be maintained indefinitely, unless in a fiscal year, the total number of such waivers granted is 5 percent lower than in the last year in which there was an increase in the number of waivers allotted pursuant to this paragraph, in which case—

''(i) the number of waivers allotted shall be decreased by 5 for all States beginning in the next fiscal year; and

''(ii) each additional 5 percent decrease in such waivers granted from the last year in which there was an increase in the allotment, shall result in an additional decrease of 5 waivers allotted for all States, provided that the number of waivers allotted for all States shall not drop below 30.''.

(b) ACADEMIC MEDICAL CENTERS.—Section 214(l)(1)(D) of such Act is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iv) in the case of a request by an interested State agency—

''(I) the head of such agency determines that the alien is to practice medicine in, or be on the faculty of a residency program at, an academic medical center (as that term is defined in section 411.355(e)(2) of title 42, Code of Federal Regulations, or similar successor regulation), without regard to whether such facility is located within an area designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

''(II) the head of such agency determines that—

''(aa) the alien physician's work is in the public interest; and

''(bb) the grant of such waiver would not cause the number of the waivers granted on behalf of aliens for such State for a fiscal year (within the limitation in subparagraph (B) and subject to paragraph (6)) in accordance with the conditions of this clause to exceed 3.''.

SEC. 5. AMENDMENTS TO THE PROCEDURES, DEFINITIONS, AND OTHER PROVISIONS RELATED TO PHYSICIAN IMMIGRATION.

(a) VISA ELIGIBILITY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall amend guidance in the Foreign Affairs Manual to clarify that the expression of a future intention to seek a waiver under section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) by an alien coming to the United States to receive graduate medical education or training, as described in section 212(j) of such Act (8 U.S.C. 1182(j)), or to take examinations required to receive such graduate medical education or training, shall not, by itself, constitute evidence of an intention to abandon a foreign residence for purposes of obtaining a visa as a nonimmigrant or otherwise obtaining or maintaining the status of a nonimmigrant.

(b) APPLICABILITY OF SECTION 212(e) TO SPOUSES AND CHILDREN OF J–1 EXCHANGE VISITORS.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following

''(2) A spouse or child of an exchange visitor described in section 101(a)(15)(J) shall not be subject to the requirements under this subsection solely on account of such spouse or child's derivative nonimmigrant status to an exchange visitor who is subject to the requirements under this subsection.''.

SA 2002. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF BORDER BARRIERS ON NATIONAL PARK SYSTEM LAND.

Notwithstanding any other provision of law, no wall or other physical barrier may be constructed on the international border between the United States and Mexico in a unit of the National Park System.

SA 2003. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPROPRIATION FOR INTERDICT ACT.

There are appropriated to the Commissioner of U.S. Customs and Border Protection for fiscal year 2019 $15,000,000 to carry out the INTERDICT Act (Public Law 115–112).

SA 2004. Mrs. SHAHEEN (for herself and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT RESIDENT STATUS FOR INDONESIANS LIVING IN THE UNITED STATES FOR MORE THAN 10 YEARS.

Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if—

(1) the alien has been continuously physically present in the United States since the date that is 10 years before the date of the enactment of this Act;

(2) the alien is a citizen of Indonesia;

(3) the alien is a member of a religious minority in Indonesia; and

(4) the alien—

(A) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(C) has not been convicted of—

(i) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

(ii) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more.

SA 2005. Mrs. SHAHEEN (for herself, Mr. LEAHY, and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF ONE-YEAR FILING DEADLINE FOR ASYLUM APPLICATIONS.

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

(1) in subparagraph (A), by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' both places the term appears;

(2) by striking subparagraphs (B) and (D);

(3) by redesignating subparagraph (C) as subparagraph (B);

(4) in subparagraph (B), as redesignated, by striking ''subparagraph (D)'' and inserting ''subparagraphs (C) and (D)''; and

(5) by inserting after subparagraph (B), as redesignated, the following new subparagraphs:

''(C) CHANGED CIRCUMSTANCES.—Notwithstanding subparagraph (B), an application for asylum of an alien may be considered if the alien demonstrates, to the satisfaction of the Attorney General or the Secretary of Homeland Security, the existence of changed circumstances that materially affect the applicant's eligibility for asylum.

''(D) MOTION TO REOPEN CERTAIN MERITORIOUS CLAIMS.—Notwithstanding subparagraph (B) or section 240(c)(7), an alien may file a motion to reopen an asylum claim if the alien—

''(i) was denied asylum based solely upon a failure to meet the 1-year application filing deadline in effect on the date on which the application was filed;

''(ii) was granted withholding of removal pursuant to section 241(b)(3) and has not obtained lawful permanent residence in the United States pursuant to any other provision of law;

''(iii) is not subject to the safe third country exception under subparagraph (A) or a bar to asylum under subsection (b)(2) and should not be denied asylum as a matter of discretion; and

''(iv) is physically present in the United States when the motion is filed.''.

SA 2006. Mrs. SHAHEEN (for herself and Ms. HASSAN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROVISIONAL PROTECTED PRESENCE FOR QUALIFIED INDONESIANS LIVING IN THE UNITED STATES FOR MORE THAN 10 YEARS.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following new section:

''SEC. 244A. PROVISIONAL PROTECTED PRESENCE FOR QUALIFIED INDONESIANS LIVING IN THE UNITED STATES FOR MORE THAN 10 YEARS.

''(a) AUTHORIZATION.—The Secretary—

''(1) shall grant provisional protected presence to an alien who files an application demonstrating that he or she meets the eligibility criteria under subsection (b) and pays the appropriate application fee; and

''(2) shall provide such alien with employment authorization.

''(b) ELIGIBILITY CRITERIA.—An alien is eligible for provisional protected presence under this section and employment authorization if—

''(1) the alien has been continuously physically present in the United States since the date that is 10 years before the date of the enactment of this section;

''(2) the alien is a citizen of Indonesia;

''(3) the alien is a member of a religious minority in Indonesia; and

''(4) the alien—

''(A) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of this Act;

''(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

''(C) has not been convicted of—

''(i) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

''(ii) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more.

''(c) DURATION OF PROVISIONAL PROTECTED PRESENCE AND EMPLOYMENT AUTHORIZATION.—Provisional protected presence and the employment authorization provided under this section shall be effective until the date that is three years after the date of the enactment of this section.

''(d) STATUS DURING PERIOD OF PROVISIONAL PROTECTED PRESENCE.—

''(1) IN GENERAL.—An alien granted provisional protected presence is not considered to be unlawfully present in the United States during the period beginning on the date such status is granted and ending on the date described in subsection (c).

''(2) STATUS OUTSIDE PERIOD.—The granting of provisional protected presence under this section does not excuse previous or subsequent periods of unlawful presence.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Provisional protected presence for Indonesians living in the United States for more than 10 years.''.

SA 2007. Mrs. MURRAY (for herself, Ms. CORTEZ MASTO, and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATION OF NUMERICAL LIMITATION ON U VISAS.

Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by striking paragraph (2).

SA 2008. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON SHACKLING, CHAINING, AND RESTRAINING PREGNANT WOMEN IN DETENTION.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(2) DETAINEE.—The term ''detainee'' includes any adult or juvenile person detained by any Federal, State, or local law enforcement agency (including under contract or agreement with such agency) under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(3) DETENTION FACILITY.—The term ''detention facility'' means a Federal, State, or local government facility, or a privately owned and operated facility, that is used, in whole or in part, to hold individuals under the authority of the Director of U.S. Immigration and Customs Enforcement or the Commissioner of U.S. Customs and Border Protection, including facilities that hold such individuals under a contract or agreement with the Director or Commissioner, or that is used, in whole or in part, to hold individuals pursuant to an immigration detainer.

(4) FACILITY ADMINISTRATOR.—The term ''facility administrator'' means the official that is responsible for oversight of a detention facility or the designee of such official.

(5) POSTPARTUM RECOVERY.—The term ''postpartum recovery'' means the 6-week period, or longer as determined by her health care provider, following delivery, including the entire period a woman is in the hospital or infirmary after birth.

(6) RESTRAINT.—The term ''restraint'' means any physical restraint or mechanical device used to control the movement of a detainee's body or limbs, including flex cuffs, soft restraints, hard metal handcuffs, a black box, Chubb cuffs, leg irons, belly chains, a security (tether) chain, or a convex shield.

(b) PROHIBITION ON RESTRAINT OF PREGNANT DETAINEES.—

(1) PROHIBITION.—A detention facility shall not use restraints on a detainee known to be pregnant, including during labor, transport to a medical facility or birthing center, delivery, and postpartum recovery, unless the facility administrator makes an individualized determination that the detainee presents an extraordinary circumstance as described in paragraph (2).

(2) EXTRAORDINARY CIRCUMSTANCE.—Restraints for an extraordinary circumstance are only permitted if a lead medical staff who is a licensed health care provider has directed the use of restraints for medical reasons or if the facility administrator makes an individualized determination that—

(A) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff or others; or

(B) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

(3) REQUIREMENT FOR LEAST RESTRICTIVE RESTRAINTS.—In the rare event that one of the extraordinary circumstances in paragraph (2) applies, only the least restrictive restraints necessary shall be used, except that—

(A) if a doctor, nurse, or other health professional treating the detainee requests that restraints not be used, the detention officer accompanying the detainee shall immediately remove all restraints;

(B) under no circumstance shall leg, waist, or four point restraints be used;

(C) under no circumstance shall wrist restraints be used to bind the detainee's hands behind her back or to another person; and

(D) under no circumstances shall any restraints be used on any detainee in labor or delivery.

(4) RECORD OF EXTRAORDINARY CIRCUMSTANCES.—

(A) REQUIREMENT.—If restraints are used on a detainee pursuant to paragraph (2), the facility administrator shall make a written finding within 10 days as to the extraordinary circumstance that dictated the use of the restraints.

(B) RETENTION.—A written finding made under subparagraph (A) shall be kept on file by the detention facility for at least 5 years and be made available for public inspection, except that no individually identifying information of any detainee shall be made public without the detainee's prior written consent.

(c) PROHIBITION ON PRESENCE OF DETENTION OFFICERS.—Upon a detainee's admission to a

medical facility or birthing center, no detention officer shall be present in the room during a pelvic exam, labor, delivery, or treatment of other symptoms related to pregnancy, unless specifically requested by medical personnel. If a detention officer's presence is requested by medical personnel, the detention officer shall be female, if practicable, and remain near the detainee's head to protect her privacy. If restraints are used on a detainee pursuant to subsection (b)(2), a detention officer shall remain immediately outside the room at all times so that the officer may promptly remove the restraints if requested by medical personnel, as required by subsection (b)(3)(A).

(d) TREATMENT OF PREGNANT WOMEN.—With regard to pregnant detainees:

(1) PRESUMPTION OF RELEASE.—Absent extraordinary circumstances of the pregnant woman being a threat to herself or others or subject to mandatory detention, the United States Government shall not detain pregnant women.

(2) MANDATED REVIEW.—For any pregnant detainee held in detention who satisfies the requirements of paragraph (1), the United States Government shall conduct a review, not less than weekly, to determine if the pregnant detainee continues to be a threat to herself or others or subject to mandatory detention, and release any such pregnant detainee that does not satisfy these conditions.

(3) ACCESS TO SERVICES.—A pregnant detainee in custody shall have access to health care services, including services related to reproductive health care and pregnancy such as routine or specialized prenatal care, pregnancy testing, comprehensive counseling and assistance, postpartum follow-up, and lactation services.

(e) ANNUAL REPORTS.—

(1) REPORTS BY FACILITY ADMINISTRATORS.—Not later than 30 days after the end of each fiscal year, the facility administrator of each detention facility that detained a pregnant detainee shall submit to the Secretary a written report that includes, with respect to the previous fiscal year, the following:

(A) An account of every instance of the use of restraints on pregnant detainees, including the justification for such restraint and the name of the facility administrator who made the individualized determination under subsection (b)(1).

(B) The number of pregnant detainees.

(C) The average length of detention of pregnant detainee.

(D) The number of pregnant detainees detained longer than 15 days.

(E) The number of pregnant detainees detained longer than 30 days.

(2) AUDIT AND REPORTS BY SECRETARY.—Not later than 90 days after the end of each fiscal year, the Secretary shall—

(A) complete an audit of the information submitted under subparagraphs (B) through (F) of paragraph (1); and

(B) submit to the appropriate committees of Congress a report that includes all of the information submitted to the Secretary under paragraph (1), disaggregated by facility.

(3) PRIVACY.—No report submitted under this subsection may contain any individually identifying information of any detainee. No report submitted under this subsection that is made available for public inspection may contain the name of the facility administrator otherwise included under paragraph (1)(A).

(4) PUBLIC INSPECTION.—Except as provided in paragraph (3), each report submitted under this subsection shall be made available for public inspection.

(f) RULEMAKING.—The Secretary shall adopt regulations or policies to carry out this section at every detention facility.

SA 2009. Ms. CORTEZ MASTO (for herself, Mr. LEAHY, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON REMOVAL OF CERTAIN VICTIMS WITH PENDING PETITIONS AND APPLICATIONS.

(a) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS WITH PENDING PETITIONS AND APPLICATIONS.—

''(1) IN GENERAL.—An alien described in paragraph (2) shall not be ordered removed under this section until there is a final administrative denial of the application for admission after the exhaustion of administrative appeals.

''(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

''(A) has a pending application under section 101(a)(15)(T), 101(a)(15)(U), 106, 240A(b)(2), or 244(a)(3) (as in effect on March 31, 1997); or

''(B) is a VAWA self-petitioner, as defined in section 101(a)(51), with a pending application for relief under a provision referred to in any of subparagraphs (A) through (G) of such section.

''(3) EXCEPTION.—Paragraph (1) shall not apply in a case in which the Director of U.S. Citizenship and Immigration Services determines that the alien is prima facie ineligible for admission for any of the reasons described in clauses (i) through (iv) of section 241(b)(3)(B).''.

(b) ADMINISTRATIVE STAYS OF REMOVAL FOR APPLICANTS FOR CERTAIN NONIMMIGRANT STATUS.—Section 237(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1227(d)(1)) is amended to read as follows:

''(d)(1) The Director of U.S. Citizenship and Immigration Services shall make a determination whether an application for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) filed for an alien in the United States sets forth a prima facie case for approval, and, if so, the Secretary shall grant the alien an administrative stay of a final order of removal under section 241(c)(2) until—

''(A) the application for nonimmigrant status under such subparagraph (T) or (U) is approved; or

''(B) there is a final administrative denial of the application for such nonimmigrant status after the exhaustion of administrative appeals.''.

(c) EXPEDITED REMOVAL OF ALIENS CONVICTED OF AGGRAVATED FELONIES.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended by adding at the end the following:

''(d) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS WITH PENDING PETITIONS AND APPLICATIONS.—

''(1) IN GENERAL.—An alien described in paragraph (2) shall not be ordered removed under this section until there is a final administrative order of removal after the exhaustion of administrative appeals.

''(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

''(A) has a pending application under section 101(a)(15)(T), 101(a)(15)(U), 106, 240A(b)(2), or 244(a)(3) (as in effect on March 31, 1997); or

''(B) is a VAWA self-petitioner, as defined in section 101(a)(51),with a pending application for relief under a provision referred to in any of subparagraphs (A) through (G) of such section.

''(3) EXCEPTION.—Paragraph (1) shall not apply in a case in which the Director of U.S. Citizenship and Immigration Services determines that the alien is prima facie ineligible for admission for any of the reasons described in clauses (i) through (iv) of section 241(b)(3)(B).''.

(d) DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following:

''(8) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS WITH PENDING PETITIONS AND APPLICATIONS.—

''(A) IN GENERAL.—An alien described in subparagraph (B) shall not be removed under this section until there is a final administrative order of removal after the exhaustion of administrative appeals.

''(B) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

''(i) has a pending application under section 101(a)(15)(T), 101(a)(15)(U), 106, 240A(b)(2), or 244(a)(3) (as in effect on March 31, 1997); or

''(ii) is a VAWA self-petitioner, as defined in section 101(a)(51),with a pending application for relief under a provision referred to in one of subparagraphs (A) through (G) of such section.

''(C) EXCEPTION.—Paragraph (1) shall not apply in a case in which the Director of U.S. Citizenship and Immigration Services determines that the alien is prima facie ineligible for admission for any of the reasons described in clauses (i) through (iv) of section 241(b)(3)(B).''.

SA 2010. Mr. ROUNDS (for himself, Mr. KING, Ms. COLLINS, Mr. MANCHIN, Mr. GRAHAM, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. GARDNER, Ms. HEITKAMP, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Immigration Security and Opportunity Act''.

SEC. 2. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

''SEC. 244A. CANCELLATION OF REMOVAL FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

''(a) DEFINITIONS.—In this section:

''(1) APPLICABLE FEDERAL TAX LIABILITY.—The term 'applicable Federal tax liability' means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest on Federal taxes imposed under that Code.

''(2) ARMED FORCES.—The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101 of title 10, United States Code.

''(3) DACA.—The term 'DACA' means the deferred action for childhood arrivals policy described in the memorandum issued by the

Secretary dated June 15, 2012 (rescinded on September 5, 2017).

''(4) DACA RECIPIENT.—The term 'DACA recipient' means an alien who was granted and remained in deferred action status under DACA.

''(5) DISABILITY.—The term 'disability' has the meaning given the term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

''(6) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(7) ELEMENTARY SCHOOL.—The term 'elementary school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(8) FELONY.—

''(A) IN GENERAL.—The term 'felony' means a Federal, State, or local criminal offense punishable by imprisonment for a term that exceeds 1 year.

''(B) EXCLUSION.—The term 'felony' does not include a State or local criminal offense for which an essential element is the immigration status of an alien.

''(9) HIGH SCHOOL.—The term 'high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(10) INSTITUTION OF HIGHER EDUCATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(B) EXCLUSION.—The term 'institution of higher education' does not include an institution of higher education outside the United States.

''(11) MISDEMEANOR.—

''(A) IN GENERAL.—The term 'misdemeanor' means a Federal, State, or local criminal offense for which—

''(i) the maximum term of imprisonment is—

''(I) greater than 5 days; and

''(II) not greater than 1 year; and

''(ii) the individual was sentenced to time in custody of 90 days or less.

''(B) EXCLUSION.—The term 'misdemeanor' does not include a State or local offense for which an essential element is—

''(i) the immigration status of the alien;

''(ii) a significant misdemeanor; or

''(iii) a minor traffic offense.

''(12) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term 'permanent resident status on a conditional basis' means status as an alien lawfully admitted for permanent residence on a conditional basis under this section.

''(13) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

''(14) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(16) SIGNIFICANT MISDEMEANOR.—

''(A) IN GENERAL.—The term 'significant misdemeanor' means a Federal, State, or local criminal offense—

''(i) for which the maximum term of imprisonment is—

''(I) more than 5 days; and

''(II) not more than 1 year; and

''(ii)(I) that, regardless of the sentence imposed, is—

''(aa) a crime of domestic violence (as defined in section 237(a)(2)(E)(i)); or

''(bb) an offense of—

''(AA) sexual abuse or exploitation;

''(BB) burglary;

''(CC) unlawful possession or use of a firearm;

''(DD) drug distribution or trafficking; or

''(EE) driving under the influence, if the applicable State law requires, as elements of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content equal to or greater than .08; or

''(II) that resulted in a sentence of time in custody of more than 90 days.

''(B) EXCLUSION.—The term 'significant misdemeanor' does not include a State or local offense for which an essential element is the immigration status of an alien.

''(17) UNIFORMED SERVICES.—The term 'Uniformed Services' has the meaning given the term 'uniformed services' in section 101(a) of title 10, United States Code.

''(b) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible to, or deportable from, the United States if—

''(1) the alien is a DACA recipient; or

''(2)(A) the alien has been continuously physically present in the United States since June 15, 2012;

''(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

''(C) subject to subsections (c) and (d), the alien—

''(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

''(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

''(iii) has not been convicted of—

''(I) a felony;

''(II) a significant misdemeanor; or

''(III) 3 or more misdemeanors—

''(aa) not occurring on the same date; and

''(bb) not arising out of the same act, omission, or scheme of misconduct;

''(D) the alien—

''(i) has been admitted to an institution of higher education;

''(ii)(I) has earned a high school diploma or a commensurate alternative award from a public or private high school; or

''(II) has obtained—

''(aa) a general education development certificate recognized under State law; or

''(bb) a high school equivalency diploma in the United States;

''(iii) is enrolled in—

''(I) secondary school; or

''(II) an education program assisting student in—

''(aa) obtaining—

''(AA) a regular high school diploma; or

''(BB) the recognized equivalent of a regular high school diploma; or

''(bb) passing—

''(AA) a general educational development exam;

''(BB) a high school equivalence diploma examination; or

''(CC) any other similar State-authorized exam; or

''(iv)(I) has served, is serving, or has enlisted in the Armed Forces; or

''(II) in the case of an alien who has been discharged from the Armed Forces, has received an honorable discharge;

''(E)(i) the alien has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien was authorized to work in the United States; or

''(ii) the alien has entered into an agreement to pay, through a payment installment plan approved by the Commissioner of Internal Revenue, any applicable Federal tax liability incurred by the alien during the entire period for which the alien was authorized to work in the United States; and

''(F) the alien was under the age of 38 years on June 15, 2012.

''(c) WAIVER.—

''(1) IN GENERAL.—With respect to any benefit under this section, the Secretary may, on a case-by-case basis, waive a ground of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a)—

''(A) for humanitarian purposes; or

''(B) if the waiver is otherwise in the public interest.

''(2) QUARTERLY REPORT.—Not later than 180 days after the date of enactment of this section, and quarterly thereafter, the Secretary shall submit to Congress a report that identifies, for the preceding quarter—

''(A) the number of waivers requested by aliens under paragraph (1);

''(B) the number of waiver requests granted by the Secretary under that paragraph; and

''(C) the number of waiver requests denied by the Secretary under that paragraph.

''(d) TREATMENT OF EXPUNGED CONVICTIONS.—

''(1) IN GENERAL.—An expunged conviction shall not automatically be treated as a conviction referred to in subsection (b)(2)(C)(iii), (o)(3)(A)(iii), or (p)(1)(A)(i)(III).

''(2) CASE-BY-CASE EVALUATION.—The Secretary shall evaluate an expunged conviction on a case-by-case basis according to the nature and severity of the offense underlying the expunged conviction, based on the record of conviction, to determine whether, under the particular circumstances, the alien is eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

''(e) DACA RECIPIENTS.—With respect to a DACA recipient, the Secretary shall cancel the removal of the DACA recipient and adjust the status of the DACA recipient to the status of an alien lawfully admitted for permanent residence on a conditional basis unless, since the date on which the DACA recipient was granted deferred action status under DACA, the DACA recipient has engaged in conduct that would render an alien ineligible for deferred action status under DACA.

''(f) APPLICATION FEE.—

''(1) IN GENERAL.—The Secretary may require an alien applying for permanent resident status on a conditional basis to pay a reasonable fee that is commensurate with the cost of processing the application.

''(2) EXEMPTION.—An applicant may be exempted from paying the fee required under paragraph (1) only if the alien—

''(A)(i) is younger than 18 years of age;

''(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

''(iii) is in foster care or otherwise lacking any parental or other familial support;

''(B) is younger than 18 years of age and is homeless;

''(C)(i) cannot care for himself or herself because of a serious, chronic disability; and

''(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

''(D)(i) during the 1-year period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by

the alien or an immediate family member of the alien; and

''(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

''(g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

''(1) IN GENERAL.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

''(2) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any alien who is unable to provide the biometric or biographic data referred to in paragraph (1) due to of a physical impairment.

''(h) BACKGROUND CHECKS.—

''(1) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines appropriate—

''(A) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis; and

''(B) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for permanent resident status on a conditional basis.

''(2) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under paragraph (1) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants the alien permanent resident status on a conditional basis.

''(3) CRIMINAL RECORD REQUESTS.—With respect to an alien seeking permanent resident status on a conditional basis, the Secretary, in cooperation with the Secretary of State, shall seek to obtain from INTERPOL, EUROPOL, or any other international or national law enforcement agency of the country of nationality, country of citizenship, or country of last habitual residence of the alien information about any criminal activity—

''(A) in which the alien engaged in the country of nationality, country of citizenship, or country of last habitual residence of the alien; or

''(B) for which the alien was convicted in the country of nationality, country of citizenship, or country of last habitual residence of the alien.

''(i) MEDICAL EXAMINATION.—

''(1) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis shall undergo a medical examination.

''(2) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under paragraph (1).

''(j) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under that Act.

''(k) DETERMINATION OF CONTINUOUS PRESENCE.—

''(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate on the date on which the alien is served a notice to appear under section 239(a).

''(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States if the alien has departed from the United States for any period greater than 90 days or for any periods, in the aggregate, greater than 180 days.

''(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the control of the alien, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

''(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

''(l) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

''(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

''(2) ALIENS SUBJECT TO REMOVAL.—With respect to an alien who is in removal proceedings, the subject of a final removal order, or the subject of a voluntary departure order, the Attorney General shall provide the alien with a reasonable opportunity to apply for relief under this section.

''(m) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—

''(1) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

''(A) meets all the requirements described in subparagraphs (A) through (C) of subsection (b)(2), subject to subsections (c) and (d);

''(B) is at least 5 years of age; and

''(C) is enrolled in an elementary school, a secondary school, or an early childhood education program.

''(2) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in paragraph (1).

''(3) EMPLOYMENT.—An alien whose removal is stayed pursuant to paragraph (1) or who may not be placed in removal proceedings pursuant to paragraph (2) shall, on application to the Secretary, be granted an employment authorization document.

''(4) LIFT OF STAY.—The Secretary or Attorney General may not lift the stay granted to an alien under paragraph (1) unless the alien ceases to meet the requirements under that paragraph.

''(n) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law applies a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis.

''(o) TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—

''(1) PERIOD OF STATUS.—

''(A) IN GENERAL.—Permanent resident status on a conditional basis is—

''(i) subject to subparagraph (B), valid for a period of 7 years; and

''(ii) subject to termination under paragraph (3).

''(B) EXTENSION AUTHORIZED.—The Secretary may extend the period described in subparagraph (A)(i).

''(2) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this section and the requirements to have the conditional basis of that status removed.

''(3) TERMINATION OF STATUS.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

''(A) subject to subsections (c) and (d), determines that the alien—

''(i) is inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

''(ii) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; or

''(iii) has been convicted of—

''(I) a felony;

''(II) a significant misdemeanor; or

''(III) 3 or more misdemeanors—

''(aa) not occurring on the same date; and

''(bb) not arising out of the same act, omission, or scheme of misconduct; and

''(B) prior to the termination, provides the alien—

''(i) notice of the proposed termination; and

''(ii) the opportunity for a hearing to provide evidence that the alien meets the requirements or otherwise contest the termination.

''(4) RETURN TO PREVIOUS IMMIGRATION STATUS.—The immigration status of an alien whose permanent resident status on a conditional basis expires under paragraph (1)(A)(i) or is terminated under paragraph (3) or whose application for permanent resident status on a conditional basis is denied shall return to the immigration status of the alien on the day before the date on which the alien received permanent resident status on a conditional basis or applied for permanent resident status on a conditional basis, as appropriate.

''(p) REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.—

''(1) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall remove the conditional basis of the permanent resident status of an alien granted under this section and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

''(i) subject to subsections (c) and (d)—

''(I) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

''(II) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

''(III) has not been convicted of—

''(aa) a felony;

''(bb) a significant misdemeanor; or

''(cc) 3 or more misdemeanors—

''(AA) not occurring on the same date; and

''(BB) not arising out of the same act, omission, or scheme of misconduct;

''(ii) has not abandoned the residence of the alien in the United States;

''(iii)(I) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States;

''(II)(aa) has served in the Uniformed Services for at least 2 years; or

''(bb) in the case of an alien who has been discharged from the Uniformed Services, has received an honorable discharge; or

''(III) has been employed for periods totaling at least 3 years and at least 75 percent of

the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in subsection (b)(2)(D)(iii), shall not count toward the time requirements under this clause;

''(iv)(I) has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien has been in permanent resident status on a conditional basis; or

''(II) has entered into an agreement to pay the applicable Federal tax liability through a payment installment plan approved by the Commissioner of Internal Revenue; and

''(v) has demonstrated good moral character during the entire period for which the alien has been in permanent resident status on a conditional basis.

''(B) CITIZENSHIP REQUIREMENT.—The conditional basis of the permanent resident status granted to an alien under this section may not be removed unless the alien demonstrates that the alien satisfies the requirements of section 312(a).

''(C) APPLICATION FEE.—

''(i) IN GENERAL.—The Secretary may require an alien applying for lawful permanent resident status under this subsection to pay a reasonable fee that is commensurate with the cost of processing the application.

''(ii) EXEMPTION.—An applicant may be exempted from paying the fee required under clause (i) only if the alien—

''(I)(aa) is younger than 18 years of age;

''(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

''(cc) is in foster care or otherwise lacking any parental or other familial support;

''(II) is younger than 18 years of age and is homeless;

''(III)(aa) cannot care for himself or herself because of a serious, chronic disability; and

''(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

''(IV)(aa) during the 1-year period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

''(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

''(D) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

''(i) IN GENERAL.—The Secretary may not remove the conditional basis of the permanent resident status of an alien unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

''(ii) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any applicant who is unable to provide the biometric or biographic data referred to in clause (i) due to physical impairment.

''(E) BACKGROUND CHECKS.—

''(i) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines to be appropriate—

''(I) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the permanent resident status of the alien; and

''(II) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of the conditional basis of the permanent resident status of the alien.

''(ii) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under clause (i) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the permanent resident status of the alien.

''(2) NATURALIZATION.—

''(A) IN GENERAL.—For purposes of title III, an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and to be present in the United States, as an alien lawfully admitted for permanent residence.

''(B) LIMITATIONS ON APPLICATION FOR NATURALIZATION.—

''(i) IN GENERAL.—An alien shall not be naturalized—

''(I) on any date on which the alien is in permanent resident status on a conditional basis; or

''(II) subject to clause (iii), before the date that is 12 years after the date on which the alien was granted permanent resident status on a conditional basis.

''(ii) ADVANCED FILING DATE.—Subject to clause (iii), with respect to an alien granted permanent resident status on a conditional basis, the alien may file an application for naturalization not more than 90 days before the date that is 12 years after the date on which the alien was granted permanent resident status on a conditional basis.

''(iii) REDUCTION IN PERIOD.—

''(I) IN GENERAL.—Subject to subclause (II), the 12-year period referred to in clause (i)(II) and clause (ii) may be reduced by the number of days on which the alien was a DACA recipient, if applicable.

''(II) LIMITATION.—Notwithstanding subclause (I), the reduction in the 12-year period referred to in clause (i)(II) and clause (ii) shall be not more than 2 years.

''(3) LIMITATION ON CERTAIN PARENTS.—An alien shall not be eligible to adjust status to that of an alien lawfully admitted for permanent residence based on a petition filed by a child or a son or daughter of the alien if—

''(A) the child or son or daughter was granted permanent resident status on a conditional basis; and

''(B) the alien knowingly assisted the child or son or daughter to enter the United States unlawfully.

''(q) DOCUMENTATION REQUIREMENTS.—

''(1) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

''(A) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

''(B) the alien's birth certificate and an identity card that includes the alien's name and photograph;

''(C) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

''(D) a Uniformed Services identification card issued by the Department of Defense;

''(E) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

''(F) a State-issued identification card bearing the alien's name and photograph.

''(2) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under subsection (b)(2)(A), or to establish that an alien has not abandoned residence in the United States, as required under subsection (p)(1)(A)(ii), the alien may submit documents to the Secretary, including—

''(A) employment records that include the employer's name and contact information;

''(B) records from any educational institution the alien has attended in the United States;

''(C) records of service from the Uniformed Services;

''(D) official records from a religious entity confirming the alien's participation in a religious ceremony;

''(E) passport entries;

''(F) a birth certificate for a child of the alien who was born in the United States;

''(G) automobile license receipts or registration;

''(H) deeds, mortgages, or rental agreement contracts;

''(I) tax receipts;

''(J) insurance policies;

''(K) remittance records;

''(L) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

''(M) copies of money order receipts for money sent in or out of the United States;

''(N) dated bank transactions; or

''(O) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

''(i) the name, address, and telephone number of the affiant; and

''(ii) the nature and duration of the relationship between the affiant and the alien.

''(3) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under subsection (b)(2)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

''(A) an admission stamp on the alien's passport;

''(B) records from any educational institution the alien has attended in the United States;

''(C) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;

''(D) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

''(E) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;

''(F) employment records that include the employer's name and contact information;

''(G) official records from a religious entity confirming the alien's participation in a religious ceremony;

''(H) a birth certificate for a child of the alien who was born in the United States;

''(I) automobile license receipts or registration;

''(J) deeds, mortgages, or rental agreement contracts;

''(K) tax receipts;

''(L) travel records;

''(M) copies of money order receipts sent in or out of the country;

''(N) dated bank transactions;

''(O) remittance records; or

''(P) insurance policies.

''(4) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—

''(A) has been admitted to the institution; or

''(B) is currently enrolled in the institution as a student.

''(5) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

''(6) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

''(A) a high school diploma, certificate of completion, or other alternate award;

''(B) a high school equivalency diploma or certificate recognized under State law; or

''(C) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

''(7) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in subsection (b)(2)(D)(iii), (m)(1)(C), or (p)(1)(A)(iii)(III), the alien shall submit school records from the United States school that the alien is currently attending that include—

''(A) the name of the school; and

''(B) the alien's name, periods of attendance, and current grade or educational level.

''(8) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under subsection (f)(2) or (p)(1)(C)(ii), the alien shall submit to the Secretary the following relevant documents:

''(A) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in paragraph (1), that establishes that the alien is younger than 18 years of age.

''(B) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien shall provide—

''(i) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

''(ii) bank records; or

''(iii) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

''(I) the name, address, and telephone number of the affiant; and

''(II) the nature and duration of the relationship between the affiant and the alien.

''(C) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

''(i) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate;

''(ii) the name, address, and telephone number of the affiant; and

''(iii) the nature and duration of the relationship between the affiant and the alien.

''(D) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

''(i) bear the provider's name and address;

''(ii) bear the name of the individual receiving treatment; and

''(iii) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

''(9) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

''(A) a Department of Defense form DD-214;

''(B) a National Guard Report of Separation and Record of Service form 22;

''(C) personnel records for such service from the appropriate Uniformed Service; or

''(D) health records from the appropriate Uniformed Service.

''(10) DOCUMENTS ESTABLISHING EMPLOYMENT.—

''(A) IN GENERAL.—An alien may satisfy the employment requirement under section (p)(1)(A)(iii)(III) by submitting records that—

''(i) establish compliance with such employment requirement; and

''(ii) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

''(B) OTHER DOCUMENTS.—An alien who is unable to submit the records described in subparagraph (A) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

''(i) bank records;

''(ii) business records;

''(iii) employer records;

''(iv) records of a labor union, day labor center, or organization that assists workers in employment;

''(v) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

''(I) the name, address, and telephone number of the affiant; and

''(II) the nature and duration of the relationship between the affiant and the alien; and

''(vi) remittance records.

''(11) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

''(r) RULEMAKING.—

''(1) INITIAL PUBLICATION.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish in the Federal Register regulations implementing this section.

''(B) AFFIRMATIVE APPLICATION.—The regulations published under subparagraph (A) shall allow any eligible individual to immediately apply affirmatively for the relief available under subsection (b) without being placed in removal proceedings.

''(2) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to paragraph (1)(A) shall be effective, on an interim basis, immediately on publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

''(3) FINAL REGULATIONS.—Not later than 180 days after the date on which interim regulations are published under this subsection, the Secretary shall publish final regulations implementing this section.

''(4) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the 'Paperwork Reduction Act') shall not apply to any action to implement this subsection.

''(s) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—The Secretary may not disclose or use for the purpose of immigration enforcement any information provided in—

''(A) an application filed under this section; or

''(B) a request for deferred action status under DACA.

''(2) REFERRALS PROHIBITED.—The Secretary may not refer to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection any individual who—

''(A) has been granted permanent resident status on a conditional basis; or

''(B) was granted deferred action status under DACA.

''(3) LIMITED EXCEPTION.—Notwithstanding paragraphs (1) and (2), information provided in an application for permanent resident status on a conditional basis or a request for deferred action status under DACA may be shared with a Federal security or law enforcement agency—

''(A) for assistance in the consideration of an application for permanent resident status on a conditional basis;

''(B) to identify or prevent fraudulent claims;

''(C) for national security purposes; or

''(D) for the investigation or prosecution of any felony not related to immigration status.

''(4) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 244 the following:

''Sec. 244A. Cancellation of removal for certain long-term residents who entered the United States as children.''.

SEC. 3. REDUCTION OF FAMILY-SPONSORED IMMIGRANT VISAS.

(a) PROHIBITION AGAINST THE SPONSOR OF UNMARRIED CHILDREN OLDER THAN 21 YEARS OF AGE BY LAWFUL PERMANENT RESIDENTS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by striking paragraph (2) and inserting the following:

''(2) SPOUSES AND CHILDREN OF ALIENS LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—

''(A) IN GENERAL.—Qualified immigrants who are the spouse or child of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the sum of—

''(i) 114,200;

''(ii) the number (if any) by which such worldwide level exceeds 226,000; and

''(iii) the number of visas not required for the class described in paragraph (1).

''(B) TRANSITION PERIOD.—

''(i) IN GENERAL.—The Secretary of State shall not allocate a visa based on a petition filed by an alien lawfully admitted for permanent residence on behalf of an unmarried son or daughter under subparagraph (B) (as in effect on the day before the date of enactment of this Act) after December 31, 2018.

''(ii) SAVINGS CLAUSE.—The Secretary of State shall allocate a visa to a principal or derivative beneficiary of an approved petition filed by an alien lawfully admitted for permanent residence on behalf of a spouse or an unmarried son or daughter under subparagraph (B) (as in effect on the day before the date of enactment of this Act) before January 1, 2019, in accordance with that subparagraph (as in effect on the day before the date of enactment of this Act), if the principal or derivative beneficiary is otherwise eligible for the visa.

''(C) RETENTION OF PRIORITY DATE.—In the case of an alien child who is the principal or derivative beneficiary of a petition filed under subparagraph (A) who turns 21 years old before the date on which a visa becomes available, the alien may retain the priority date assigned to the alien under that subparagraph for a petition filed under this subsection.''.

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)), by striking ''section 203(a)(2)(A)'' each place such term appears and inserting ''section 203(a)(2)'';

(2) in section 201(f)(2) (8 U.S.C. 1151(f)(2)), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)'';

(3) in section 202—

(A) in subsection (a)(8 U.S.C. 1152(a))—

(i) in paragraph (2), by striking ''(3), (4), and (5)'' and inserting ''(3) and (4)''

(ii) by striking paragraph (4); and

(iii) by redesignating paragraph (5) as paragraph (4); and

(B) in subsection (e), by striking '', or as limiting the number of visas that may be issued under section 203(a)(2)(A) pursuant to subsection (a)(4)(A)'';

(4) in section 203(h)—

(A) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''; and

(B) by striking ''(a)(2)(A)'' each place such term appears and inserting ''(a)(2)'';

(5) in section 204—

(A) in subsection (a)(1)(B)—

(i) in clause (ii)—

(I) in subclause (I), by striking ''if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and''; and

(II) in subclause (II)(cc), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)''; and

(ii) in clause (iii), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)''; and

(B) in subsection (k)(1)—

(i) by striking ''alien unmarried son or daughter's classification as a family-sponsored immigrant under section 203(a)(2)(B)'' and inserting ''alien child's classification as a family-sponsored immigrant under section 203(a)(2)'';

(ii) by striking ''son or daughter'' and inserting ''child''; and

(iii) by striking ''unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1)'' and inserting ''child as an immediate relative under section 201(b)(2)''; and

(6) in section 214(q)(1)(B)(i), by striking ''(a)(2)(A)'' each place such term appears and inserting ''(a)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which—

(1) the Secretary of Homeland Security has adjudicated each petition that is filed under section 203(a)(2)(B) (as in effect on the day before the date of enactment of this Act) before January 1, 2019; and

(2) the Secretary of State has allocated to each eligible alien a visa based on a petition described in paragraph (1).

SEC. 4. BORDER SECURITY.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means the Secretary of Homeland Security.

(b) APPROPRIATIONS FOR BORDER SECURITY.—The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for U.S. Customs and Border Protection, namely $25,000,000,000 for—

(1) the construction of physical barriers;

(2) border security technologies;

(3) tactical infrastructure;

(4) marine vessels;

(5) aircraft;

(6) unmanned aerial systems;

(7) facilities; and

(8) equipment.

(c) AVAILABILITY FOR FISCAL YEAR 2018.—Of the amount appropriated by subsection (b), amounts shall be available for fiscal year 2018 as follows:

(1) For impedance and denial, $1,571,000,000.

(2) For domain awareness, $658,000,000.

(3) For access and mobility, $143,000,000.

(4) For the retention, recruitment, and relocation of officers of Border Patrol Agents, Customs Officers, and Air and Marine personnel, $148,000,000, including for not fewer than 615 officers of U.S. Customs and Border Protection.

(5) To hire 615 U.S. Customs and Border Protection Officers for deployment to ports of entry, $75,000,000.

(d) AVAILABILITY FOR FISCAL YEARS 2019 THROUGH 2027.—

(1) IN GENERAL.—Subject to subsection (f), of the amount appropriated by subsection (b), the amount available for each of fiscal years 2019 through 2027 shall be $2,500,000,000.

(2) LIMITATION.—Amounts appropriated under subsection (b) for fiscal years 2018 and 2019 shall only be available for operationally effective designs deployed as of the date of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety.

(e) REPORT ON PLAN FOR IMPROVEMENT OF BORDER SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives and the Committees of jurisdiction of the Senate and the House of Representatives a risk-based plan for improving security along the borders of the United States, including the use of personnel, fencing, other forms of tactical infrastructure, and technology.

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A statement of goals, objectives, activities, and milestones for the plan.

(B) A detailed implementation schedule for the plan with estimates for the planned obligation of funds for fiscal years 2019 through 2027 that are linked to the milestone-based delivery of specific—

(i) capabilities and services;

(ii) mission benefits and outcomes;

(iii) program management capabilities; and

(iv) lifecycle cost estimates.

(C) A description of the manner in which specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs.

(D) An identification of the planned locations, quantities, and types of resources, such as fencing, other physical barriers, or other tactical infrastructure and technology, under the plan.

(E) A description of the methodology and analyses used to select specific resources for deployment to particular locations under the plan that includes—

(i) analyses of alternatives, including comparative costs and benefits;

(ii) an assessment of effects on communities and property owners near areas of infrastructure deployment; and

(iii) a description of other factors critical to the decision-making process.

(F) An identification of staffing requirements under the plan, including full-time equivalents, contractors, and detailed personnel, by activity.

(G) A description of performance metrics for the plan for assessing and reporting on the contributions of border security capabilities realized from current and future investments.

(H) A description of the status of the actions of the Department of Homeland Security to address open recommendations by the Office of Inspector General and the Government Accountability Office relating to border security, including plans, schedules, and associated milestones for fully addressing such recommendations.

(I) A comprehensive plan to consult State and local elected officials on the eminent domain and construction process relating to physical barriers;

(J) A comprehensive analysis, following consultation with the Secretary of Interior and the Administrator of the Environmental Protection Agency, of the environmental impacts of the construction and placement of physical barriers planned along the Southwest border, including barriers in the Santa Ana National Wildlife Refuge;

(K) Certifications by the Under Secretary of Homeland Security for Management, including all documents, memoranda, and a description of the investment review and information technology management oversight and processes supporting such certifications, that—

(i) the plan has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A–11, part 7; and

(ii) all activities under the plan comply with Federal acquisition rules, requirements, guidelines, and practices.

(f) LIMITATION ON AVAILABILITY FOR FISCAL YEARS 2019 THROUGH 2027.—

(1) LIMITATION.—The amount specified in subsection (d) for each of fiscal years 2019 through 2027 shall not be available for such fiscal year unless—

(A) the Secretary submits to Congress, not later than 60 days before the beginning of such fiscal year, a report setting forth—

(i) a description of every planned expenditure in such fiscal year under the plan required by subsection (e) in an amount in excess of $50,000,000;

(ii) a description of the total number of miles of security fencing or barriers that will be constructed in such fiscal year under the plan;

(iii) a statement of the number of new U.S. Customs and Border Protection Officers to be hired in such fiscal year under the plan and the intended location of deployment;

(iv) a description of the new roads to be installed in such fiscal year under the plan;

(v) a description of the land to be acquired in such fiscal year under the plan, including—

(I) all necessary land acquisitions;

(II) the total number of necessary condemnation actions; and

(III) the precise number of landowners that will be affected by the construction of such physical barriers;

(vi) a description of the amount and types of technology to be acquired for each of the northern border and the southern border in such fiscal year under the plan; and

(vii) a statement of the percentage of each of the northern border and the southern border for which the Department of Homeland Security will obtain full situational awareness in such fiscal year under the plan; and

(B) not later than October 1 of such fiscal year, the Secretary certifies to Congress that the Department of Homeland achieved not less than 75 percent of the goals of the Department under the plan (other than for land acquisition) for the prior fiscal year.

(2) AVAILABILITY WITHOUT CERTIFICATION.—If the Secretary is unable to make the certification described in paragraph (1)(B) with respect to a fiscal year as of October 1 of the succeeding fiscal year, the amount specified in subsection (d) for such succeeding fiscal year shall not be available except pursuant to an Act of Congress specifically making such amount available for such succeeding fiscal year that is enacted into law in such succeeding fiscal year.

(g) AVAILABILITY.—If amounts described in subsection (d) are available for a fiscal year, such amounts shall remain available for 5 years.

(h) LIMITATION.—Notwithstanding any other provision of law, none of the amounts appropriated under this section may be reprogrammed for or transferred to any other component of the Department of Homeland Security.

(i) BUDGET REQUEST.—An expenditure plan for amounts made available pursuant to subsection (b)—

(1) shall be included in each budget for a fiscal year submitted by the President under section 1105 of title 31, United States Code; and

(2) shall describe planned obligations by program, project, and activity in the receiving account at the same level of detail provided for in the request for other appropriations in that account.

(j) BUDGETARY EFFECTS.—

(1) IN GENERAL.—The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H.Con.Res. 71 (115th Congress).

(k) POINT OF ORDER.—

(1) DEFINITION.—In this subsection, the term ''covered appropriation amount'' means the amount appropriated for border security for a fiscal year under subsection (b).

(2) POINT OF ORDER IN THE SENATE.—

(A) POINT OF ORDER.—

(i) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would reduce the covered appropriation amount for a fiscal year.

(ii) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in clause (i), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(C) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subparagraph (A), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(D) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this paragraph may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(l) ENFORCEMENT PRIORITIES.—

(1) DEFINITIONS.—In this subsection:

(A) FELONY.—

(i) IN GENERAL.—The term ''felony'' means a Federal, State, or local criminal offense punishable by imprisonment for a term that exceeds 1 year.

(ii) EXCLUSION.—The term ''felony'' does not include a State or local criminal offense for which an essential element is the immigration status of an alien.

(B) MISDEMEANOR.—

(i) IN GENERAL.—The term ''misdemeanor'' means a Federal, State, or local criminal offense for which—

(I) the maximum term of imprisonment is—

(aa) greater than 5 days; and

(bb) not greater than 1 year; and

(II) the individual was sentenced to time in custody of 90 days or less.

(ii) EXCLUSION.—The term ''misdemeanor'' does not include a State or local offense for which an essential element is—

(I) the immigration status of the alien;

(II) a significant misdemeanor; or

(III) a minor traffic offense.

(C) SIGNIFICANT MISDEMEANOR.—

(i) IN GENERAL.—The term ''significant misdemeanor'' means a Federal, State, or local criminal offense—

(I) for which the maximum term of imprisonment is—

(aa) more than 5 days; and

(bb) not more than 1 year; and

(II)(aa) that, regardless of the sentence imposed, is—

(AA) a crime of domestic violence (as defined in section 237(a)(2)(E)(i)) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)(i)); or

(BB) an offense of—

(CC) sexual abuse or exploitation;

(DD) burglary;

(EE) unlawful possession or use of a firearm;

(FF) drug distribution or trafficking; or

(GG) driving under the influence, if the applicable State law requires, as elements of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content equal to or greater than .08; or

(bb) that resulted in a sentence of time in custody of more than 90 days.

(ii) EXCLUSION.—The term ''significant misdemeanor'' does not include a State or local offense for which an essential element is the immigration status of an alien.

(2) PRIORITIES.—In carrying out immigration enforcement activities, the Secretary shall prioritize available immigration enforcement resources to aliens who—

(A) have been convicted of—

(i) a felony;

(ii) a significant misdemeanor; or

(iii) 3 or more misdemeanor offenses;

(B) pose a threat to national security or public safety; or

(C)(i) are unlawfully present in the United States; and

(ii) arrived in the United States after June 30, 2018; or

SEC. 5. OFFICE OF PROFESSIONAL RESPONSIBILITY.

Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient special agents at the Office of Professional Responsibility.

SA 2011. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY ENHANCEMENTS IN MOUNTAINOUS, HIGH DESERT, AND BACKCOUNTRY TERRAIN.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall—

(1) acquire and deploy such additional horses and off-road vehicles, including all-terrain vehicles, as may be necessary to provide for enhanced security in mountainous, high desert, and backcountry areas near the international border between the United States and Mexico;

(2) increase the use of advanced detection and surveillance technology in the areas described in paragraph (1);

(3) acquire fixed and mobile technology assets, including night vision goggles;

(4) increase and improve interoperable communications that are LTE-capable;

(5) increase mountain patrols to gain and enhance domain awareness;

(6) increase and upgrade facilities to the extent necessary to accommodate personnel and asset needs;

(7) perform any maintenance and care that may be necessary to preserve the operational capability of all mountainous, high desert, and backcountry assets; and

(8) hire and deploy additional personnel, as necessary—

(A) to enhance border security in mountainous, high desert, and backcountry areas near the international border between the United States and Mexico; and

(B) to successfully carry out the related duties of U.S. Customs and Border Protection set forth in section 211 of the Homeland Security Act of 2002 (5 U.S.C. 411).

(b) REQUIREMENTS.—In carrying out subsection (a), the Commissioner shall—

(1) consult with agents in the field;

(2) prioritize the deployment of such technology based on the needs of remote stations in mountainous, high desert, and backcountry areas near the international border between the United States and Mexico.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit a report to the appropriate congressional committees that describes the implementation of subsection (a), including—

(1) the assets deployed in mountainous, high desert, and backcountry areas near the international border between the United States and Mexico; and

(2) the expenditures incurred to acquire and deploy such assets.

(d) AGENT MOBILITY DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a 5-year pilot program in the El Paso Sector, to be known as the ''Agent Mobility Program'', under which agents assigned within the El Paso Sector may laterally transfer to a designated, hard-to-fill station within the El Paso sector for a period of at least 3 years.

(2) COMPLETION OF SERVICE.—Any agent who completes 3 years of service at a hard-to-fill station to which he or she transferred under the program established under paragraph (1)—

(A) shall be presented to the selecting officer as a preferred agent; and

(B) shall be eligible to transfer to 1 of 3 border patrol stations in the El Paso Sector of their choice that has an opening at the time of such transfer.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated, to U.S. Customs and Border Protection, such sums as may be necessary to carry out this section.

SA 2012. Mr. HEINRICH (for himself, Mr. UDALL, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONFIDENTIALITY OF INFORMATION SUBMITTED FOR THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM AND SIMILAR PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) DACA PROGRAM.—The term ''DACA Program'' means the Deferred Action for Childhood Arrivals Program announced on June 15, 2012.

(2) INDIVIDUAL APPLICATION INFORMATION.—The term ''individual application information'' means any information, including personally identifiable information, submitted to the Secretary after June 15, 2012, as part of a request for consideration or reconsideration for the DACA program.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) CONFIDENTIALITY OF INFORMATION.—The Secretary shall protect individual application information from disclosure to U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection for any purpose other than implementing the following:

(1) The DACA Program.

(2) Any program similar to the DACA program to provide deferred action for aliens that is established by this Act or an amendment made by this Act.

(3) The Development, Relief and Education for Alien Minors Act or any similar program to provide a path to citizenship that is established by this Act or an amendment made by this Act.

(c) REFERRALS PROHIBITED.—The Secretary may not refer any individual whose case has been deferred pursuant to ta program specified in subsection (b) to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, the Department of Justice, or any other law enforcement agency.

(d) LIMITED EXCEPTION.—Individual application information may be shared with national security and law enforcement agencies—

(1) to identify or prevent fraudulent claims;

(2) for particularized national security purposes relating to an individual application; or

(3) for the investigation or prosecution of any felony not related to immigration status.

SA 2013. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STANDARDS FOR SHORT-TERM CUSTODY BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the status of the Transport, Escort, Detention and Search (TEDS) policy for short-term custody of individuals by U.S. Customs and Border Protection.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements.

(A) An assessment of whether Border Patrol and the Office of Field Operations have adopted and are implementing more detailed, component-specific standards to supplement the TEDS policy in accordance with subsection (b) and the status of implementation of the TEDS policy among the various components of U.S. Customs and Border Protection.

(B) A description of the frequency and findings of U.S. Customs and Border Protection audits and investigations into compliance with the TEDS policy and supplemental policies.

(b) STANDARDS OF CARE.—

(1) IN GENERAL.—The TEDS policy and additional standards created by Border Patrol and the Office of Field Operations must ensure basic minimum levels of care at all facilities of U.S. Customs and Border Protection that hold individuals in custody, including Border Patrol stations, ports of entry, checkpoints, forward operating bases, secondary inspection areas, and short-term custody facilities. Such care shall include standards with respect to—

(A) limits on detention space capacity by facility and also by holding room or individual cell;

(B) the availability of potable water and nutritionally and culturally appropriate food;

(C) access to bathroom facilities and hygiene items, including soap, feminine hygiene products, toothpaste, toothbrushes and towels, and showers for those held for 24 hours or longer;

(D) adequate climate control and provision of adequate clothing;

(E) reasonable sleeping arrangements for all detainees held for longer than 12 hours, including access to beds and adequate bedding;

(F) access to telephones;

(G) access to lawyers, consular officials, family members, and nongovernmental organizations;

(H) language-appropriate forms and materials that include information regarding legal rights, including contact information for the United Nations Refugee Agency and the National Trafficking Hotline, as well as the consequences of signing such forms, in a language the detainee is known to understand;

(I) protocols for communicating the information on those forms and materials orally to detainees in a language they are known to understand;

(J) appropriate care for pregnant women and individuals with medical needs, including a prohibition on shackling or restraint of pregnant women absent truly extraordinary circumstances (and never during active labor or delivery);

(K) appropriate medical screening and care for all detainees, overseen by a trained medical professional, including access to emergency medical care and prescribed medications whenever medically appropriate;

(L) reasonable accommodations in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(M) reasonable access to facilities and visitation policies for nongovernmental organizations;

(N) a transparent, independent, and responsive grievance system widely publicized within facilities in multiple languages, including access to the Office for Civil Rights and Civil Liberties' toll-free number and the complaints number described in the above section;

(O) protocols for identifying asylum-seekers who require credible fear screenings and for video recording of those screenings;

(P) safely transferring detainees to facilities of U.S. Immigration and Customs Enforcement with attention paid to ensuring regular meals, medication doses, and rest for detainees;

(Q) returning all money and nonperishable personal property (other than prohibited contraband) to former detainees prior to transfer, repatriation, or release, in coordination with other State and Federal agencies as necessary;

(R) compliance with the Prison Rape Elimination Act of 2003 (34 U.S.C. 30301 et seq.), including by requiring regular independent PREA audits, ensuring that all detainees are able to make prompt, confidential sexual abuse complaints to a staffed telephone hotline in multiple languages, and requiring formal, comprehensive PREA compliance training of all U.S. Customs and Border Protection staff with detention-related responsibilities; and

(S) compliance with the Victims of Child Abuse Act (42 U.S.C. 1303) and implementing regulations, to ensure that officials are aware of their obligations to report all allegations of child abuse and of the criminal penalties for failure to do so in accordance with section 2258 of title 18, United States Code.

(c) MONITORING AND OVERSIGHT.—

(1) INTERIM OVERSIGHT.—Until the TEDS policy and supplemental policies have been implemented and are being adhered to in accordance with subsection (b), the Secretary of Homeland Security shall direct oversight

of the U.S. Customs and Border Protection facilities that provide short-term custody to ensure that humane standards of care addressing all of the requirements set forth in such subsection are made publicly available and are being implemented throughout the agency.

(2) ACCESS FOR LOP PROVIDERS AND COUNSEL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall direct U.S. Customs and Border Protection to allow Legal Orientation Program (LOP) providers and counsel access to migrants held in U.S. Customs and Border Protection short-term custody facilities.

(3) SITE VISITS.—The Department of Homeland Security Office of the Inspector General shall conduct site visits to all short-term detention facilities at least every six months and issue annual inspection reports assessing each facility's compliance with the requirements set forth in subsection (b), along with recommendations for improvement as needed, and promptly make those reports publicly available.

SA 2014. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON CONSTRUCTION OF CERTAIN ELEMENTS OF THE PHYSICAL BARRIER ALONG THE SOUTHERN BORDER OF THE UNITED STATES IN NATIONAL WILDLIFE REFUGES, WILDERNESS AREAS, AND RELATED AREAS.

Notwithstanding any other provision of law, no Federal funds may be used to design or construct any levee wall, steel bollard fence, or other wall within the following:

(1) A unit of the national wildlife refuge system.

(2) A unit of the national wilderness preservation system.

(3) A wildlife corridor, as determined by the Secretary of the Interior acting through the Director of the U.S. Fish and Wildlife Service.

SA 2015. Mr. HEINRICH (for himself, Ms. HEITKAMP, and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RECEIPT OF COMPENSATION REQUIRED FOR USE OF EMINENT DOMAIN FOR CONSTRUCTION OF BORDER INFRASTRUCTURE.

Notwithstanding section 3114 of title 40, United States Code, or section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note; Public Law 104–208) the Federal Government shall not take physical possession of any land acquired, or proposed to be acquired, pursuant to those sections for the construction of any infrastructure (including a pedestrian fence, vehicle barrier, levee, gate, wall, fence, road, or port of entry) at the international border between the United States and Mexico until the date on which the applicable court determines that—

(1) in the case of private land—

(A) all persons or entities entitled to compensation for the acquisition have received the entire full fair market value amount of compensation due on the date of acquisition of the private land; and

(B) all relevant court proceedings described in section 3114(a) of title 40, United States Code, have been—

(i) completed; and

(ii) terminated by the court;

(2) in the case of State land (including State land in the vicinity of a unit of the National Wildlife Refuge System, a unit of the National Park System, or Tribal land or in the vicinity of a historic district or a State park)—

(A) the requirements of subparagraphs (A) and (B) of paragraph (1) have been met; and

(B) all relevant stakeholders (including Tribes) have been consulted and have approved the acquisition; and

(3) in the case of Tribal land—

(A) the requirements of subparagraphs (A) and (B) of paragraph (1) have been met; and

(B) all relevant Tribal stakeholders have been consulted and have approved the acquisition.

SEC. _____. CONSULTATION REQUIRED PRIOR TO ACQUISITION OF LAND FOR CONSTRUCTION OF BORDER INFRASTRUCTURE.

(a) IN GENERAL.—Before implementing any plan to acquire private land, State land, or Tribal land on which the Secretary of Homeland Security (referred to in this section as the ''Secretary'') intends to build or construct a temporary or permanent structure related to efforts to secure or protect the border between the United States and Mexico, the Secretary shall conduct significant consultation with—

(1) any owners of the land proposed to be acquired; and

(2) any individuals or communities that could be impacted by the construction of the structure, as determined by the Secretary.

(b) FINAL PLANS; TRANSPARENCY.—Before beginning construction of a temporary or permanent structure described in subsection (a), the Secretary shall—

(1) give significant weight to the opinions and information presented to the Secretary during the consultation process conducted under that subsection; and

(2) publish in the Federal Register information describing ways in which the final plan of the Secretary for acquiring the land or constructing the structure was modified as a result of the consultation process conducted under that subsection.

SA 2016. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RESTRICTIONS ON THE REPLACEMENT OF VEHICLE BARRIERS WITH A BORDER WALL ALONG THE SOUTHERN BORDER.

(a) WAIVER OF LAWS RELATING TO THE REPLACEMENT OF VEHICLE BARRIERS WITH A BORDER WALL.—The waiver authority under section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) shall not apply to replacing existing vehicle barriers with a primary wall or fence along the international border between the United States and Mexico.

(b) PROHIBITION ON USE OF FEDERAL FUNDS FOR THE REPLACEMENT OF VEHICLE BARRIERS WITH A BORDER WALL OR PEDESTRIAN FENCE.—Notwithstanding any other provision of law, no funds authorized to be appropriated or appropriated under this Act may be used to design or construct any levee wall, steel bollard fence, or other wall intended to replace existing vehicle barriers along the international border between the United States and Mexico.

SA 2017. Mr. FLAKE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

Strike sections 4002 and 4003 and insert the following:

SEC. 4002. SPONSORSHIP BY CITIZENS OF SPOUSES AND CHILDREN ONLY.

(a) IN GENERAL.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) SPOUSES AND CHILDREN OF CITIZENS.—Qualified immigrants who are the spouse or child of a citizen of the United States shall be allocated visas in a number not to exceed—

''(A) the worldwide level specified in section 201(c); minus

''(B) 114,200.''; and

(2) by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 201(f) (8 U.S.C. 1151(f))—

(A) by striking paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) in paragraph (3), as so redesignated, by striking ''through (3)'' and inserting ''and (2)'';

(2) in section 202 (8 U.S.C. 1152)—

(A) in subsection (a)(4), by striking subparagraph (D); and

(B) in subsection (e)(2), by striking ''through (4)'' and inserting ''and (2)'';

(3) in section 204 (8 U.S.C. 1154)—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking ''paragraph (1), (3), or (4) of section 203(a)'' and inserting ''section 203(a)(1)''; and

(ii) in subparagraph (D)(i)(I), by striking ''paragraph (1), (2), or (3)'' and inserting ''paragraph (1) or (2)''; and

(B) in subsection (f)(1), by striking ''203(a)(1), or 203(a)(3)'' and inserting ''or 203(a)(1)''; and

(4) in section 212(d)(11) (8 U.S.C. 1182(d)(11)), by striking ''(other than paragraph (4) thereof)''.

SEC. 4003. SPONSORSHIP BY LAWFUL PERMANENT RESIDENTS OF SPOUSES AND CHILDREN ONLY.

(a) IN GENERAL.—Section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) is amended to read as follows:

''(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouse or child of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the sum of—

''(A) 114,200;

''(B) the number (if any) by which such worldwide level exceeds 226,000; and

''(C) the number of visas not required for the class described in paragraph (1).''.

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)), by striking ''section 203(a)(2)(A)'' each place it appears and inserting ''section 203(a)(2)'';

(2) in section 201(f)(2) (8 U.S.C. 1151(f)(2)), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)'';

(3) in section 202 (8 U.S.C. 1152)—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''(3), (4), and (5)'' and inserting ''(3) and (4)''

(ii) by striking paragraph (4); and

(iii) by redesignating paragraph (5) as paragraph (4); and

(B) in subsection (e), by striking '', or as limiting the number of visas that may be issued under section 203(a)(2)(A) pursuant to subsection (a)(4)(A)'';

(4) in section 203(h) (8 U.S.C. 1153(h))—

(A) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''; and

(B) by striking ''(a)(2)(A)'' each place it appears and inserting ''(a)(2)'';

(5) in section 204 (8 U.S.C. 1154)—

(A) in subsection (a)(1)(B)—

(i) in clause (ii)—

(I) in subclause (I), by striking ''if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and''; and

(II) in subclause (II)(cc), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)''; and

(ii) in clause (iii), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)(2)''; and

(B) in subsection (k)(1)—

(i) by striking ''alien unmarried son or daughter's classification as a family- sponsored immigrant under section 203(a)(2)(B)'' and inserting ''alien child's classification as a family-sponsored immigrant under section 203(a)(2)'';

(ii) by striking ''son or daughter'' and inserting ''child''; and

(iii) by striking ''unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1)'' and inserting ''child as an immediate relative under section 201(b)(2)''; and

(6) in section 214(q)(1)(B)(i) (8 U.S.C. 1184(q)(1)(B)(i)), by striking ''(a)(2)(A)'' each place it appears and inserting ''(a)(2)''.

SEC. 4004. CREATION OF NONIMMIGRANT CLASSIFICATION FOR ALIEN PARENTS OF ADULT UNITED STATES CITIZENS.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semicolon;

(2) in subparagraph (U)(iii), by striking ''or'' at the end;

(3) in subparagraph (V)(ii)(II), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(W) Subject to section 214(s), an alien who is a parent of a citizen of the United States, if the citizen is at least 21 years of age.''.

(b) CONDITIONS ON ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s)(1) The initial period of authorized admission for a nonimmigrant described in section 101(a)(15)(W) shall be 5 years, but may be extended by the Secretary of Homeland Security for additional 5-year periods if the United States citizen son or daughter of the nonimmigrant is still residing in the United States.

''(2) A nonimmigrant described in section 101(a)(15)(W)—

''(A) is not authorized to be employed in the United States; and

''(B) is not eligible for any Federal, State, or local public benefit.

''(3) Regardless of the resources of a nonimmigrant described in section 101(a)(15)(W), the United States citizen son or daughter who sponsored the nonimmigrant parent shall be responsible for the nonimmigrant's support while the nonimmigrant resides in the United States.

''(4) An alien is ineligible to receive a visa or to be admitted into the United States as a nonimmigrant described in section 101(a)(15)(W) unless the alien provides satisfactory proof that the United States citizen son or daughter has arranged for health insurance coverage for the alien, at no cost to the alien, during the anticipated period of the alien's residence in the United States.''.

SEC. 4005. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections 4002 through 4005 shall take effect on the date that is 1 year after the date of the enactment of this Act.

(b) GRANDFATHERED PETITIONS.—Notwithstanding the termination by this title of the family-sponsored immigrant visa categories under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) (as of the date before the date of enactment of this Act), the amendments made by this section shall not apply, and visas shall remain available to, any alien who has—

(1) an approved family-based petition that has not been terminated or revoked, or

(2) a properly-filed family-based petition that is—

(A) pending with U.S. Citizenship and Immigration Services; and

(B) based on subsection (a) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a)) (as in effect on the day before the date of enactment of this Act).

(c) AVAILABILITY OF VISAS FOR GRANDFATHERED PETITIONS.—The Secretary shall continue to allocate a sufficient number of visas in family-sponsored immigrant visa categories until the date on which a visa has been made available, in conformance with the numeric and per country limitations in effect on the day before the date of enactment of this Act, to each beneficiary of an approved petition described in paragraph (1) or (2) of subsection (b), if the beneficiary—

(1) indicates an intent to pursue the immigrant visa not later than 180 days after the date on which the Secretary of State notifies the beneficiary of the availability of the visa; and

(2) is otherwise qualified to receive a visa under this Act.

SEC. 4006. VISA REALLOCATION.

(a) APPLICATION OF AMENDMENTS.—The amendments made by sections 4002 through 4004 shall apply only with respect to visas issued under section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) on or after the effective date specified in section 4006.

(b) VISA REALLOCATION.—Of the number of visas available under section 203 of such Act after the effective date that would otherwise have been available under section 203(a) of such Act, as in effect before such effective date, such visas shall be reallocated after such effective date—

(1) to family-sponsored immigrants under section 203(a) of such Act to reduce or eliminate the backlog in visas under that section; and

(2) if any visas remain for allocation after the elimination of the backlog in visas under section 203(a) of such Act—

(A) the number equal to 33 percent of the remaining visas shall be available for aliens who are members of the professions holding advanced degrees or aliens of exceptional ability under section 203(b)(1) of such Act; and

(B) the number equal to 34 percent of the remaining visas shall be available for aliens who are members of the professions holding advanced degrees or aliens of exceptional ability under section 203(b)(2) of such Act; and

(C) the number equal to 33 percent of the remaining visas shall be available for aliens who skilled workers, professionals, or other workers under section 203(b)(3) of such Act.

(c) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2018, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2011 under such paragraphs.

(B) For fiscal year 2019, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2012 under such paragraphs.

(C) For fiscal year 2020, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2015 under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—The number of visas reserved under each of subparagraphs (A) through (C) of paragraph (1) made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—Not more than 85 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of the fiscal years 2018, 2019, and 2020, may be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2018, 2019, or 2020, the application of paragraphs (1) and (2) would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2).

(4) RULES FOR CHARGEABILITY.—Section 202(b) of such Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

SEC. 4007. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively;

(3) in subsection (c), as redesignated, by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)'';

(4) in subsection (d), as redesignated—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2);

(5) in subsection (e), as redesignated, by striking ''subsection (a), (b), or (c) of this section'' and inserting ''subsection (a) or (b)'';

(6) in subsection (f), as redesignated, by striking ''subsections (a), (b), and (c)'' and inserting ''subsections (a) and (b)''; and

(7) in subsection (g), as redesignated—

(A) by striking ''(d)'' each place it appears and inserting ''(c)''; and

(B) in paragraph (2)(B), by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(2) in section 201 (8 U.S.C. 1151)—

(A) in subsection (a)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) in paragraph (2), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3);

(B) by striking subsection (e); and

(C) by redesignating subsection (f) as subsection (e);

(3) in section 203(b)(2)(B)(ii)(IV) (8 U.S.C. 1153(b)(2)(B)(ii)(IV)), by striking ''section 203(b)(2)(B)'' each place such term appears and inserting ''clause (i)'';

(4) in section 204 (8 U.S.C. 1154)—

(A) in subsection (a)(1)—

(i) by striking subparagraph (I); and

(ii) by redesignating subparagraphs (J) through (L) as subparagraphs (I) through (K), respectively;

(B) in subsection (e), by striking ''subsection (a), (b), or (c) of section 203'' and inserting ''subsection (a) or (b) of section 203''; and

(C) in subsection (l)(2)—

(i) in subparagraph (B), by striking ''section 203 (a) or (d)'' and inserting ''subsection (a) or (c) of section 203''; and

(ii) in subparagraph (C), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(5) in section 214(q)(1)(B)(i) (8 U.S.C. 1184(q)(1)(B)(i)), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(6) in section 216(h)(1) (8 U.S.C. 1186a(h)(1)), in the undesignated matter following subparagraph (C), by striking ''section 203(d)'' and inserting ''section 203(c)''; and

(7) in section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)), by striking ''section 203(d)'' and inserting ''section 203(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning on or after the date of the enactment of this Act.

SEC. 4008. REALLOCATION OF VISAS; GRANDFATHERED PETITIONS.

(a) GRANDFATHERED PETITIONS AND VISAS.—Notwithstanding the elimination under section 4007 of the diversity visa program described in sections 201(e) and 203(c) of the Immigration and Nationality Act (8 U.S.C. 1151(e) and 1153(c)) (as in effect on the day before the date of enactment of this Act), the amendments made by this section shall not apply, and visas shall remain available, to any alien whom the Secretary of State has selected to participate in the diversity visa lottery for fiscal year 2018.

(b) REALLOCATION OF VISAS.—

(1) IN GENERAL.—Beginning in fiscal year 2019 and ending on the date on which the number of visas allocated for aliens who qualify for visas under the Nicaraguan Adjustment and Central American Relief Act (Public Law 105–100; 8 U.S.C. 1153 note) is exhausted, the Secretary of Homeland Security shall make available the annual allocation of diversity visas as follows:

(A) 20,000 visas shall be made available to aliens who—

(i) have earned a Ph.D. degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in a field of science, technology, engineering, or mathematics; and

(ii) have an offer of employment from a United States employer in a field related to such degree.

(B) 20,000 visas shall be made available to aliens who qualify for an Entrepreneur Immigrant Visa.

(C) 10,000 visas shall be made available to aliens under section 203(b)(6) of the Immigration and Nationality Act, as added by paragraph (2)(B).

(2) ENTREPRENEUR IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

''(6) ENTREPRENEUR IMMIGRANTS.—

''(A) DEFINITIONS.—In this paragraph and in sections 101(a)(15)(W) and 214(s):

''(i) QUALIFIED ANGEL INVESTOR.—The term 'qualified angel investor' means an individual or organized group of individuals investing directly or through a legal entity—

''(I) each of whom is an accredited investor (as defined in section 230.501(a) of title 17, Code of Federal Regulations, or any similar successor regulation) investing the funds owned by such individual or organized group in a qualified entrepreneur's United States business entity;

''(II)(aa) if an individual, is a citizen of the United States or an alien lawfully admitted for permanent residence; or

''(bb) if an organized group or legal entity, a majority of the individuals investing through such group or entity are citizens of the United States or aliens lawfully admitted for permanent residence; and

''(III) each of whom in the previous 3 years has made qualified investments totaling not less than $50,000 (or such higher amount determined appropriate by the Secretary) in United States business entities that are less than 5 years old.

''(ii) QUALIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term 'qualified community development financial institution' means an entity that has been certified by the Community Development Financial Institutions Fund under section 1805.201 of title 12, Code of Federal Regulations, or any similar successor regulation.

''(iii) QUALIFIED ENTREPRENEUR.—The term 'qualified entrepreneur' means an individual who—

''(I) has a significant ownership interest, which need not constitute a majority interest, in a United States business entity;

''(II) is employed in a senior executive position at such entity;

''(III) submits a business plan to U.S. Citizenship and Immigration Services; and

''(IV) had a substantial role in the founding or early-stage growth and development of such entity.

''(iv) QUALIFIED GOVERNMENT ENTITY.—The term 'qualified government entity' means an agency or instrumentality of the United States or of a State, local, or tribal government.

''(v) QUALIFIED INVESTMENT.—The term 'qualified investment'—

''(I) means an investment in a qualified entrepreneur's United States business entity that is—

''(aa) a purchase from such entity of equity or convertible debt issued by such entity;

''(bb) a secured loan;

''(cc) a convertible debt note;

''(dd) a public securities offering;

''(ee) a research and development award from a qualified government entity to the United States business entity;

''(ff) another investment determined appropriate by the Secretary; or

''(gg) a combination of any of the investments described in items (aa) through (ff); and

''(II) does not include an investment from—

''(aa) such qualified entrepreneur;

''(bb) the parents, spouse, son, or daughter of such qualified entrepreneur; or

''(cc) any corporation, company, association, firm, partnership, society, or joint stock company over which such qualified entrepreneur has a substantial ownership interest.

''(vi) QUALIFIED JOB.—The term 'qualified job' means a full-time position at a United States business entity owned by a qualified entrepreneur that—

''(I) is located in the United States;

''(II) has been filled for at least 2 years by a United States citizen or legal permanent resident who is not the qualified entrepreneur or the spouse, son, or daughter of the qualified entrepreneur; and

''(III) is compensated at a wage level that is commensurate with similarly situated employees in comparable positions in the metropolitan statistical area of the employment.

''(vii) QUALIFIED STARTUP ACCELERATOR.—The term 'qualified startup accelerator' means a corporation, company, association, firm, partnership, society, or joint stock company that—

''(I) is organized under the laws of the United States or of any State and conducts business in the United States;

''(II) in the ordinary course of business, provides a program of training, mentorship, and logistical support to assist entrepreneurs in growing their businesses;

''(III) is managed by individuals, the majority of whom are citizens of the United States or aliens lawfully admitted for permanent residence;

''(IV)(aa) regularly acquires an equity interest in companies that participate in its programs in which the majority of the capital so invested is committed from individuals who are United States citizens or aliens lawfully admitted for permanent residence, or from entities organized under the laws of the United States or any State; or

''(bb) is an entity that has received not less than $250,000 in funding from a qualified government entity or entities during the previous 5 years and regularly awards grants to companies that participate in its programs (in which case, such grant shall be treated as a qualified investment for purposes of clause (v));

''(V) during the previous 5 years, has acquired an equity interest in, or, in the case of an entity described in subclause (IV)(bb), regularly made grants to, not fewer than 10 United States business entities that—

''(aa) have participated in its programs; and

''(bb)(AA) have each secured at least $100,000 in initial investments; or

''(BB) during any 2-year period following the date of such acquisition, have generated not less than $500,000 in aggregate annual revenue within the United States;

''(VI) has its primary location in the United States; and

''(VII) satisfies such other criteria as the Secretary may establish.

''(viii) QUALIFIED VENTURE CAPITALIST.—The term 'qualified venture capitalist' means an entity that—

''(I)(aa) is a venture capital operating company (as defined in section 2510.3-101(d) of title 29, Code of Federal Regulations or any successor to such regulation); or

''(bb) has management rights, as defined in, and to the extent required by, such section 2510.3-101(d) or successor regulation, in its portfolio companies;

''(II) has capital commitments of not less than $10,000,000; and

''(III) has an investment adviser that—

''(aa) is registered under section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3);

''(bb) has its primary office location in the United States;

''(cc) is directly or indirectly owned by individuals, the majority of whom are citizens of the United States or aliens lawfully admitted for permanent residence in the United States;

''(dd) has been advising such entity or other similar funds or entities for at least 2 years; and

''(ee) has advised such entity or a similar fund or entity with respect to at least 2 investments of not less than $500,000 made by such entity or similar fund or entity during each of the most recent 2 years.

''(ix) SECRETARY.—Except as otherwise specifically provided, the term 'Secretary' means the Secretary of Homeland Security.

''(x) SENIOR EXECUTIVE POSITION.—The term 'senior executive position' includes the position of chief executive officer, chief technology officer, and chief operating officer.

''(xi) UNITED STATES BUSINESS ENTITY.—The term 'United States business entity' means any corporation, company, association, firm, partnership, society, or joint stock company that is organized under the laws of the United States or any State and that conducts business in the United States that is not—

''(I) a private fund (as defined in 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2));

''(II) a commodity pool (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a));

''(III) an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3); or

''(IV) an issuer that would be an investment company without an exemption provided in—

''(aa) section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)); or

''(bb) section 270.3a-7 of title 17, Code of Federal Regulations, or any similar successor regulation.

''(B) IN GENERAL.—Not more than 10,000 visas shall be available during each fiscal year for qualified immigrants seeking to enter the United States for the purpose of creating new businesses, as described in this paragraph.

''(C) ELIGIBILITY.—An alien who is a qualified entrepreneur is eligible for a visa under this paragraph if—

''(i)(I) the alien maintained valid nonimmigrant status in the United States for at least 2 years;

''(II) during the 3-year period ending on the date the alien files an initial petition for such status under this section—

''(aa)(AA) the alien has a significant ownership in a United States business entity that has created not fewer than 5 qualified jobs; and

''(BB) a qualified venture capitalist, a qualified angel investor, a qualified government entity, a qualified community development financial institution, qualified startup accelerator, or such other entity or type of investors, as determined by the Secretary, or any combination of such entities or investors, has devoted a qualified investment or combination of qualified investments of not less than $500,000 to the alien's United States business entity; or

''(bb)(AA) the alien has a significant ownership interest in a United States business entity that has created not fewer than 5 qualified jobs; and

''(BB) during the 2-year period ending on such petition date, has generated not less than $500,000 in annual revenue within the United States; and

''(III) not more than 2 other aliens have received nonimmigrant status under this section on the basis of an alien's ownership of such United States business entity; or

''(ii)(I) the alien maintained valid nonimmigrant status in the United States for at least 3 years before the date on which the alien filed an application for such status;

''(II) the alien holds an advanced degree in a field of science, technology, engineering, or mathematics that has been approved by the Secretary;

''(III) during the 3-year period ending on the date on which the alien files an initial petition for such status under this section—

''(aa)(AA) the alien has a significant ownership interest in a United States business entity that has created not fewer than 4 qualified jobs; and

''(BB) a qualified venture capitalist, a qualified angel investor, a qualified government entity, a qualified community development financial institution, qualified startup accelerator, or such other entity or type of investors, as determined by the Secretary, or any combination of such entities or investors, has devoted a qualified investment or combination of qualified investments of not less than $500,000 in total to the alien's United States business entity; or

''(bb)(AA) the alien has a significant ownership interest in a United States business entity that has created not fewer than 3 qualified jobs; and

''(BB) during the 2-year period ending on such petition date, the entity has generated not less than $500,000 in annual revenue within the United States; and

''(IV) not more than 3 other aliens have received nonimmigrant status under this paragraph on the basis of an alien's ownership of such United States business entity.

''(D) NEW BUSINESS PLAN REQUIREMENT.—

''(i) IN GENERAL.—A qualified entrepreneur shall submit a new business plan to U.S. Citizenship and Immigration Services if there has been a material change to the business plan referred to in subparagraph (A)(iii)(III).

''(ii) PRESUMPTION.—There shall be a presumption in favor of approval for any new business plan submitted pursuant to clause (i).

''(E) ATTESTATION.—The Secretary may require an alien seeking a visa under this paragraph to attest, under penalties of perjury, to the alien's qualifications.''.

(3) NOTIFICATION.—

(A) FEDERAL REGISTER.—The Secretary, in consultation with the Secretary of State, shall publish a notice in the Federal Register to notify affected aliens with respect to—

(i) the availability of visas under paragraph (1);

(ii) the manner in which the visas shall be allocated.

(B) VISA BULLETIN.—The Secretary of State shall publish a notice in the monthly visa bulletin of the Department of State with respect to—

(i) the availability of visas under paragraph (1);

(ii) the manner in which the visas shall be allocated.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 11 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 9:30 a.m., to conduct a hearing on the following nominations: Joseph Simons, of Virginia, Christine S. Wilson, of Virginia, Noah Joshua Phillips, of Maryland, and Rohit Chopra, of New York, each to be a Federal Trade Commissioner.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 10:30 a.m., to conduct a hearing entitled ''The President's Fiscal Year 2019 Budget.''

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 2:30 p.m., to conduct a hearing on the President's budget and the following nominations: Dennis Shea, of Virginia, to be a Deputy United States Trade Representative (Geneva Office), with the rank of Ambassador, and C. J. Mahoney, of Kansas, to be a Deputy United States Trade Representative (Investment, Services, Labor, Environment, Africa, China, and the Western Hemisphere), with the rank of Ambassador.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 10 a.m., to conduct a business meeting and hearing on the following nominations: Jeff T.H. Pon to be Director, Office of Personnel Management and Michael Rigas, to be Deputy Director, Office of Personnel and Management.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 2:30 p.m., to conduct a hearing entitled ''Making Indian Country Count: Native Americans and the 2020 Census.''

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, February, 14, at 10 a.m. to conduct a hearing on the following nominations: Joel M. Carson III, of New Mexico, to be United States Circuit Judge for the Tenth Circuit, Colm F. Connolly, and Maryellen Noreika, both to be a United States District Judge for the District of Delaware, William F. Jung, to be United States District Judge for the Middle District of Florida, and Ryan T. Holte, of Ohio, to be a Judge of the United States Court of Federal Claims.

COMMITTEE ON SMALL BUSINESS

The Committee on Small Business is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 3:30 p.m., to conduct a hearing on the following nominations: avid Christian Tryon, of Ohio, to be Chief Counsel for Advocacy, and Hannibal Ware, of the Virgin Islands, to be Inspector General, both of the Small Business Administration.

SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 3 p.m., to conduct a hearing.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

The Subcommittee on Readiness and Management Support of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON NATIONAL PARKS

The Subcommittee on National Parks of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, February, 14, 2018, at 3 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Amanda Power, be granted privileges of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERGEANT ERNEST I. ''BOOTS'' THOMAS VA CLINIC

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 2246 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2246) to designate the health care center of the Department of Veterans Affairs in Tallahassee, Florida, as the Sergeant Ernest I. ''Boots'' Thomas VA Clinic, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I further ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2246) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF A DEPARTMENT OF VETERANS AFFAIRS CLINIC IN FLORIDA.

(a) DESIGNATION.—The Health Care Center of the Department of Veterans Affairs located at 2181 Orange Avenue in Tallahassee, Florida, shall after the date of the enactment of this Act be known and designated as the ''Sergeant Ernest I. 'Boots' Thomas VA Clinic''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the clinic referred to in paragraph (1) shall be considered to be a reference to the Sergeant Ernest I. ''Boots'' Thomas VA Clinic.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 406, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 406) to authorize representation by the Senate Legal Counsel in the case of United States v. Ahmed Alahmedalabdaloklah.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 406) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, FEBRUARY 15, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, February 15; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, I ask that following leader remarks, the Senate resume consideration of H.R. 2579.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Thursday, February 15, 2018, at 10 a.m.

DISCHARGED NOMINATION

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

COAST GUARD NOMINATIONS BEGINNING WITH REAR ADM. (LH) STEVEN J. ANDERSEN AND ENDING WITH REAR ADM. (LH) KEITH M. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 16, 2017.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14, 2018:

EXECUTIVE OFFICE OF THE PRESIDENT

MARGARET WEICHERT, OF GEORGIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(D):

To be rear admiral

REAR ADM. (LH) STEVEN J. ANDERSEN
REAR ADM. (LH) KEITH M. SMITH

EXTENSIONS OF REMARKS

RECOGNIZING JAMES KISER AS 2018 CITIZEN OF THE YEAR

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. ROSKAM. Mr. Speaker, I rise today to congratulate Mr. James Kiser of Darien, Illinois on being named the City of Darien's Citizen of the Year for 2018. After decades of service to his community, Jim is well-deserving of this recognition. Now Mr. Speaker, you might wonder ''what did he do''?

Since joining the Darien Lions Club in 1997, Jim has taken the organization's motto, ''We Serve,'' to heart and is known around town as ''Mr. Lion.'' He served as the Club's President from 2013 to 2014 and has held all 12 positions on the Board of Directors. In this capacity, he coordinated a 4th of July Parade, a Halloween party for children and a charity golf outing that benefitted the community.

It is clear that the Darien Lions Club is important to Jim, but his service is not limited to the group's work. Annually, he assists the Darien Chamber of Commerce in planning and setting up Darienfest. In 2005 and 2008, he coordinated the Darienfest Corn Tent, and in 2009, it was the Darienfest Beer Tent. Regardless of the role assigned to him, he finds a way to make his impact felt.

Mr. Speaker, please join me in congratulating Mr. James Kiser on being named the City of Darien's Citizen of the Year for 2018.

HONORING THE LIFE OF CHARLES MCGAHA

HON. DOUG LaMALFA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. LAMALFA. Mr. Speaker, Charles ''Charlie'' McGaha was born on June 22, 1927 in Sevier County, Tennessee. The youngest of nine children, the McGaha family headed out west when Charlie was four. The family traveled through Oklahoma before finally settling in Chowchilla, California where he attended local schools. After High school, he began working at Danish Creamery in Chowchilla. He joined the Navy in 1945 and served our country for two years. After his honorable discharge in 1947, he returned to work at Danish Creamery where they held his job while he served in the Navy.

In September 1951, he married the love of his life, Mary Zandona. They had two daughters, Lori and Lisa. Charlie loved to hunt, fish, and ride motorcycles. He prided himself that at the age of 45, he could go dirt bike riding and keep up with the teenagers. He retired from Danish Creamery in 1983 after working for 38 years as a foreman at both the Chowchilla and Fresno plants. Upon retiring, he learned to play golf. He enjoyed the courses at Fresno West, Madera Municipal, and Pheasant Run in Chowchilla. On October 11, 1999 he got a Hole in One at Pheasant Run Golf Course. Charlie and Mary also enjoyed traveling together. They visited many National Parks and always loved going to Pismo Beach.

Charles is survived by his wife Mary McGaha, his sister Reba Rodriguez of Concord, two daughters, Lori Dill (Russell), of Washington, Lisa Zurilgen (Walt), of Chowchilla, four granddaughters and 13 great grandchildren.

RECOGNITION OF NATIONAL COURT REPORTING AND CAPTIONING WEEK

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. KIND. Mr. Speaker, I rise today in recognition of National Court Reporting and Captioning Week and in appreciation of court reporters across the country. Our court reporters play a critical role in our communities—they hold the vital responsibility to record history, assist those who are deaf or hard of hearing, and preserve judicial proceedings. I witnessed the dedication and professionalism of court reporters through my time as a special prosecutor, but more importantly I have seen the tremendous devotion of court reporters through my wife, Tawni, who has been a court reporter in western Wisconsin for over 25 years. Additionally, I want to recognize the outstanding work done by the Official House reporters, who transcribe proceedings verbatim in the CONGRESSIONAL RECORD and provide needed support for congressional committees.

The National Court Reporters Association and its members have also been instrumental for the success of the Veterans History Project, which was created by legislation I authored. This project is the largest oral history collection in United States history, having collected over 100,000 stories from our nation's veterans that are permanently stored at the Library of Congress and available to the public.

Shortly after the Veterans History Project was launched, court reporters across the country partnered with the Library of Congress to preserve the narratives of our nation's veterans by assisting in transcribing veterans' stories. To date, over 4,000 oral history transcripts have been submitted by court reporters to the Library of Congress. Not only have court reporters worked diligently with the Library of Congress to transcribe stories that had already been submitted, but many have personally interviewed veterans within their own communities. Without this admirable dedication from court reporters throughout the country, we would not be able to preserve many of these veterans' stories or record the sacrifices they made for our nation.

The National Court Reporters Foundation also launched a program called ''The Hard of Hearing Heroes Project,'' where veterans with hearing loss can be interviewed for the Veterans History Project through the use of real time captioning. This is a vital service because hearing loss is among the most common service-connected injury and an estimated 60 percent of veterans from the post 9/11 era who have returned from Iraq and Afghanistan suffer some form of hearing loss. The ''Hard of Hearing Heroes Project'' will help ensure every veteran has a chance to share his or her story.

As we celebrate National Court Reporting and Captioning Week, I want to thank the National Court Reporters Association and its many members throughout the country for their contributions to preserving history and for supporting those who are deaf or hard of hearing. I also particularly want to thank court reporters for their commitment to the Veterans History Project and to preserving veterans' stories for generations to come.

IN HONOR OF THE UNVEILING OF THE TUSKEGEE ARMY AIR FIELD HANGAR HISTORICAL MARKER

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mrs. ROBY. Mr. Speaker, I rise today to honor the unveiling of the Tuskegee Army Air Field Hangar Historical Marker.

In 1941, the Tuskegee Army Air program was established to train approximately 1,000 of the first African-American pilots in U.S. military history during World War II. Along with over 13,000 support personnel, this group became known as the Tuskegee Airmen. The most well known of the Tuskegee Airmen were the members of the 332nd Fighter Group and its four fighter squadrons. The Tuskegee Airmen's 332nd Fighter Group and 99th fighter squadron flew approximately 1500 combat missions, scoring 112 aerial victories, earning 96 Distinguished Flying Crosses and three Distinguished Unit citations.

The Tuskegee Army Air Field closed in 1947 and the facility's three hangars were relocated to municipal airports in Montgomery, Clanton, and Troy. However, the Tuskegee Army Air Field Hangar structure remains largely unchanged from the days of the Tuskegee Airmen.

On August 11, 2017 the Tuskegee Army Air Field Hangar was added to the Alabama Register of Landmarks and Heritage. This Register includes historic, architectural, and archaeological landmarks that are deemed worthy of both recognition and preservation.

Mr. Speaker, it is my privilege to join many others in recognizing the Tuskegee Army Air Field Hangar for its historical significance to the State of Alabama and to our Nation.

IN RECOGNITION OF MR. ERNEST ''BOBO'' CLOUD, JR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. BISHOP of Georgia. Mr. Speaker, I rise to pay tribute to a dedicated mortician and compassionate public servant, the Honorable Ernest ''Bobo'' Cloud, Jr., who will celebrate 33 years of distinguished service to the City of Cairo, Georgia. His celebration will take place on Saturday, February 17, 2018 at Mount Calvary Missionary Baptist Church in Cairo.

Ernest Cloud, Jr. was born on May 4, 1948, to the union of the late Ernest Cloud, Sr. and Sarah Brown-Cloud. He graduated from Washington Consolidated High School in 1966, and went on to attend and graduate from Gupton-Jones School of Mortuary Science in Atlanta, Georgia in 1971. After graduation, he received a greater calling upon his life and enlisted in the United States Army. But, this was not the only calling that he would receive in his lifetime. Ernest continued to pursue his interest in mortuary science by serving in the funeral service business alongside his father.

Mr. Cloud's distinguished civil service has been mirrored by his extensive involvement in his community. In conjunction with his professional accomplishments, Mr. Cloud served on several boards, including the boards of the Georgia Funeral Service Practitioners Association, Inc. (where he served as the Budget and Convention Chairmen and the Past President), the Cairo Civics Club (where he served as the County Chairman), the Cairo High School Booster Club (where he served as President), Epsilon Nu Delta Mortuary Fraternity, Inc. (where he served as the Vice President for GA, FL, and AL), and the Fourth District Funeral Service of Georgia Practitioners Association, Inc. (where he served as the Assistant Secretary). He also belonged to a number of prestigious organizations, such as the Grady County Branch of the NAACP, the Georgia State Board of Funeral Services, the Suwanee River Area Council Boy Scouts of America, and several others.

A trailblazer of firsts, Ernest was the first African-American Emergency Medical Technician (EMT) in Grady County, and in 1985, he became the first African-American to serve on the Cairo City Council. He has held this prestigious seat for the past 33 years.

Dr. Benjamin E. Mays often said: ''You make your living by what you get, you make your life by what you give.'' We are so grateful that Mr. Cloud has given his time and service to the City of Cairo. A man of great integrity, his efforts, his dedication, and his expertise are unparalleled. The light in Cairo, Georgia shines a little brighter because of Ernest Cloud, Jr.

Mr. Speaker, I ask my colleagues to join me, my wife Vivian, and the more than 730,000 residents of Georgia's Second Congressional District in thanking Mr. Ernest ''Bobo'' Cloud, Jr. for 33 outstanding years of service to the City of Cairo, Georgia, our state, and our nation.

IN RECOGNITION OF THE JEWISH COMMUNITY ALLIANCE

HON. JOHN H. RUTHERFORD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. RUTHERFORD. Mr. Speaker, I rise today to congratulate the hard-working men and women of the David A. Stein Jewish Community Alliance on the celebration of their 30th Anniversary of enriching the lives of those with a variety of needs. JCA is a pillar in our Jacksonville community. The Jewish Community Alliance (JCA) is a non-profit community center affiliated with the Jacksonville Jewish Federation, the United Way of Northeast Florida and the Jewish Community Centers of North America. Its focus is to enhance the quality of life for families and individuals of all ages, religions, races, financial means, and physical and mental abilities.

To this end, JCA has impacted tens of thousands of citizens in our community. Situated on the Ed Parker Jewish Community Campus, JCA welcomes preschool-age children to get a good start in life and embraces teens and adults to join classes on health, heritage and other diverse subjects. At the JCA, there is a spirit of intergenerational sharing of values and ideas. The after-school and school-closed day programs give peace of mind to working parents, both married and single. Seniors and adults with special needs are offered opportunities to reach their potential with dignity and tradition.

The JCA facility offers swimming, theatre and camp programs, fitness and exercise classes, sports teams, and art and academic classes to all members and welcomes all for membership. JCA offers an array of creative and innovative classes, programs and events sure to inspire and benefit participants.

Mr. Speaker, I ask you and Members of the House to join me in acknowledging the 30th Anniversary of the JCA and its commitment to the community.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for Roll Call votes 70 and 71 on Tuesday, February 13, 2018. Had I been present, I would have voted Yea on Roll Call votes 70 and 71.

IN RECOGNITION OF THE KNIGHTS OF LITHUANIA COUNCIL 143 AND THE 100TH ANNIVERSARY OF LITHUANIA INDEPENDENCE

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor the Knights of Lithuania Council 143 as they celebrate the 100th Anniversary of Lithuania's independence. The Knights of Lithuania is an organization of Roman Catholic men and women of Lithuanian ancestry located in Pittston, Pennsylvania.

Organized on April 27, 1913, the Knights of Lithuania was originally established as a youth organization. Its mission was to unite young Lithuanians living in the United States, preserve Lithuanian culture, and restore freedom to Lithuania, which, at the time, was divided between Russia and Germany.

In more recent times, it has become a family organization. St. Casimir, patron saint of Lithuania's youth, is honored as the organization's patron. ''For God and Country,'' is the motto of Knights of Lithuania, and its members keep an appreciation of the Lithuanian language and culture alive, while also stressing the importance of Roman Catholic beliefs.

It is an honor to recognize the Knights of Lithuania as they celebrate 100 years of Lithuanian independence. I am grateful for their work preserving Lithuanian traditions for the citizens of the Greater Pittston. I wish their membership all the best as they continue their important mission.

HONORING COUNCILMAN JIM BAYMAN

HON. JIM BANKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. BANKS of Indiana. Mr. Speaker, I rise today to recognize Whitley County Councilman Jim Bayman. For 36 years, Councilman Bayman has represented all or parts of Washington, Cleveland, Jefferson and Columbia Townships. I had the honor of serving with Councilman Bayman in 2009 and 2010, and I saw firsthand the positive influence he has had on the people of his district and our County. Councilman Bayman is hard-working, honest and a caring public servant. I wish him the best as he begins the next chapter of his life. Whitley County will miss his leadership and commitment to public service.

HONORING LINDA RUFFING

HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. HUFFMAN. Mr. Speaker, I rise today in recognition of Linda Ruffing, who is retiring from her position as the City Manager of Fort Bragg on February 14, 2018.

Born in Pennsylvania, Linda Ruffing came to California to attend college at the University of California, Santa Cruz. She received a Master's Degree from the University of California, Berkeley, before moving to Fort Bragg in 1992 to work for Mendocino County as a coastal planner.

Linda began her career at the City of Fort Bragg in 1999 as the director of community development and became City Manager in 2006. In addition to her exceptional character, judgment, ethics and values, Linda has provided critical leadership on many initiatives for the city, including the acquisition of 95 acres of parkland and a site for the Noyo Science Center on the former mill site, which includes

over 2 miles of coastal trail. Under her leadership, a ban was instituted on foam containers and plastic bags in the city. She also led Fort Bragg to become the first city to allow food waste in yard waste recycling, and in becoming the first Bee City in California.

As the city manager, Linda has worked with 12 different councilmembers and three different mayors, and gracefully navigated a spectrum of politics, challenges, and crises. She has been responsible for implementing 78 ordinances and managing $33 million in capital improvement projects. Linda leaves the city with a stable and successful management team and a staff dedicated to improving the quality of life for the residents of Fort Bragg.

In her spare time, Linda serves the public as a Rotarian, an active mentor for the Interact Afterschool Program, and she volunteers for many teen leadership events. She is also the mother of two children, Eli and Jasper Henderson.

Linda Ruffing has been a dedicated and effective public servant for 26 years, and I hope you will join me in recognizing her many accomplishments and sending her best wishes on her retirement.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. NUNES. Mr. Speaker, on the legislative day of Tuesday, February 13, 2018, I was unavoidably detained and was unable to cast a vote on two Roll Call Votes. Had I been present, I would have voted:

on Roll Call No. 70—YES; and Roll Call No. 71—YES.

100TH ANNIVERSARY OF BROOKLYN CHAMBER OF COMMERCE

HON. HAKEEM S. JEFFRIES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. JEFFRIES. Mr. Speaker, I rise today in recognition of the 100th Anniversary of the Brooklyn Chamber of Commerce. On February 10, 2018, the Brooklyn Chamber of Commerce celebrated a century of strengthening local businesses and making invaluable contributions to the local economy.

Established in 1918, the Brooklyn Chamber of Commerce has assisted businesses through innovative programs that have helped grow and promote Brooklyn's economic landscape. In 1922, the organization expanded their outreach by hosting the Manufacturers Industrial Show, highlighting over 200 Brooklyn manufacturers and opened its membership to women. Just five years later, the chamber of commerce had become the second largest in the United States.

In the 1980's the United States Small Business Administration formally recognized the Brooklyn Chamber and their commitment to protecting and promoting the commercial and industrial components of the city and their outreach efforts, technical assistance and referrals on behalf of minority and women-owned businesses.

Under the leadership of Andrew Hoan, President and CEO of the Chamber has experienced considerable growth, exceeding over 2,000 members and launching several exciting initiatives across the borough. As an example, Explore BK, Brooklyn Made have allowed tourists and Brooklynites alike to connect with local businesses and provided businesses with a national platform. The continued success of the Brooklyn Chamber of Commerce would not be possible without the support and dedication of its faithful partners and members.

Mr. Speaker, in honor of the history and legacy of this trailblazing organization and the many committed people who make it a success, I ask that you and my other distinguished colleagues join me in congratulating the Brooklyn Chamber of Commerce on its 100th anniversary.

RECOGNIZING FATHER MARTIN ELSNER, SJ

HON. JOAQUIN CASTRO

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. CASTRO of Texas. Mr. Speaker, I rise today to recognize Father Martin Elsner, SJ, who passed away on February 4, 2018. Father Elsner hailed from my hometown of San Antonio, and we will miss him deeply.

Father Elsner was born in St. Louis on September 1, 1931. He attended Jesuit High in Dallas and Price High in Amarillo and later continued his studies at St. Charles College. Father Elsner went on to earn a bachelor's degree in English at Spring Hill College in Mobile, Alabama; a master's degree in Education; and studied theology at St. Mary's College in St. Marys, Kansas.

Prior to his ministry in San Antonio, Father Elsner began his priestly ministry in Shreveport, Louisiana, where he served as an assistant principal at Jesuit High School from 1964 to 1968. After, Father Elsner was appointed Rector-President at Jesuit High School in El Paso, Texas, where eventually he also served as both President and Principal. After three years in school administration in El Paso, he was Pastor for eight years at St. Joseph Church in Houston, Texas and was also a religious leader at the Metropolitan Organization in Houston.

Continuing his ministry in Texas, Father Elsner became a Pastor at Our Lady of Guadalupe Parish in San Antonio where he remained until just last year—serving twice as a Pastor and many years as an associate. Father Elsner was also active in the Communities Organized for Public Service (COPS) and was also spiritual director at Assumption Seminary in San Antonio from 2011 to 2017.

Father Elsner was a true pillar in San Antonio and to the state of Texas—always giving back to the community and making our state shine it's brightest. Father Elsner was very active in the Texas Coalition to Abolish the Death Penalty, as well as the Southside Consortium for Catholic Schools and Westside Catholic Schools. He also frequently served as a celebrant for the televised Mass on Catholic Television of San Antonio.

Throughout his lifetime, he received awards of Outstanding Leader recognition from the archdiocesan Department of Catholic Schools in 1997, and the Benetia Humanitarian Award from the Missionary Catechists of Divine Providence in 2013. These awards don't even fully explain what Father Elsner accomplished in his lifetime.

Father Elsner was a kind and humble man, dedicated to bettering the lives of the people in San Antonio and everywhere else he spent time. His footprint is everlasting, and his leadership as an educator and religious figure to many will be greatly missed.

WELCOME SLOANE DACHISEN BRAVO

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate Summer Buchanan Bravo and her husband, Matthew Edward Bravo, on the birth of their new baby girl, Sloane Dachisen Bravo. Sloane Dachisen Bravo was born on February 3, 2018, at Sibley Memorial Hospital in Washington, D.C. Sloane weighed seven pounds and eight ounces and measured 19 and ¾ inches long.

I would also like to congratulate Sloane's grandparents, Steve and Barbara Buchanan of Birmingham, Alabama, and Charles and Linda Bravo of Fairfax, Virginia. Congratulations to the entire family as they welcome their newest addition of pure pride and joy.

THOMAS REYNOLDS

HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. MESSER. Mr. Speaker, I rise today to honor a friend of mine, Thomas Reynolds, who passed away recently at the age of 68 in Indianapolis, Indiana.

Tom was born in Muncie, Indiana on November 6, 1949. He worked for Delta Faucet in Greensburg with my Mom, for a total of 42 years until he retired in 2013, and was married to Amy Kay Fisher on April 15, 2000, who preceded him in death on November 26, 2015. Tom was a member of the YMCA for many years, and was an avid high school basketball fan that attended numerous boy's and girl's games over the years, who loved to watch his grandsons play baseball. Throughout his life Tom had a profound impact on countless Hoosiers.

On a personal note, Thomas Reynolds had a giant personality and was someone whose support and guidance I could always count on. He was supportive, as a baseball coach, early on in my life and I'm greatly appreciative of his friendship and leadership.

He will be mourned most by those who knew him best, and he will be missed by all. Tom is survived by three sons: Craig (Mandy) Reynolds; Cris (Angie) Reynolds; Bobby (Heather) Reynolds; brother, Steven Loyd; sister, Rita Reynolds; and six grandchildren, Cade, Sydney, Corey, Trevor, A.J., and Cole Reynolds.

PITTSBURGH SUPERCOMPUTING CENTER RETIREMENTS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I rise today to note a major milestone in the life of the Pittsburgh Supercomputing Center, a federally supported research facility in southwestern Pennsylvania. Three people responsible for founding and building the Pittsburgh Supercomputing Center are retiring after many years of stellar leadership there.

The Pittsburgh Supercomputing Center, an institution established and managed by Carnegie Mellon University and the University of Pittsburgh, provides both public and private-sector researchers nationwide with access to high-performance computers for unclassified research. The Pittsburgh Supercomputing Center is also a leading partner in the Extreme Science and Engineering Discovery Environment, the National Science Foundation's cyber-infrastructure program.

The Pittsburgh Supercomputing Center was founded in 1986 by two physicists, Michael Levine from Carnegie Mellon University and Ralph Roskies from the University of Pittsburgh, along with Jim Kasdorf, the Manager of Engineering Computer Services at Westinghouse. They believed that the Pittsburgh region needed a national high-performance computing center run by and for researchers.

Working with leading-edge suppliers, co-directors Levine and Roskies attracted and fostered a team that has designed and built highly advanced and productive high-performance computing systems. Back in 1986, Jim Kasdorf was the Manager for Engineering Computer Services at Westinghouse, where he was responsible for everything—planning, computer acquisition, systems programming, day-to-day operations, and user support. Despite those demands, he also took on spearheading Westinghouse's support for the new facility. Jim eventually joined the Pittsburgh Supercomputing Center as Director of Special Projects, where he assisted with ongoing funding opportunities and technology developments.

The Pittsburgh Supercomputing Center rapidly earned a reputation for acquiring, installing, and deploying systems that were ''serial number 1'' or ''serial number 2'' and/or the first to ship to a customer, making it a highly productive research leader. As a result, each new system enabled a new generation of research to be conducted:

In 1987, Levine and Roskies established a biomedical group that created a unique resource for exploring the subcellular structure of the nervous system and also developed unique capabilities in the growing field of bioinformatics and spawned formal graduate and undergraduate programs across the country.

In the 1990s, Roskies personally made arrangements for time to be set aside on the center's Cray C90 for tornado prediction efforts that led to today's tornado predictions—the first time a supercomputing center had dedicated time to a single application for such societally important, time-sensitive work.

In 2001, the Pittsburgh Supercomputing Center's Terascale Computing System ranked number 2 on the Top 500 list of the world's most powerful computing systems.

In 2010, the Pittsburgh Supercomputing Center formed an internationally respected Public Health Applications Group.

Today, the Pittsburgh Supercomputing Center's systems have increasingly focused on Big Data analytics, empowering a new generation of research in artificial intelligence, the life sciences, the social sciences, and the digital humanities.

The retirement of these three pioneers from their leadership posts at the Pittsburgh Supercomputing Center offers an occasion for reflecting on their role in furthering the science of high-performance computing, expanding STEM and economic opportunities in the Commonwealth of Pennsylvania and contributing to the region's expanding role as a hotspot for computing innovation.

The Pittsburgh Supercomputing Center's work has had a profound impact on the Western Pennsylvania region and the Commonwealth as a whole. The Pittsburgh Supercomputing Center has established a tradition of using the latest information technologies for the advancement of research, education and corporate competitiveness in the region and the state. The Pittsburgh Supercomputing Center's culture of encouraging innovation and entrepreneurial activity enabled the creation of the Three Rivers Optical Exchange, which today provides high-bandwidth research networking and/or low-cost commodity Internet to a growing list of institutions in the region and the Commonwealth of Pennsylvania, including universities, research facilities and high schools.

To help build the region's STEM workforce, the Pittsburgh Supercomputing Center offers educational programs for students and teachers at the K–20 level. Open education resource materials (available on the Pittsburgh Supercomputing Center website at www.psc.edu) are offered online as well as by many of these programs. The Bioinformatics Education for program STudents exposes teachers to modem molecular biology concepts by incorporating computational biology and bioinformatics into high school curricula. The Bioinformatics Education for program STudents curriculum has been adopted at 15 regional high schools.

In economic impact, the Pittsburgh Supercomputing Center has brought over $500 million in outside funds into Pennsylvania, empowering high-performance computing-driven research findings at Carnegie Mellon and Pitt, as well as many of the region's other universities. The Pittsburgh Supercomputing Center has been responsible for generating 1,600 jobs and over $200 million in annual economic activity. The Pittsburgh Supercomputing Center's impact also includes helping to meet the Commonwealth of Pennsylvania's need for a growing STEM workforce.

In addition to supporting the Commonwealth of Pennsylvania, the Pittsburgh Supercomputing Center has put the state ''on the map'' in the high-performance computing community. The Pittsburgh Supercomputing Center has innovated high-performance computing software and architecture that has helped drive research around the world. The Pittsburgh Supercomputing Center's work in networking has helped provide the critical connections that enable researchers to make productive use of powerful resources that their individual institutions would never be able to afford. Pittsburgh Supercomputing Center software researchers have created a family of open-source tools that are helping to power Big Data analytics on a similar scale. Its biomedical and Public Health groups are fueling the fine-scale exploration of brain structure and revolutionizing public health efforts by optimizing medical supply delivery and revealing how offering people more options can encourage vaccination. And its championing of the creation of supercomputers tailored to new communities of researchers with Big Data needs—typified by the new Bridges system, which has set new standards for accessibility to researchers without supercomputing experience—have supercharged research efforts in fields that never before used high-performance computing.

This innovative approach to high-performance computing has touched scientists, engineers, and humanities researchers across the country and the world. In collaborations such as the Extreme Science and Engineering Discovery Environment, the National Science Foundation's network of supercomputing centers, the Pittsburgh Supercomputing Center has played a leading role, providing computational, storage, and human resources that continue to power research projects coast to coast. The result has been a host of tremendous scientific advances made possible by its high-performance computing systems.

In the educational sphere, the Pittsburgh Supercomputing Center's NIH-funded Minority Access to Research Careers bioinformatics program helped 12 minority-serving institutions across the country institute classes or full curriculums in bioinformatics, preparing their students for 21st-century life sciences careers; the Minority Access to Research Careers program's summer institute offered summer recess projects to undergraduate and graduate students at these institutions as well.

Levine and Roskies created an environment for innovation at each stage: assembling the team that won the first National Science Foundation award; hiring key people with unique skills; and then empowering them to make innovative contributions. Their 31 years of service in leading the Pittsburgh Supercomputing Center fostered a community of scientific and computing researchers that enable scientific discovery by re-thinking the architecture and software of the systems they make available.

I want to commend Dr. Levine, Dr. Roskies, and Mr. Kasdorf for their more than 30 years of important contributions to science and the economy of Southwestern Pennsylvania. I want to congratulate them on a well-earned retirement and wish them the best in the years ahead.

IN HONOR OF MINISTER OLLIE W. TARVER

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to extend my sincerest congratulations and Happy Birthday wishes to a dedicated woman of God, community servant, and friend of longstanding, Minister Ollie W. Tarver, who is celebrating her 82nd birthday on Saturday,

February 17, 2018. On this day, there will be a celebration at Dawson Elementary School located at 180 Northstar Drive in Columbus, Georgia.

Minister Ollie Woods Tarver was born on February 17, 1936 in Hatchechubee, Alabama to the union of the late Mr. William Woods and Minister Mattie Mae Woods. A product of the Russell County School System, she graduated from Russell County Training School, and went on to earn a Bachelor's of Science degree from Albany State University and a Master's of Science degree from Fort Valley State University in Elementary Education. Throughout her career, she taught in the Muscogee County School System for 31 years.

Minister Tarver is not only a profound educator but also a strong spiritual leader. Throughout her pastoral career, she has played a leading role in several religious-affiliated and community-based organizations. In addition to serving as pastor of Ollie Tarver Ministries, she has also served as Chaplain for several institutions and entities including: Christian Life School of Theology; Beacon University; Columbus Chamber of Commerce; Columbus City Council; and Fountain City Care and Rehabilitation.

George Washington Carver once said, ''How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these.'' Minister Tarver has gone far in life because her everlasting faith in the Lord is vivid testimony of His greatness to all whom she encounters. Her love and commitment to Christ is reflected in her compassionate leadership, which makes her a guiding light within the community.

Minister Tarver has accomplished many things in her life but none of these would have been possible without the grace of God and her loving husband, Otis; their son, Earl; six grandchildren; and three great-grandchildren. On a personal note, my wife Vivian and I have truly been blessed by Minister Tarver's sage counsel, encouragement, and enduring friendship over the many years that we have known her.

Mr. Speaker, my wife Vivian and I, along with the more than 730,000 constituents of the Second Congressional District of Georgia ask my colleagues in the House to join us in commending and recognizing Minister Ollie W. Tarver for her selfless service to God, the church, and to humankind. We extend our best wishes to her as she and her family and friends celebrate her 82nd birthday.

RECOGNIZING MS. HOLLY ADAMS FOR HER INTERNSHIP WITH THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAMME

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. HASTINGS. Mr. Speaker, I rise today to recognize Ms. Holly Adams. Holly has been an intern in my Washington, D.C. Congressional office since the beginning of January, through the Uni-Capitol Washington Internship Programme (UCWIP).

For the past 19 years, the program has paired students from nearly a dozen partner universities in Australia with offices on Capitol Hill, giving hundreds of students the opportunity to work in the halls of Congress. I have been honored to host a number of extremely talented interns through the UCWIP. Holly is, of course, no exception.

Holly is currently enrolled at Deakin University in Geelong, Victoria, where she is pursuing a Bachelor of Laws Degree and a Bachelor of International Studies Degree: As a student of International studies, she has already travelled extensively, participating in international politics study tours in Boston, Philadelphia, Washington, New York, as well as Tokyo.

Holly has proven herself to be a very hard-working and dedicated individual. Throughout her internship, she has interacted extensively with my constituents, by drafting correspondence, helping to address questions, comments, and concerns for those contacting or visiting my office. She has also attended a number of hearings and briefings on a wide range of topics facing our nation and world. '

Indeed, Holly proved herself to be so capable, she prepared a FY2019 Programmatic Request letter for circulation throughout the U.S. House of Representatives on rail safety. It is no wonder that she was chosen by her classmates to give the ''valedictory'' speech at her program's closing reception.

Last year, Holly was accepted to study international human rights at Kings College, London. I have no doubt that she will do great as she continues her studies. I am proud to congratulate Holly on all of her achievements, and to thank her for everything that she has done for my office, my district, state, and our country. She has a very bright and exciting future ahead of her, and I wish her the very best.

IN RECOGNITION OF JENNIFER FRIZZELL FOR HER 15 YEARS OF SERVICE AT PLANNED PARENTHOOD OF NORTHERN NEW ENGLAND

HON. ANN M. KUSTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to offer my sincere gratitude for Jennifer Frizzell as she moves on after fifteen years from her role leading public policy work for Planned Parenthood of Northern New England.

Throughout Jennifer's long career as an advocate for reproductive rights and improved access to family planning resources, she has helped support women across New Hampshire in obtaining well-deserved quality healthcare. Whether it's been advocacy to protect buffer zones outside of clinics or fighting against a lawsuit to prevent the opening of a Planned Parenthood in downtown Manchester, Jennifer has made invaluable contributions to our state and the country. Her commitment and compassion have improved the lives of countless women in need, and she has cultivated a better future for Granite State women and families.

On behalf of New Hampshire's Second Congressional District and all those who have benefitted from Jennifer's work, I thank her for her incredible service and congratulate her on all that she has accomplished. I wish her the best of luck in the years ahead, and I look forward to our continued work together to make New Hampshire an even better place to live, work, and raise a family.

PERSONAL EXPLANATION

HON. VICENTE GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. GONZALEZ of Texas. Mr. Speaker, I was unable to cast my vote for Roll Call vote 70 on February 13, 2018. Had I been present, my vote would have been the following: Yea on Roll Call Vote 70.

PERSONAL EXPLANATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. LoBIONDO. Mr. Speaker, I will miss votes scheduled for Wednesday, February 14 and Thursday, February 15, 2018 due to the planned funeral of my oldest brother George LoBiondo in Rosenhayn, New Jersey.

HONORING RONALD E. JACKSON FOR OVER 50 YEARS SERVING IN THE ESSEX FIRE DEPARTMENT

HON. ELISE M. STEFANIK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Ms. STEFANIK. Mr. Speaker, I rise today to recognize Ronald E. Jackson for over 50 years of service in the Essex Fire Department.

Ron joined the Essex Fire Department in 1964, where he held the roles of Fire Lieutenant, EMS Captain, Fire District Commissioner, Assistant Fire Chief, and Fire Chief. He remains active in the Department to this day, responding to fire and EMS calls as a volunteer member of Department.

For Ron, fire fighting runs in the family. He followed his father Gerald's lead in becoming a firefighter, and was glad to pass on the torch to his son, Craig, and his grandsons, Warren and Benjamin, who all currently serve.

Ron is truly dedicated to his community. When tragedy struck New York on September 11, 2001, Ron bravely served as a responder at Ground Zero in the days following the attack. A true public servant, Ron now serves as Essex Town Supervisor and formerly chaired the Essex County Republicans.

I would like to thank Ron for his many years of public service to the people of New York, especially to the town of Essex. His commitment to serving others sets a wonderful example for the residents of New York's 21st District.

IN RECOGNITION OF THE AMERICAN SOCIETY OF HEATING, REFRIGERATING, AND AIR-CONDITIONING ENGINEERS AND NATIONAL ENGINEERS WEEK

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor the Anthracite Chapter of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) as it celebrates National Engineers Week. The American Society of Heating, Refrigerating and Air-Conditioning Engineers was originally formed in 1894 as American Society of Heating and Ventilating Engineers. With its international membership of over 56,000, ASHRAE works to make sustainable advancements in technology for heating, ventilation, air conditioning, and refrigeration.

Since 1951, National Engineers Week has celebrated the countless contributions engineers have made to our country. National Engineers Week is formally recognized by a coalition of more than 70 engineering, education, and cultural societies, with over fifty corporations and government agencies dedicated to raising public awareness on the effect engineering has on daily life. National Engineers Week honors also the parents, teachers, and mentors who instill the importance of math, science, and technological literacy in students and motivate them to pursue careers in engineering.

Many of the major challenges of our time have been resolved by modern engineering. From designing efficient building systems to rebuilding towns devastated by natural disasters, the efforts of engineers contribute to our nation's well-being and quality of life. It is a great privilege to recognize these honorable men and women, who are committed to using their scientific skills and specialized knowledge to create and innovative ways to fulfill society'S needs.

INTRODUCTION OF THE SAVING AMERICA'S POLLINATORS ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. BLUMENAUER. Mr. Speaker, our nation's food system is in a crisis right now, and it goes beyond the state of the farm economy. Between 2016 and 2017, it's estimated that the United States lost one-third of its honey bee colonies. Over the past decade, documented incidents of honey bee colony collapse disorder and other forms of excess bee mortality have been at a record high. Some beekeepers reported repeatedly losing 100 percent of their operations. While this may not sound like a crisis to some, these insects play a critical role in pollinating a number of our nation's crops.

Honey bees and native bees jointly provide U.S. agriculture an estimated $18 to $27 billion in pollination service annually. One of every three bites of food we eat is from a crop pollinated by bees. This dramatic decline threatens these crops, and thousands of scientific studies have implicated neonicotinoid pesticides, or neonics, as key contributors to this trend.

That's why today I am proud to reintroduce the Saving America's Pollinators Act. This bill would protect the health of honey bees and other critical pollinators and suspend the use of bee-toxic neonics. It also requires the Environmental Protection Agency (EPA) to complete a thorough assessment and ensure that any use of these insecticides does not cause unreasonable and adverse effects on pollinators.

The health of our food system depends on the health of our pollinators, and the EPA has a responsibility to get to the bottom of this issue. I urge my colleagues to join me and pass this legislation so that we can save our pollinators. The future of our food depends on it.

INTRODUCTION OF THE CIVIL WAR DEFENSES OF WASHINGTON NATIONAL HISTORICAL PARK ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Ms. NORTON. Mr. Speaker, today, I introduce a bill to recognize and preserve the Civil War Defenses of Washington located in the District of Columbia, Virginia, and Maryland. The defenses of Washington, including forts, unarmed batteries and rifle trenches, created a ring of protection for the nation's capital during the Civil War. This bill would redesignate the 22 Civil War Defenses of Washington currently under National Park Service jurisdiction as a national historical park, and allow other sites associated with the Civil War Defenses of Washington that are owned by the District of Columbia or a unit of state governments to be affiliated with the national historic park through cooperative agreements. This bill would also require the Secretary of the Interior to facilitate the storied history of the Civil War for both the North and the South, including the history of the Defenses of Washington and the Shenandoah Valley Campaign of 1864, being assembled, arrayed and conveyed for the benefit of the public for the knowledge, education, and inspiration of this and future generations.

The Civil War Defenses of Washington were constructed at the beginning of the war, in 1861, as a ring of protection for the nation's capital and for President Abraham Lincoln. By the end of the war, these defenses included 68 forts, 93 unarmed batteries, 807 mounted cannons, 13 miles of rifle trenches, and 32 miles of military roads. The major test of the Civil War Defenses of Washington came with the Shenandoah Valley Campaign of 1864, when Confederate Lieutenant General Jubal Early, directed by General Robert E. Lee, sought to attack the nation's capital from the north, causing Union forces threatening to attack Richmond, the capital of the Confederacy, to be withdrawn. General Early was delayed by Union Major General Lew Wallace at the Battle of Monocacy on July 9, 1864, and was stopped at the northern edge of Washington at the Battle of Fort Stevens on July 11 and 12, 1864. The Shenandoah Valley Campaign ended when Union Lieutenant General Philip Sheridan defeated General Early at the Battle of Cedar Creek, Virginia, on October 19, 1864.

Nearly all the individual forts in the Civil Defenses of Washington—on both sides of the Potomac and Anacostia rivers—were involved in stopping General Early's attack, and the Battle of Fort Stevens was the second and last attempt by the Confederate Army to attack Washington.

Taken together, these battles were pivotal to the outcome of the war and the freedom and democracy that the war represented for this country. It is therefore fitting that we recognize these sites by redesignating them as a national historic park.

I urge my colleagues to support the bill.

IN RECOGNITION OF JUDGE GREGORY D. BILL FOR RECEIVING THE 2018 PURPLE SPORT COAT AWARD

HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Judge Gregory D. Bill for receiving the Tertzag Tribute Dinner's 2018 Purple Sport Coat Award for his distinguished work as a judge. His commitment to justice and the Detroit community throughout his career with the 3rd Circuit Court of Michigan is worthy of recognition.

After receiving his undergraduate degree from the University of Michigan and his J.D. from Western Michigan University's Cooley Law School, Judge Bill began his own practice with a specialization in aviation law. He has always had a passion for public service and served as a legislative aide for a member of the Michigan State Senate, where he honed his knowledge of the state's issues and policy procedures. Judge Bill served as a member of Michigan's 20th District Court before receiving an appointment to the Wayne County Circuit Court, a position he has held since 2000. Throughout his tenure, he has served in a variety of capacities and currently serves in the criminal division.

Judge Bill has been an outstanding public servant throughout his decades of work with the judiciary and is widely recognized and respected for his legal expertise. His colleagues have previously recognized him for his work, including being awarded the Michigan Special Legislative Tribute for Outstanding Service to the People of Michigan. The Purple Sport Coat award is granted in honor of the late Judge Kaye Tertzag who was known for his integrity and strict interpretation of the law. Judge Bill lives up to the legacy of public respect and judicial integrity that Judge Tertzag is remembered for and is truly deserving of this award. He has provided outstanding service to our state throughout his career as a judge, and I look forward to his continued work in the years to come.

Mr. Speaker, I ask my colleagues to join me in honoring Judge Gregory Bill for being named the recipient of the 2018 Purple Sport Coat Award for his distinguished work as a judge. Judge Bill has been an outstanding public servant during his legal career.

PERSONAL EXPLANATION

HON. LISA BLUNT ROCHESTER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Ms. BLUNT ROCHESTER. Mr. Speaker, I wish to clarify my position on roll call votes cast on February 13, 2018.

On Roll Call Vote Number 70, on the Lexington VA Health Care System, I did not vote. It was my intention to vote ''Yea.''

On Roll Call Vote Number 71, to extend the Generalized System of Preferences and to make technical changes to the competitive need limitations provision of the program, I did not vote. It was my intention to vote ''Yea.''

RECOGNIZING THE 100TH BIRTHDAY OF WILLIAM TOMKA

HON. JOHN H. RUTHERFORD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. RUTHERFORD. Mr. Speaker, I rise today to honor World War II Veteran, William John Tomka, with whom I had the recent pleasure of joining to celebrate his 100th birthday on January 27, 2018.

Born in Dover, New Jersey to immigrant parents, William spent his formative years in New Jersey, developing a love of music. This resulted in him becoming a music teacher until he was drafted into the United States Army on July 11, 1941. He left a successful teaching job in New Jersey to defend our great nation. After completing his radio operations training at Fort Dix and Fort Bragg, he was deployed to Iceland as part of the 50th Signal Battalion, in which he served as a Technical Sergeant, leading a group of 8 men who were also trained radio operators. His team was responsible for code, receiving and transmitting from the field, as well as in command cars. This group was part of the first American Army personnel to be sent into the European Theatre of Operations. After 22 months in Iceland, he was sent to England to be a part of the invasion force of France on D-Day. He was dropped on Utah Beach on June 6, 1944 and bravely fought through the campaign of Europe, including the American bombardment of the German forces at Saint-Lô. He and his fellow soldiers proceeded to serve at the Battle of the Bulge.

When accounting his most memorable times in the Army, Mr. Tomka will tell you about his time in Europe after D-day. He told me about his time in France where he witnessed American fighter pilots bomb the German forces and of his time served in joint force with the Russians at the river of Elbe. Mr. Tomka was discharged after three and a half years of foreign duty on June 22, 1945.

After his years of service, Mr. Tomka went back to his passion of teaching music. He started an instrumental music program in the Flidgefield school system of New Jersey. During his years of music education, Mr. Tomka obtained his master's degree from NYU in Supervision and Administration, and while he was at NYU, he played violin in the orchestra. Even at 100, his talents are still impressive. At his recent birthday celebration, Mr. Tomka expertly played the clarinet, violin, piano, and sang for his family and friends.

I salute William John Tomka on his years of faithful service to our country and the public-school system. He has exemplified qualities of a true American hero, and I, on behalf of a grateful nation, admire his service and sacrifice.

CONGRATULATING DOMONIQUE MALCOLM ON BEING NAMED A DISTINGUISHED FINALIST BY THE PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

HON. ELISE M. STEFANIK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Ms. STEFANIK. Mr. Speaker, I rise today to congratulate and honor Domonique Malcolm for being named a Distinguished Finalist in New York State by the 2018 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state.

Ms. Malcolm is being recognized for co-founding a nonprofit that led several mission trips to help an impoverished community in Jamaica, and for recently coordinating a trip that mobilized 29 volunteers to build two new houses and offer medical and dental support at a local clinic. Over the past four years, Ms. Malcolm has also helped provide the community with support, including groceries and computers for students.

Created in 1995, the Prudential Spirit of Community Awards recognizes the critical importance and high value of contributions made by youth volunteers, and to inspire other young people to follow their example. Over the past 23 years, the program has become the nation's largest youth recognition effort based solely on community service, and has honored more than 120,000 young volunteers at the local, state and national levels.

On behalf of New York's 21st District, I heartily applaud Ms. Malcolm for her commitment and dedication to serving others, and thank her for the positive impact she has made on many lives. Young volunteers like Ms. Malcolm are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

IN RECOGNITION OF MRS. EUNICE L. MIXON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to recognize the work and service of a distinguished educator, political activist, and dear friend to my wife, Vivian and me, Mrs. Eunice L. Mixon. She was honored as the 2018 Distinguished Older Georgian, a title given by the Georgia Council on Aging to honor a Georgian, of at least 80 years of age, who is a role model for positive aging and has made significant contribution to society through occupational or volunteer efforts. An award reception was held for Eunice at the Georgia State Capitol at 2 p.m. on Thursday, February 8, 2018 in Atlanta, Georgia.

Eunice L. Mixon was born in Tifton, Georgia on April 11, 1931 to the union of the late Robert and Carrie Lastinger. A product of the Tift County School System, she went on to attend classes at Abraham Baldwin Agricultural College and earn both Master's and Specialist Degrees in Science Education from the University of Georgia.

Winston Churchill said, ''We make a living by what we get, but we make a life by what we give.'' Through every stage of her life, Eunice has always given of herself to others. She served as an educator for 30 years within the Tift County School System and at Abraham Baldwin Agricultural College before redirecting her passion to politics. Her first official post in politics came in 1974 when she became the Tift County campaign chair for former Governor George Busbee. She also served as a delegate to the 1988 and 1992 National Democratic Conventions, and as a member of the Georgia Democratic Executive Committee. Over the years, she has helped campaign and fundraise for several political figures including former Georgia Lieutenant. Governors Zell Miller, and Pierre Howard, former Georgia Governors Roy Barnes, Joe Frank Harris, and Sonny Perdue, former Georgia Commissioner of Agriculture Tommy Irvin, former Georgia Secretary of State Max Cleland, U.S. Representative Charles Hatcher, former U.S. Senator Sam Nunn, former U.S. Presidents Jimmy Carter and Bill Clinton as well as yours truly.

Eunice's distinguished civil service has been mirrored by her extensive involvement in her community. In conjunction with her professional accomplishments in politics, she served on several boards, including the Georgia Student Finance Commission, Vocational Education Task Force, Advisory Council on Consolidation of Education Programs, Georgia Civil War Commission, Joint Board Liaison Committee, and the Georgia State Bar Disciplinary Board. She has served as the doorkeeper to the Georgia State Senate, and has served on the State Bar of Georgia's Investigative Panel, the Tifton/Tift County Library Board, the Coastal Plain Regional Library Board, the Georgia Student Finance Commission Board, the Heritage Trust Commission Board, the Agrirama Foundation and the State Election Board.

Eunice received several awards for her extensive work in politics. These include induction into the Tift County Chamber of Commerce's Wall of Fame in 2014; the Liberty Bell Award by the Tifton Judicial Circuit Bar Association in 2016; a spot on the 40 Most Influential South Georgians; and in 2010, the State Bar of Georgia honored Eunice with an award in her name.

Eunice has accomplished many things in her life but none of these would have been possible without the enduring support of her late husband, Albert and their sons, Johnny and Jimmy.

On a personal note, I have been blessed to know Eunice for many years and I can say without reservation that she is one of the most passionate and warmhearted individuals I have ever met. I am proud to consider Eunice and the Mixon family friends of longstanding.

Mr. Speaker, I ask my colleagues to join me and the more than 730,000 residents of Georgia's Second Congressional District, in extending our sincerest congratulations to Mrs. Eunice L. Mixon for receiving the title of 2018 Distinguished Older Georgian and for her many years of service to her community, state, and nation.

CELEBRATING THE LIFE AND LEGACY OF FREDERICK DOUGLASS

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. HUIZENGA. Mr. Speaker, this February marks the 200th anniversary of the birth of a truly great American, Mr. Frederick Douglass. Having been born into slavery as Frederick Augustus Washington Bailey in Talbot County, Maryland, Mr. Douglass never knew his real birthday. He often lamented that he had only a few, shadowy memories of his mother, who would walk miles at night to visit him as a child, and then walk back home to be in the fields before sunrise. Yet that little boy would grow up into a brave young man, who taught himself to read and write, and successfully escaped slavery on his third attempt. He would marry Anna, the love of his life, and remain married to her until her death. He was a devoted father to all five of their children. While still a fugitive slave, he would write the first of three autobiographies: Narrative of the Life of Frederick Douglass, an American Slave, which remains one of the greatest books ever written in the English language. Mr. Douglass was a deeply courageous American who never shied away from confronting evil, even at great personal risk. He became a world-renown orator in the cause of abolition, laying bare the horrors of slavery and helping to end that cursed institution in America once and for all. He began and edited his own abolitionist newspaper, The North Star. He successfully published his paper until slavery ended, despite opposition and persecution from other abolitionists. He met with and served as an advisor to President Lincoln during the Civil War, and did not hesitate to confront the President directly over the treatment of African American soldiers in the Union Army. After the Civil War ended, Douglass served four more presidents, fighting to end racial segregation and to get African Americans and women the right to vote. For his entire life, he worked tirelessly to bring justice to the oppressed and to call America to live out its highest ideals, reminding us that ''The life of the nation is secure only while the nation is honest, truthful, and virtuous.'' I would also like to recognize two great organizations that have been founded to continue Mr. Douglass' legacy of faith-based activism, moral courage and clarity, and family devotion. The Frederick Douglass Foundation was founded in 2009 by Dr. Timothy Johnson, Mr. Troy Rolling and Rev. Dean Nelson to engage and recruit black activists, community leaders to become members of the Republican Party. The organization has thousands of members and chapters in over 15 states. The Douglass Leadership Institute, founded in 2015 by Rev. Dean Nelson, a non-partisan organization which educates, equips and empowers faith-based leaders to embrace and apply biblical principles to life. Both organizations are committed to Righteousness, Justice, Liberty and Virtue.

150TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF HARRISBURG

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. SHIMKUS. Mr. Speaker, I rise today to acknowledge the celebration of the 150th anniversary of the First Baptist Church of Harrisburg, IL.

The church was established on February 15, 1868. The first meetings were held at the Harrisburg Courthouse.

The Church is located in the Saline county seat. Because of the strength and character of its members, the First Baptist Church possesses both a rich history and a vibrant future. They are commemorating their 150th anniversary with a special celebration on Saturday, February 17. Beginning at 1:00 PM, there will be a video presentation, an organ concert, a quartet singing, a beard judging, a historical fashion show, and a dessert and pie social at the end. I am honored to recognize such a strong community of faith in my district.

I look forward to the continued prosperity of the First Baptist Church in Harrisburg for many years to come.

RECOGNIZING GRABUONE OUTFITTERS FOR THEIR HIT SHOW ''MISSISSIPPI SNAKE GRABBERS''

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. HARPER. Mr. Speaker, Scott County, Mississippi is home to a one-of-a-kind hobby, known as snake-grabbing. Pioneered by a group of men who are known as ''Grabuone Outfitters,'' this hobby has become a way of life, a business venture, and a hit television show by the title of Mississippi Snake Grabbers.

The snake-catching venture's roots started in 1990 when a group of men from Scott County began traveling to Lake St John, Louisiana, for an annual fishing trip, On this trip, one of the fishermen, Jimmie Nichols, reached over his buddy Rayford Palmer, grabbed a snake off a limb, and pulled it into their boat. This began a tradition of catching snakes that continues to this day.

A few years later the stories of the snake-catching excursions piqued the interest of others, including Joey Mayes, Joey Rigby, and Shane Gibson, whose boat quickly became known as the Snake Boat, and it was during that time the small group of four started calling themselves ''Grabuone Outfitters.''

The group began videoing their snake hunts and attracted even more attention, and that is when Brad Vincent and Brent Shorter were added to the group. Brent had originally been hired to video Snake Hunt Mississippi Style Volume II, but after his first trip on the water, the team had its sixth member.

The men of Grabuone Outfitters were able to turn their hobby into an honest to goodness business, taking folks from all walks of life onto the lake to experience a thrill like no other. It is my unique honor to recognize Grabuone Outfitters for their hit television show Mississippi Snake Grabbers, and I wish them all the best in their future endeavors.

RECOGNIZING STAN COBURN

HON. JIM BANKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. BANKS of Indiana. Mr. Speaker, I rise today to recognize Mr. Stan Coburn of Fort Wayne, Indiana. Stan recently surpassed his 50th year of employment at the USPS. Stan joined the USPS in 1968, only to be drafted into the Marines shortly thereafter. He served as a helicopter machine gunner during the conflict in Vietnam, then returned to his position at the Post Office one year later.

During his career, Stan has been stationed at every Post Office in the Fort Wayne area, and has worked every shift available. Stan has said that he still feels like he has another five years of service left in him.

Northeast Indiana is thankful for Stan's many years of service and commitment to our community. In fact, February 6, 2018, was Stan Coburn Day in Fort Wayne. I would like to show appreciation to Stan for his dedication to Hoosiers in my district, and congratulate him on reaching this milestone.

IN RECOGNITION OF CHARLIE SPANO, UNICAN OF THE YEAR FOR THE UNICO SCRANTON, PENNSYLVANIA CHAPTER

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2018

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor Charlie Spano, who has been named the UNICAN of the Year by the Scranton Chapter of UNICO National for their 59th annual charity ball on February 24, 2018.

Before his retirement in 2005, Charlie Spano taught elementary students in the Scranton School District. He received a Master of Science in elementary administration with certification from the University of Scranton and a Bachelor of Science in education and history from Wilkes University. He also served as director of the Bureau of Community and Student Services for the Pennsylvania Department of Education.

Charlie is an active member of his community and has served his neighbors in many capacities throughout the years. He has served as the Deputy Director of voter education for Lackawanna County, assisting in outreach providing information on voting systems; Assistant Manager for Recruiting for the U.S. Census Bureau in Scranton; Chairman of Scranton City Cable Consumer Advisory Commission; a member of the Lincoln Bicentennial Commission of Lackawanna County; a member of the 9–11 Memorial Committee in Lackawanna County; Chairman of the Board of Directors of the Anthracite Heritage Museum

and Iron Furnaces Association; a member of the Heritage Valley Task Force Advocacy/Education Committee; President of the Columbus Day Association of Lackawanna County; President of the Phi Delta Kappa Education Fraternity, University of Scranton Chapter; a South Scranton Lions Club member; Vice Chairman of the Scranton City Planning Commission; and Director of the Lackawanna River Corridor Association, among other positions spanning three decades of outstanding community service.

It is an honor to recognize Charlie Spano as he accepts the UNICAN of the Year Award. I am very grateful for the wide range of work he has done on behalf of the people of Lackawanna County.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 15, 2018 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 28

2:30 p.m.

Committee on Foreign Relations

To hold hearings to examine the President's proposed budget request for fiscal year 2019 for the Department of State and redesign plans.

SD–419

MARCH 1

10 a.m.

Committee on Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board.

SD–430

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S929—S1130

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 2425–2430, and S. Res. 406. **Page S967**

Measures Reported:

S. 951, to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, with an amendment in the nature of a substitute. (S. Rept. No. 115–208) **Page S967**

Measures Passed:

Sergeant Ernest I. "Boots" Thomas VA Clinic: Committee on Veterans' Affairs was discharged from further consideration of S. 2246, to designate the health care center of the Department of Veterans Affairs in Tallahassee, Florida, as the Sergeant Ernest I. ''Boots'' Thomas VA Clinic, and the bill was then passed. **Page S1130**

Authorizing Representation by Senate Legal Counsel: Senate agreed to S. Res. 406, to authorize representation by the Senate Legal Counsel in the case of United States v. Ahmed Alahmedalabdaloklah. **Page S1130**

Measures Considered:

Broader Options for Americans Act—Agreement: Senate began consideration of H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage, after agreeing to the motion to proceed, and taking action on the following amendments and motions proposed thereto: **Pages S930–65**

Pending:

Grassley Amendment No. 1959, in the nature of a substitute. **Pages S930–65**

McConnell (for Toomey/Cruz) Amendment No.1948 (to Amendment No. 1959), to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States. **Pages S930–31**

Schumer Modified Amendment No. 1958 (to the language proposed to be stricken by Amendment No. 1959), of a perfecting nature. **Pages S931–65**

Durbin (for Coons/McCain) Amendment No. 1955 (to Amendment No. 1958), to provide relief from removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States before reaching the age of 18, improve border security, foster United States engagement in Central America. **Pages S931–32**

A motion was entered to close further debate on Durbin (for Coons/McCain) Amendment No. 1955 (to Amendment No. 1958) (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, February 16, 2018. **Page S965**

A motion was entered to close further debate on McConnell (for Toomey/Cruz) Amendment No.1948 (to Amendment No. 1959) (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Durbin (for Coons/McCain) Amendment No. 1955 (to Amendment No. 1958). **Page S965**

A motion was entered to close further debate on Schumer Modified Amendment No. 1958 (to the language proposed to be stricken by Amendment No. 1959) (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of McConnell (for Toomey/Cruz) Amendment No.1948 (to Amendment No. 1959). **Page S965**

A motion was entered to close further debate on Grassley Amendment No. 1959, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Schumer Modified Amendment No. 1958 (to the language proposed to be stricken by Amendment No. 1959). **Page S965**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Thursday, February 15, 2018. **Page S1130**

Nominations Confirmed: Senate confirmed the following nominations:

Margaret Weichert, of Georgia, to be Deputy Director for Management, Office of Management and Budget. **Pages S965, S1130**

2 Coast Guard nominations in the rank of admiral. **Pages S965, S1130**

Messages from the House: **Page S967**

Measures Referred: **Page S967**

Enrolled Bills Presented: **Page S967**

Executive Reports of Committees: **Page S967**

Additional Cosponsors: **Pages S967–69**

Statements on Introduced Bills/Resolutions: **Page S969**

Additional Statements: **Pages S966–67**

Amendments Submitted: **Pages S969–S1129**

Authorities for Committees to Meet: **Pages S1129–30**

Privileges of the Floor: **Page S1130**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:37 p.m., until 10 a.m. on Thursday, February 15, 2018. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1130.)

Committee Meetings

(Committees not listed did not meet)

READINESS OF U.S. FORCES

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine the current readiness of United States forces, after receiving testimony from General James C. McConville, USA, Vice Chief of Staff of the Army, Admiral William F. Moran, USN, Vice Chief of Naval Operations, General Glenn M. Walters, USMC, Assistant Commandant of the Marine Corps, and General Stephen W. Wilson, USAF, Vice Chief of Staff of the Air Force, all of the Department of Defense.

MILITARY FAMILY READINESS

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine military and civilian personnel programs and military family readiness, including S. 2379, to improve and expand authorities, programs, services, and benefits for military spouses and military families, after receiving testimony from Robert L. Wilkie, Jr., Under Secretary for Personnel and Readiness, Lieutenant General Thomas C. Seamands, USA, Deputy Chief of Staff, G–1, Vice Admiral Robert P. Burke, USN, Deputy Chief of Naval Operations, N–1, Lieutenant General Gina M. Grosso, USAF, Deputy Chief of Staff for Manpower, Personnel and Services, and Lieutenant General Michael A. Rocco, USMC, Deputy Commandant for Manpower and Reserve Affairs, all of the Department of Defense; Kathy Roth-Douquet, Blue Star Families, and Kelly B. Hruska, National Military Family Association, both of Washington, D.C.; and J. Michael Haynie, Syracuse University Institute for Veterans and Military Families, Syracuse, New York.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Joseph Simons, of Virginia, who was introduced by Senator Hatch, Christine S. Wilson, of Virginia, who was introduced by Senator Capito, Noah Joshua Phillips, of Maryland, who was introduced by Senator Cornyn, and Rohit Chopra, of New York, each to be a Federal Trade Commissioner, after the nominees testified and answered questions in their own behalf.

NATIONAL PARKS LEGISLATION

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 400, to establish the Susquehanna National Heritage Area in the State of Pennsylvania, S. 966, to establish a program to accurately document vehicles that were significant in the history of the United States, S. 1160, to include Livingston County, the city of Jonesboro in Union County, and the city of Freeport in Stephenson County, Illinois, to the Lincoln National Heritage Area, S. 1260 and H.R. 2615, bills to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars, S. 1335, to establish the Ste. Genevieve National Historic Site in the State of Missouri, S. 1446 and H.R. 1135, bills to reauthorize the Historically Black Colleges and Universities Historic Preservation program, S. 1472, to reauthorize the Tennessee Civil War Heritage Area, S. 1573, to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the ''American Discovery Trail'', S. 1602, to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Finger Lakes National Heritage Area, S. 1645, to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland, S. 1646, to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore,

Maryland, S. 1692, to authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, S. 1956 and H.R. 2897, bills to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, S. 2102, to clarify the boundary of Acadia National Park, S. 2213 and H.R. 4300, bills to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, S. 2225, to reauthorize the Blue Ridge National Heritage Area, S. 2238, to amend the Ohio & Erie Canal National Heritage Canalway Act of 1996 to repeal the funding limitation, H.R. 1397, to authorize, direct, facilitate, and expedite the transfer of administrative jurisdiction of certain Federal land, and H.R. 1500, to redesignate the small triangular property located in Washington, DC, and designated by the National Park Service as reservation 302 as ''Robert Emmet Park'', after receiving testimony from P. Daniel Smith, Deputy Director, Exercising the Authority of the Director of the National Park Service, Department of the Interior.

BUDGET

Committee on Finance: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2019, after receiving testimony from Steven T. Mnuchin, Secretary of the Treasury.

BUDGET

Committee on Finance: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2019, after receiving testimony from David J. Kautter, Acting Commissioner, Internal Revenue Service, Department of the Treasury.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 2221, to repeal the multi-State plan program, with an amendment in the nature of a substitute;

S. 2296, to increase access to agency guidance documents, with an amendment in the nature of a substitute;

S. 2400, to eliminate or modify certain audit mandates of the Government Accountability Office;

S. 2113, to amend title 41, United States Code, to improve the manner in which Federal contracts for design and construction services are awarded, to prohibit the use of reverse auctions for design and construction services procurements;

S. 2349, to direct the Director of the Office of Management and Budget to establish an interagency working group to study Federal efforts to collect data on sexual violence and to make recommendations on the harmonization of such efforts;

S. 2413, to provide for the appropriate use of bridge contracts in Federal procurement, with an amendment;

S. 2178, to require the Council of Inspectors General on Integrity and Efficiency to make open recommendations of Inspectors General publicly available, with an amendment in the nature of a substitute;

H.R. 2229, to amend title 5, United States Code, to provide permanent authority for judicial review of certain Merit Systems Protection Board decisions relating to whistleblowers, with an amendment;

S. 931, to designate the facility of the United States Postal Service located at 4910 Brighton Boulevard in Denver, Colorado, as the ''George Sakato Post Office'';

S. 2040, to designate the facility of the United States Postal Service located at 621 Kansas Avenue in Atchison, Kansas, as the ''Amelia Earhart Post Office Building'';

H.R. 294, to designate the facility of the United States Postal Service located at 2700 Cullen Boulevard in Pearland, Texas, as the ''Endy Nddiobong Ekpanya Post Office Building'';

H.R. 452, to designate the facility of the United States Postal Service located at 324 West Saint Louis Street in Pacific, Missouri, as the ''Specialist Jeffrey L. White, Jr. Post Office'';

H.R. 1207, to designate the facility of the United States Postal Service located at 306 River Street in Tilden, Texas, as the ''Tilden Veterans Post Office'';

H.R. 1208, to designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the ''Converse Veterans Post Office Building'';

H.R. 1858, to designate the facility of the United States Postal Service located at 4514 Williamson Trail in Liberty, Pennsylvania, as the ''Staff Sergeant Ryan Scott Ostrom Post Office'';

H.R. 1988, to designate the facility of the United States Postal Service located at 1730 18th Street in Bakersfield, California, as the ''Merle Haggard Post Office Building'';

H.R. 2254, to designate the facility of the United States Postal Service located at 2635 Napa Street in Vallejo, California, as the ''Janet Capello Post Office Building'';

H.R. 2302, to designate the facility of the United States Postal Service located at 259 Nassau Street,

Suite 2 in Princeton, New Jersey, as the ''Dr. John F. Nash, Jr. Post Office'';

H.R. 2464, to designate the facility of the United States Postal Service located at 25 New Chardon Street Lobby in Boston, Massachusetts, as the ''John Fitzgerald Kennedy Post Office'';

H.R. 2672, to designate the facility of the United States Postal Service located at 520 Carter Street in Fairview, Illinois, as the ''Sgt. Douglas J. Riney Post Office'';

H.R. 2815, to designate the facility of the United States Postal Service located at 30 East Somerset Street in Raritan, New Jersey, as the ''Gunnery Sergeant John Basilone Post Office'';

H.R. 2873, to designate the facility of the United States Postal Service located at 207 Glenside Avenue in Wyncote, Pennsylvania, as the ''Staff Sergeant Peter Taub Post Office Building'';

H.R. 3109, to designate the facility of the United States Postal Service located at 1114 North 2nd Street in Chillicothe, Illinois, as the ''Sr. Chief Ryan Owens Post Office Building'';

H.R. 3369, to designate the facility of the United States Postal Service located at 225 North Main Street in Spring Lake, North Carolina, as the ''Howard B. Pate, Jr. Post Office'';

H.R. 3638, to designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the ''Rutledge Pearson Post Office Building'';

H.R. 3655, to designate the facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, as the ''Dr. Walter S. McAfee Post Office Building'';

H.R. 3821, to designate the facility of the United States Postal Service located at 430 Main Street in Clermont, Georgia, as the ''Zach T. Addington Post Office'';

H.R. 3893, to designate the facility of the United States Postal Service located at 100 Mathe Avenue in Interlachen, Florida, as the ''Robert H. Jenkins, Jr. Post Office'';

H.R. 4042, to designate the facility of the United States Postal Service located at 1415 West Oak Street, in Kissimmee, Florida, as the ''Borinqueneers Post Office Building'';

H.R. 4285, to designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, as the ''James C. 'Billy' Johnson Post Office Building''; and

The nominations of Jeff Tien Han Pon, of Virginia, to be Director, and Michael Rigas, of Massachusetts, to be Deputy Director, both of the Office of Personnel Management.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 995, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, with an amendment; and

S. 1953, to amend the Tribal Law and Order Act of 2010 and the Indian Law Enforcement Reform Act to provide for advancements in public safety services to Indian communities, with an amendment in the nature of a substitute.

NATIVE AMERICANS AND THE 2020 CENSUS OVERSIGHT

Committee on Indian Affairs: Committee concluded an oversight hearing to examine Native Americans and the 2020 Census, after receiving testimony from Ron Jarmin, Performing the Non-Exclusive Functions and Duties of the Director, Census Bureau; Carol Gore, Cook Inlet Housing Authority, Anchorage, Alaska; Jefferson Keel, National Congress of American Indians, Washington, D.C.; and James Thomas Tucker, Native American Rights Fund, Las Vegas, Nevada.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Joel M. Carson III, of New Mexico, to be United States Circuit Judge for the Tenth Circuit, who was introduced by Senator Udall, Colm F. Connolly, and Maryellen Noreika, both to be a United States District Judge for the District of Delaware, who were introduced by Senator Carper, William F. Jung, to be United States District Judge for the Middle District of Florida, who was introduced by Senator Nelson, and Ryan T. Holte, of Ohio, to be a Judge of the United States Court of Federal Claims, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the nominations of David Christian Tryon, of Ohio, to be Chief Counsel for Advocacy, who was introduced by Representative Chabot, and Hannibal Ware, of the Virgin Islands, to be Inspector General, both of the Small Business Administration, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 5011–5029; and 1 resolution, H. Res. 738 were introduced. **Pages H1177–78**

Additional Cosponsors: **Pages H1178–79**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Fitzpatrick to act as Speaker pro tempore for today. **Page H1129**

Recess: The House recessed at 10:41 a.m. and reconvened at 12 noon. **Page H1133**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures. Consideration began Tuesday, February 13th.

Hamas Human Shields Prevention Act: H.R. 3542, amended, to impose sanctions against Hamas for gross violations of internationally recognized human rights by reason of the use of civilians as human shields, by a ⅔ yea-and-nay vote of 415 yeas with none voting "nay", Roll No. 74; **Page H1146**

Agreed to amend the title so as to read: "To impose sanctions against Hamas for violating universally applicable international laws of armed conflict by intentionally using civilians and civilian property to shield military objectives from lawful attack, and for other purposes."; **Page H1146**

Calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States: H. Res. 129, amended, calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States, by a ⅔ yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 75; and **Page H1147**

Agreed to amend the title so as to read: "Calling on the Department of Defense, other appropriate elements of the Federal Government, and foreign governments to resolutely continue efforts to investigate, recover, and identify all United States personnel designated as unaccounted-for from past wars and conflicts around the world.". **Page H1147**

Authorizing the use of Emancipation Hall for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust: The House agreed to discharge from committee and agreed to H. Con. Res. 103, authorizing the use of Emancipation Hall for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. **Page H1147**

TRID Improvement Act: The House passed H.R. 3978, to amend the Real Estate Settlement Procedures Act of 1974 to modify requirements related to mortgage disclosures, by a yea-and-nay vote of 271 yeas to 145 nays, Roll No. 77. **Pages H1155–69**

Rejected Capuano the motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 189 yeas to 228 nays, Roll No. 76. **Pages H1166–68**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–59, modified by the amendment printed in part B of H. Rept. 115–559, shall be considered as adopted. **Page H1155**

Agreed to:

Foster amendment (No. 1 printed in part C of H. Rept. 115–559) that clarifies that the requirement applies only to proprietary source code related to algorithmic trading, which contains prescriptive information. **Page H1165**

H. Res. 736, the rule providing for consideration of the bills (H.R. 620), (H.R. 3299), and (H.R. 3978) was agreed to by a recorded vote of 227 ayes to 187 noes, Roll No. 73, after the previous question was ordered by a yea-and-nay vote of 228 yeas to 187 nays, Roll No. 72. **Pages H1136–46**

Protecting Consumers' Access to Credit Act: The House passed H.R. 3299, to amend the Revised Statutes, the Home Owners' Loan Act, the Federal Credit Union Act, and the Federal Deposit Insurance Act to require the rate of interest on certain loans remain unchanged after transfer of the loan, by a yea-and-nay vote of 245 yeas to 171 nays, Roll No. 78. **Pages H1147–55, H1169**

H. Res. 736, the rule providing for consideration of the bills (H.R. 620), (H.R. 3299), and (H.R. 3978) was agreed to by a recorded vote of 227 ayes to 187 noes, Roll No. 73, after the previous question was ordered by a yea-and-nay vote of 228 yeas to 187 nays, Roll No. 72. **Pages H1136–46**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, February 15th. **Page H1169**

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H1145, H1145–46,

H1146, H1147, H1167–68, H1168–69, and H1169. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:20 p.m.

Committee Meetings

THE MILITARY AND SECURITY CHALLENGES AND POSTURE IN THE INDO-PACIFIC REGION

Committee on Armed Services: Full Committee held a hearing entitled ''The Military and Security Challenges and Posture in the Indo-Pacific Region''. Testimony was heard from Admiral Harry Harris, Jr., Commander, U.S. Pacific Command.

AIR FORCE READINESS POSTURE

Committee on Armed Services: Subcommittee on Readiness held a hearing entitled ''Air Force Readiness Posture''. Testimony was heard from the following U.S. Air Force officials: Lieutenant General Mark C. Nowland, Deputy Chief of Staff for Operations; Lieutenant General Scott L. Rice, Director, Air National Guard; and Major General Derek P. Rydholm, Deputy to the Chief of Air Force Reserve.

THE PRESIDENT'S FISCAL YEAR 2019 BUDGET

Committee on the Budget: Full Committee held a hearing entitled ''The President's Fiscal Year 2019 Budget''. Testimony was heard from Mick Mulvaney, Director, Office of Management and Budget.

EXAMINING THE GOVERNMENT'S MANAGEMENT OF NATIVE AMERICAN SCHOOLS

Committee on Education and the Workforce: Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing entitled ''Examining the Government's Management of Native American Schools''. Testimony was heard from Tony Dearman, Director, Bureau of Indian Education, Department of the Interior.

OVERSIGHT OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Committee on Energy and Commerce: Subcommittee on Digital Commerce and Consumer Protection held a hearing entitled ''Oversight of the National Highway Traffic Safety Administration''. Testimony was heard from Heidi King, Deputy Administrator, National Highway Traffic Safety Administration.

EXAMINING THE IMPACT OF HEALTH CARE CONSOLIDATION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Examining the Impact of Health Care Consolidation''. Testimony was heard from public witnesses.

NEW SOURCE REVIEW PERMITTING CHALLENGES FOR MANUFACTURING AND INFRASTRUCTURE

Committee on Energy and Commerce: Subcommittee on Environment held a hearing entitled ''New Source Review Permitting Challenges for Manufacturing and Infrastructure''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Committee on Energy and Commerce held a markup on H.R. 3477, the ''Ceiling Fan Energy Conservation Harmonization Act''; H.R. 1876, the ''Good Samaritan Health Professionals Act of 2017''; and H.R. 4986, the ''FCC Reauthorization Act of 2018''. H.R. 3477 was ordered reported, without amendment. H.R. 1876 and H.R. 4986 were ordered reported, as amended.

EXAMINING THE CURRENT DATA SECURITY AND BREACH NOTIFICATION REGULATORY REGIME

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled ''Examining the Current Data Security and Breach Notification Regulatory Regime''. Testimony was heard from public witnesses.

LEGISLATIVE PROPOSALS REGARDING DERIVATIVES

Committee on Financial Services: Subcommittee on Capital Markets, Securities, and Investment held a hearing entitled ''Legislative Proposals Regarding Derivatives''. Testimony was heard from public witnesses.

MODERNIZING FOOD AID: IMPROVING EFFECTIVENESS AND SAVING LIVES

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Modernizing Food Aid: Improving Effectiveness and Saving Lives''. Testimony was heard from public witnesses.

ISRAEL, THE PALESTINIANS, AND THE ADMINISTRATION'S PEACE PLAN

Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa held a hearing entitled ''Israel, the Palestinians, and the Administration's Peace Plan''. Testimony was heard from public witnesses.

ADVANCING U.S. INTERESTS THROUGH THE ORGANIZATION OF AMERICAN STATES

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing entitled ''Advancing U.S. Interests Through the Organization of American States''. Testimony was heard from Thomas Melito, Director, International Affairs and Trade, Government Accountability Office; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee held a markup on H.R. 835, to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument; H.R. 4134, the ''Cecil D. Andrus-White Clouds Wilderness Redesignation Act''; and H.R. 4895, the ''Medgar Evers National Monument Act''. H.R. 835 and H.R. 4134 were ordered reported, without amendment. H.R. 4895 was ordered reported, as amended.

THE STATE OF THE NATION'S WATER AND POWER INFRASTRUCTURE

Committee on Natural Resources: Subcommittee on Water, Power and Oceans held a hearing entitled ''The State of the Nation's Water and Power Infrastructure''. Testimony was heard from public witnesses.

GAME CHANGERS: ARTIFICIAL INTELLIGENCE PART I

Committee on Oversight and Government Reform: Subcommittee on Information Technology held a hearing entitled ''Game Changers: Artificial Intelligence Part I''. Testimony was heard from public witnesses.

BEYOND BITCOIN: EMERGING APPLICATIONS FOR BLOCKCHAIN TECHNOLOGY

Committee on Science, Space, and Technology: Subcommittee on Oversight; and Subcommittee on Research and Technology held a joint hearing entitled ''Beyond Bitcoin: Emerging Applications for Blockchain Technology''. Testimony was heard from Chris A. Jaikaran, Analyst in Cybersecurity Policy, Government and Finance Division, Congressional Research Service, Library of Congress; Charles H. Romine, Director, Information Technology Laboratory, National Institute of Standards and Technology; and public witnesses.

MISCELLANEOUS MEASURE

Committee on Small Business: Full Committee held a markup on the Committee's budget views and estimates for fiscal year 2019. The Committee's budget views and estimates for fiscal year 2019 were adopted.

JOB CREATION, COMPETITION, AND SMALL BUSINESS' ROLE IN THE UNITED STATES ECONOMY

Committee on Small Business: Full Committee held a hearing entitled ''Job Creation, Competition, and Small Business' Role in the United States Economy''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Full Committee held a markup on fiscal year 2019 budget views and estimates, and Committee rosters; H.R. 4921, the ''STB Information Security Improvement Act''; and H.R. 4925, the ''FRA Safety Data Improvement Act''. The Committee's fiscal year 2019 budget views and estimates, and Full Committee and Subcommittee rosters, were approved. H.R. 4921 was ordered reported, as amended. H.R. 4925 was ordered reported, without amendment.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' FISCAL YEAR 2019 BUDGET REQUEST

Committee on Ways and Means: Full Committee held a hearing entitled ''The Department of Health and Human Services' Fiscal Year 2019 Budget Request''. Testimony was heard from Alex Azar, Secretary, Department of Health and Human Services.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 15, 2018

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the state of the Commodity Futures Trading Commission, focusing on pending rules, cryptocurrency regulation, and cross-border agreements, 9:30 a.m., SR–328A.

Committee on Armed Services: to hold hearings to examine United States Northern Command and United States Southern Command in review of the Defense Authorization Request for fiscal year 2019 and the Future Years Defense Program, 9:30 a.m., SD–G50.

Committee on Finance: business meeting to consider the nominations of Dennis Shea, of Virginia, to be a Deputy United States Trade Representative (Geneva Office), with the rank of Ambassador, and C. J. Mahoney, of Kansas, to be a Deputy United States Trade Representative (Investment, Services, Labor, Environment, Africa, China,

and the Western Hemisphere), with the rank of Ambassador; to be immediately followed by a hearing to examine the President's proposed budget request for fiscal year 2019, 9 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of Andrea L. Thompson, of South Dakota, to be Under Secretary for Arms Control and International Security, Susan A. Thornton, of Maine, to be an Assistant Secretary (East Asian and Pacific Affairs), and Francis R. Fannon, of Virginia, to be an Assistant Secretary (Energy Resources), all of Department of State, 10 a.m., SD–419.

Committee on the Judiciary: business meeting to consider S. 1917, to reform sentencing laws and correctional institutions, and the nominations of Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Susan Paradise Baxter, and Marilyn Jean Horan, both to be a United States District Judge for the Western District of Pennsylvania, Daniel Desmond Domenico, to be United States District Judge for the District of Colorado, Adam I. Klein, of the District of Columbia, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board, McGregor W. Scott, to be United States Attorney for the Eastern District of California, Gary G. Schofield, to be United States Marshal for the District of Nevada for the term of four years, and Jonathan F. Mitchell, of Washington, to be Chairman of the Administrative Conference of the United States, 10 a.m., SD–226.

Select Committee on Intelligence: closed business meeting to consider pending calendar business; to be immediately followed by a closed briefing regarding certain intelligence matters, 2 p.m., SH–219.

House

Committee on Armed Services, Full Committee, hearing entitled ''Strategic Competition with China'', 10 a.m., 2118 Rayburn.

Subcommittee on Emerging Threats and Capabilities, hearing entitled ''Evolution, Transformation, and Sustainment: A Review and Assessment of the Fiscal Year 2019 Budget Request for U.S. Special Operations Forces and Command'', 2 p.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor, and Pensions; and Subcommittee on Workforce Protections, joint hearing entitled ''The Opioids Epidemic: Implications for America's Workplaces'', 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''Oversight of the Department of Health and Human Services'', 12:30 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Examining De-risking and its Effect on Access to Financial Services'', 9:30 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Cybersecurity and Infrastructure Protection, hearing entitled ''Industry Views of the Chemical Facility Anti-Terrorism Standards Program'', 10 a.m., HVC–210.

Committee on the Judiciary, Subcommittee on Immigration and Border Security, hearing entitled ''The Effect of Sanctuary City Policies on the Ability to Combat the Opioid Epidemic'', 9 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Oversight and Investigations, hearing entitled ''The Costs of Denying Border Patrol Access: Our Environment and Security'', 10 a.m., 1324 Longworth.

Subcommittee on Energy and Mineral Resources, hearing on H.R. 520, the ''National Strategic and Critical Minerals Production Act'', 2 p.m., 1324 Longworth.

Subcommittee on Federal Lands, hearing on H.R. 2591, the ''Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act of 2017''; H.R. 4429, the ''Cormorant Control Act''; H.R. 4609, the ''West Fork Fire Station Act of 2017''; H.R. 4647, the ''Recovering America's Wildlife Act''; and H.R. 4851, the ''Kennedy-King Establishment Act of 2018'', 2:30 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Government Operations hearing entitled ''General Services Administration—Checking in with the Government's Acquisition and Property Manager'', 10 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Research and Technology, hearing entitled ''Mentoring, Training, and Apprenticeships for STEM Education and Careers'', 9 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Agriculture, Energy, and Trade, hearing entitled ''Restoring Rural America: How Agritech is Revitalizing the Heartland'', 9:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing entitled ''Oversight of Positive Train Control Implementation in the United States'', 9:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Full Committee, hearing entitled ''U.S. Department of Veterans Affairs Budget Request for Fiscal Year 2019'', 10:30 a.m., 334 Cannon.

Committee on Ways and Means, Full Committee, hearing entitled ''The President's Fiscal Year 2019 Budget Proposals'', 10 a.m., 1100 Longworth.

Next Meeting of the **SENATE**

10 a.m., Thursday, February 15

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2579, Broader Options for Americans Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Thursday, February 15

House Chamber

Program for Thursday: Complete consideration of H.R. 620—ADA Education and Reform Act.

Extensions of Remarks, as inserted in this issue

HOUSE

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