Whereas the American Academy of Pediatrics supported and informed the meal pattern revisions issued by the Department of Agriculture, which highlighted the continued importance of children's nutrition and accurate nutritional information for children; 

Whereas, in 2016, the CACFP provided daily meals and snacks to 4,400,000 children and adults in child care centers, adult day care homes, and after-school programs, providing almost 2,100,000,000 meals and snacks in total; 

Whereas the CACFP not only provides nutritional meals and education but also increases the quality of child care in general, especially for children in low-income areas; 

Whereas a positive approach to oversight of the CACFP, which pairs child care centers, adult day care homes, and after-school sites with either a non-profit sponsoring organization or a State agency, highlights a unique public-private partnership that supports working families and small businesses; 

Whereas, although child care can be expensive in many locations throughout the United States, the CACFP increases the effectiveness and viability of child care centers and adult day care homes for many providers, especially in rural areas; 

Whereas an increasing number of studies demonstrate that access to the CACFP can measureably and positively impact the cognitive, social, emotional, and physical health and development of children, leading to more favorable outcomes such as—

(a) a decreased likelihood of being hospitalized; 
(b) an increased likelihood of healthy weight gain; and 
(c) an increased likelihood of a more varied diet: Now, therefore, be it

Resolved, That the Senate—

resolves the week beginning on March 11, 2018, as “National CACFP Week”; 

and 

recognizes the role of the Child Adult Care Food Program (commonly referred to as the “CACFP”) in improving the health of the country’s most vulnerable children and adults in child care centers, adult day care homes, and after-school care by providing nutritional meals and snacks.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1943. 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.

SA 1944. 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 1945. 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 1946. Mr. JOHNSON 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 1947. 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 1948. 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 1949. Mr. INHOFE 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 1950. Mr. INHOFE 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 1951. 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 1952. 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 1953. Mr. HELLER 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 1954. Mr. McCLELLAN 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 1955. Mr. COONS (for himself and Mr. McCAIN) 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 1956. Mr. JOHNSON 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 1943. 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. 3. TERMINATION OF DIVERSITY IMMIGRANT VISAS PROGRAM.

(a) REPEAL. Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by striking subsection (c). 

(b) TECHNICAL AND CONFORMING AMENDMENTS. Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended—

(1) in section 201—

(A) in subsection (a)—

(i) by striking paragraph (1), by adding “and” at the end; 
(ii) in paragraph (2), by striking “, and” and inserting “; and” and inserting a period; and 
(iii) by striking paragraph (3); and 

(B) by striking subsection (e); 

(2) in section 202—

(A) by striking subsection (c); 

(B) in subsection (d), by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”; 

(C) in subsection (e)—

(i) by striking paragraph (2); and 

(ii) by redesignating paragraph (3) as paragraph (2); 

(D) in subsection (f), by striking “subsection (a), (b), or (c) of this section” and inserting “subsection (a) or (b)”; 

(E) in subsection (h), by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”; and 

(F) in subsection (h)(2)(B), by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”; and 

(3) in section 204—

(A) in subsection (a)(1), by striking subparagraph (B); 

(B) in subsection (e), by striking “subsection (a), (b), or (c)” and inserting “subsection (a) or (b)”; and 

(C) in subsection (f), by striking “section 203 (a) or (d)” and inserting “subsection (a) or (d) of section 203”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall take effect on the day of the enactment of this Act (November 21, 2016).

(2) SELECTORS.—Notwithstanding paragraph (1), any alien who registered for the Diversity Immigrant Visa Program and received selection before the date of the enactment of this Act that he or she has been selected to apply for a diversity immigrant visa under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153) may submit an application for such visa under the applicable provisions of law in effect on the day before such date of enactment.

SA 1944. 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. 3. STATUS VERIFICATION OF REMITTANCE TRANSFERS.

(a) IN GENERAL.—Section 919 of the Electronic Fund Transfer Act (relating to remittance transfers) (15 U.S.C. 1699n-1) is amended—

(1) by redesignating subsection (g) as subsection (h); and 

(2) by inserting after subsection (f) the following:

(“g) STATUS VERIFICATION OF SENDER.—

(1) REQUEST FOR PROOF OF STATUS.—

(A) IN GENERAL.—Each remittance transfer provider shall request from each sender of a remittance transfer, the recipient of which is located in any country other than the United States, proof of the status of that sender under the immigration laws, prior to the initiation of the remittance transfer.

(B) ACCEPTABLE DOCUMENTATION.—Acceptable documentation of the status of the sender under this paragraph—

(i) shall be, in any State that requires proof of legal residence—

(I) a State-issued driver’s license or Federal passport; or 

(II) the same documentation as required by the State for proof of identity for the issuance of a driver’s license, or as required for a passport; 

(ii) shall be, in any State that does not require proof of legal residence, such documentation as the Bureau shall require, by rule; and 

(iii) does not include any matricula consular card.

(f) FINE FOR NONCOMPLIANCE.—Each remittance transfer provider shall impose on any sender who is unable to provide the proof of status requested under paragraph (1) the fine described in paragraph (2) equal to 7 per cent of the United States dollar amount to be transferred (excluding any fees or other charges imposed by the remittance transfer provider) 

(3) SUBMISSION OF FINES TO BUREAU.—All fines imposed and collected by a remittance transfer provider under paragraph (2) shall be submitted to the Bureau, in such form and in such manner as the Bureau shall establish, by rule.

(4) ADMINISTRATIVE AND ENFORCEMENT MEASURES.—The Bureau shall use any fines submitted under paragraph (2) to pay the administrative and enforcement costs to the Bureau in carrying out this section.

(5) PENDING OF BORDER PROTECTION.—Amounts from the collection of fines under this subsection that remain available
after the payment of expenses described in paragraph (4), shall be transferred by the Bureau to the Treasury, to be used to pay expenses relating to United States Customs and Border Protection for border security fencing, infrastructure, and technology.

“(6) DEFINITION RELATING TO IMMIGRATION STATUS.—In this subsection, the term ‘immigration status’ has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).”

(b) STUDY AND REPORT REGARDING REMITANCE TRANSFER PROCESSING FINES AND IDENTIFICATION PROGRAM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the effects of the enactment of section 919(g) of the Electronic Fund Transfer Act, as amended by this section.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under paragraphs (1) and (2) of the amendment intended to be proposed by him to the bill H.R. 2579, to amend the Immigration and Nationality Act (8 U.S.C. 1373(a)).

(c) IMPLEMENTATION OF SECTION 642 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996 (8 U.S.C. 1226 and 1357)—

(A) shall be deemed to be acting as an officer of the Department of Homeland Security under section 236(a) of the Anti-Terrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 1353(a)), when such officer, employee, or agent of such State or political subdivision that challenge the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236(a) of the Anti-Terrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 1353(a)).

(B)gram (2), by striking “and” at the end;

(ii) in paragraph (3)(B), by striking the period at the end and inserting “; 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:

“(c) 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”;

(iii) by adding at the end the following:

“(6) 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).”

(C) SUPPLEMENTARY GRANTS.—Section 266(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”;

(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).”

(2) Community Development Block Grant Programs—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:

“(23) 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)—

(1) 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 amounts under this title; and

(7) by adding at the end the following:

“(7) 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, it shall direct the State to immediately return to the Secretary any such amounts that the State receives for that period; and

(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 States that are not sanctuary jurisdictions; and

(3) 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) REALLOCATION RULES.—This subsection and the amendments made by this subsection shall take effect on October 1, 2018.

SA 1949. Mr. INHOFE 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:

‘‘(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 Grant Programs—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:

“(23) 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)—

(1) 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

(7) by adding at the end the following:

“(7) 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, it shall direct the State to immediately return to the Secretary any such amounts that the State receives for that period; and

(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 States that are not sanctuary jurisdictions; and

(3) 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) REALLOCATION RULES.—This subsection and the amendments made by this subsection shall take effect on October 1, 2018.
February 13, 2018

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“(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security may continue to detain an alien beyond the 90 days authorized under clause (i) if—

(1) the alien has a highly contagious disease that poses a threat to public safety; or

(2) the alien has committed 1 or more crimes of violence (as defined in section 16 of title 18, United States Code) that are not included in section 101(a)(43)(A) or of 1 or more crimes committed by reason 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

(3) the alien is likely to re-offend as provided under paragraph (1)(C).

“(iii) pending a certification under subparagraph (ii), if the Secretary of Homeland Security certifies in writing—

(aa) any information or assistance provided by the Secretary of State or other Federal official; and

(bb) any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

“(B) AUTHORITY TO DENY BEYOND REMOVAL PERIOD.—

(i) IN GENERAL.—The Secretary of Homeland Security may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall not have the right to seek release on bond.

(ii) RENEWAL AND DELIBERATION OF CERTIFICATION.—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 review the underlying 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)(I).

“(ii) DEPORTATION.—Notwithstanding section 236(c) of the Immigration and Nationality Act, 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 to any administrative officer of the Immigration and Customs Enforcement.

“(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General designate provide for a hearing to make the determinations described in subparagraph (B)(ii)(II)(dd)(BB).

“(C) 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 may impose conditions on release as provided under paragraph (3).

“(E) REDETENTION.—

(i) IN GENERAL.—The Secretary of Homeland Security, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who is released from custody if—

(1) the removal becomes likely in the reasonably foreseeable future; and

(2) the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A); or

(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B).

“(ii) APPLICABILITY.—This section shall apply to any alien removed 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. 3. EFFECTIVE DATES.

(a) APPEHENSION AND DETENTION OF ALIENS.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act, Section 236 of the Immigration and Nationality Act, as amended by section 3; and

(2) applies to any alien in detention under the provisions of such section on or after such date of enactment.

(b) ALIENS ORDERED REMOVED.—The amendments made by this section—

(1) shall apply to any alien in detention under the provisions of such section on or after such date of enactment.

(2) shall take effect on the date of the enactment of this Act, Section 211 of the Immigration and Nationality Act, as amended by section 4.

Mr. INHOFE 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
(as defined in the Native American Languages Act (25 U.S.C. 2001 et seq.));
(3) to disparage any language or to discourage any person from learning or using a language;
or
(4) to be inconsistent with the Constitution of the United States.

SEC. 160. STANDING.
A person injured by a violation of this chapter may file a civil action (including an action under chapter 151 of title 28) obtain appropriate relief.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 4, United States Code, is amended by inserting after the item relating to chapter 5 the following: 

"CHAPTER 6. OFFICIAL LANGUAGE"

(b) GENERAL RULES OF CONSTRUCTION FOR ENGLISH LANGUAGE TEXTS OF THE LAWS OF THE UNITED STATES.

(1) the term 'United States' means the several States and the District of Columbia.

(2) the term 'official' refers to any function of the Government of the United States that—

(A) binds the Government;

(B) is required by law; or

(C) is otherwise subject to scrutiny by either the press or the public; and

(3) anything in this section that—

(A) is not in English shall be translated into English;

(B) is in English shall be presumed to be in English;

(c) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue for public notice and comment a proposed rule for uniform testing English language ability of candidates for naturalization, which shall be based upon the principles that—

(1) all citizens of the United States should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution of the United States, and the laws of the United States which are made in pursuance thereof; and

(2) any language or phrases from languages other than English;

(d) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 1951. 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:

"(2) to limit the preservation or use of Native Alaskan or Native American languages"
1188(h)), as amended by section (b), is further amended by adding at the end the following:

“(4) an employer that is seeking to rehire aliens as H-2A workers who previously worked for the employer as H-2A workers may submit a simplified petition, to be developed by the Director of U.S. Citizenship and Immigration Services, in consultation with the Secretary of Labor, which shall include a certification that the employer maintains compliance with all applicable requirements with respect to the employment of such aliens. Such petitions shall be approved upon completion of applicable security screenings.”

“(5) an employer that is seeking to hire aliens as H-2A workers during different time periods in a given fiscal year may submit a single petition to U.S. Citizenship and Immigration Services that details the time period during which each such alien is expected to be employed.

“(b) Upon receiving notification from an employer that the employer’s H-2A worker has prematurely abandoned employment or has failed to appear for employment and such employer wishes to replace such worker—

“(1) the Secretary of State shall promptly issue a visa under section 101(a)(15)(B)(ii)(A) to an alien designated by the employer to replace that worker; and

“(2) the Secretary of Homeland Security shall promptly admit such alien into the United States upon completion of applicable security screenings.”

SA 1953. Mr. HELLER 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. 1. CRIMINAL ALIEN GANG MEMBER REMOVAL.)

(a) Short Title.—This section may be cited as the “Criminal Alien Gang Member Removal Act.”

(b) grounds of inadmissibility and deportability for alien gang members.—

1188(h), as amended by section (b), is further amended by adding at the end the following:

“(a) the term ‘criminal gang’ means an ongoing group, club, organization, or association of 2 or more persons that, as of the date of enactment of this Act, the Attorney General knew or had reasonable cause to believe that 1 or more of the criminal offenses listed in subparagraphs (A) through (F), whether in violation of Federal, State, or foreign law and regardless of whether the offense occurred before, on, or after the date of the enactment of this paragraph, and the members of which, or that has engaged in a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting such criteria:

“(1) A felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(2) 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 276 (relating to importation of alien for immoral purpose).

“(3) A crime of violence (as defined in section 16 of title 18, United States Code).

“(4) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(5) Any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), section 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 racketeering enterprises), section 1956 of such title (relating to the importation of controlled substances into the United States), or section 1957 of such title (relating to engaging in monetary transactions in violation of specified unlawful activities), section 1962 of such title (relating to money laundering), or section 1963 of such title (relating to interstate transportation of stolen vehicles or stolen property).

“(6) Any aggravated felony.

“(7) Any criminal offense described in section 212(a) or 237(a).

“(8) 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.

“(9) 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.

“(10) A conspiracy to commit an offense described in subparagraphs (A) through (E).

“(11) Any conduct associated with criminal gangs.—Any alien is admissible if a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reasonable cause 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.”;

(3) 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.—Any alien is deportable who—

(i) is or has been a member of a criminal gang;

(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.”;

(c) DESIGNATION OF CRIMINAL GANG.—

(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, in consultation with the Attorney General, may designate a group, club, organization, or association of 2 or more persons as a criminal gang, or may reclassify a group, club, organization, or association of 2 or more persons under the procedures set forth in clauses (iii) and (iv) of paragraph (2) if the Secretary finds that their conduct is described in section 101(a)(53).

“(2) PROCEDURE.—

“(A) IN GENERAL.—Not later than 7 days before making a designation under this subsection, the Secretary shall publish notice in the Federal Register on notice designated a group, club, organization, or association of 2 or more persons under this section and the factual basis for such designation.

“(B) PUBLICATION IN THE FEDERAL REGISTER.—Not later than 7 days after submitting the notification under paragraph (A), the Secretary shall publish each designation under this subsection in the Federal Register.

“(3) RECORD.—

“(A) IN GENERAL.—In making a designation under this subsection, the Secretary shall create an administrative record.

“(B) INFORMATION.—The Secretary may consider classified information in making 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).

“(4) 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).

“(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block a designation made under this subsection by an Act of Congress, by an Act of Congress, may block a designation made under this subsection by an Act of Congress, by an Act of Congress, may block a designation made under this subsection by an Act of Congress, by an Act of Congress, may block a designation made under this subsection by an Act of Congress, by an Act of Congress, may block a designation made under this subsection by an Act of Congress, by an Act of Congress, may block a designation made under this subsection by an Act of Congress.

“(B) PROCEDURE.—Amendments made to a designation under paragraph (1) shall be effective upon publication in the Federal Register.

“(C) PUBLICATION OF RESULTS OF REVIEW.—A determination made by the Secretary under this clause shall be published in the Federal Register.

“(D) PROCEDURE.—Any revocation by the Secretary shall be made in accordance with paragraph (6).

“(E) OTHER REVIEW OF DESIGNATION.—

“(1) IN GENERAL.—If no review has taken place under subparagraph (B) during a 5-year period, the Secretary shall review the designation of the criminal gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(2) PROCEDURE.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, a review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures are not reviewable by any court.

“(3) PUBLICATION OF DETERMINATION.—The Secretary shall publish any determination made under this subparagraph in the Federal Register.

“(4) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

“(B) PROCEDURE.—The procedural requirements in response to a petition for revocation the court finds to be—

“(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(2) contrary to constitutional right, power, privilege, or immunity;

“(3) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

“(4) lacking substantial support in the administrative record provided to the court pursuant to section (2); or

“(5) not in accord with the procedures required by law.

“(D) JUDICIAL REVIEW INJUNCTION.—The pendancy 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.—As used in this section—

“(1) the term ‘designated group, club, organization, or association of 2 or more persons’ shall include any organization, or association of 2 or more persons, if such organization, or association of 2 or more persons has previously filed a petition for revocation under this subparagraph, the petition period described in clause (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.’’.

“(8) USE OF DESIGNATION IN TRIAL OR HEARING.—If a designation under this subsection has become effective under paragraph (2), an alien in a removal proceeding may not raise or make any claim concerning the issuance of such designation as a defense or in an objection.

“(B) AMENDMENTS TO A DESIGNATION.—In general, the Secretary may amend a designation under this subsection if the Secretary determines that the group, club, organization, or association of 2 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 2 or more persons.

“(B) PROCEDURE.—Amendments made to a designation under paragraph (1) shall be effective upon publication in the Federal Register.

“(C) IN GENERAL.—If an alien, upon completion of a review conducted under this subparagraph, the petition period described in clause (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.”;

“(E) JUDICIAL REVIEW.—

“(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 2 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 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 provided to the court pursuant to section (2); or

“(E) not in accord with the procedures required by law.

“(4) JUDICIAL REVIEW INJUNCTION.—The pendancy 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.—As used in this section—

“(1) the term ‘designated group, club, organization, or association of 2 or more persons’ shall include any organization, or association of 2 or more persons, if such organization, or association of 2 or more persons has previously filed a petition for revocation under this subparagraph, the petition period described in clause (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.”;

“(2) the term ‘amended designation’ the term that is given in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).
“(2) the term ‘national security’ means the national defense, foreign relations, or economic interests of the United States; “(3) the term ‘relevant committees’ means the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and “(4) the term ‘Secretary’ means the Secretary of Homeland Security, in consultation with the Attorney General:.”.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 219 the following: “Sec. 220. Designation of criminal gang.”.

(d) MANDATORY DETENTION OF CRIMINAL GANG MEMBERS.—“(1) IN GENERAL.—Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(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) in subparagraph (C), by striking the comma at the end and inserting “; or”; and

(D) by inserting after subparagraph (D) the following: “(E) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(2)(G)…”.

(2) ANNUAL REPORT.—Not later than March 1 of the first 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 as a result of the alien member of a criminal street gang, or a member of a group described in section 212(a)(2)(J) or 237(a)(2)(G) shall be eligible for any immigration benefit under this subparagraph;”.

(h) PAROLE.—“An alien described in subsection 212(a)(2)(J) of the Immigration and Nationality Act, as added by subsection (b)(2), shall not be eligible for parole under section 212(d)(5)(A) of such Act 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.”

(i) EFFECTIVE DATE.—“The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to aliens who are in the United States on the date of the enactment of this Act.”

SA 1955. Mr. COONS (for himself and Mr. MCCAIN) 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 — UNITING AND SECURING AMERICA

SEC. 01. SHORT TITLES.

This title may be cited as the “Uniting and Securing America Act of 2018” or as the “USA Act of 2018.”

Subtitle A—Adjustment of Status for Certain Individuals Who Entered the United States as Children

SEC. 11. DEFINITIONS.

In this subtitle:

(1) IN General.—Except as otherwise specified in this subsection, terms are defined in this subtitle that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) DACA.—“The term “DACA” means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals program announced by the Secretary of Homeland Security through a memorandum issued on June 15, 2012.”

(3) DISABILITY.—“The term “disability” has the meaning given such term in section 3(14) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(14)).”

(4) ELIGIBILITY FOR ASYLUM.—“The alien is eligible for asylum if—

(A) in clause (v), by striking “or” at the end; and

(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) or 237(a)(2)(G); or”;

(5) PERMANENT PROTECTED STATUS.—“Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(2) in subsection (c)(2)—

(A) in clause (i), by striking “or” at the end and inserting “; and”;

(B) in clause (ii), by striking the period and inserting “; or”; and

(C) by adding at the end the following: “(III) the alien is, or at any time has been, convicted of aggravated felons under title 18, United States Code, or an alien sentenced to imprisonment for a total of at least 5 years for an offense under Federal or State law, for which the alien was convicted;”;

(6) IMMIGRATION LAWS.—“The term “immigration laws” has the meaning given such term in section 101(a)(27)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(T)); and

(7) INSTITUTION OF HIGHER EDUCATION.—“The term “institution of higher education”—

(A) except as provided in subparagraph (B), has the meaning given such 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.”

(8) 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.”

(9) POVERTY LINE.—“The term “poverty line” has the meaning given such term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).”

(10) SHORT TITLES.—“The term “short title” means the short title that is used in the immigration laws.”


(12) UNIFORMED SERVICES.—“The term “Uniformed Services” has the meaning given the term “uniformed services” in title 10, United States Code.”

SEC. 12. PERSONAL 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, and as provided in subsection (b)(2), an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent resident status under this section, to have obtained status on a conditional basis subject to the provisions under 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 resident status on a conditional basis, or without such conditional basis as provided in section 1(h)(c)(2), 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 December 31, 2013; and

(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 SUBTITLE.—“Subject to paragraphs (2) and (3), the alien—

(1) 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)); and

(2) has not been convicted, nor is pending, nor is pending, nor has been convicted, 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

(3) other than an offense under State or local law for which an essential element was the alien’s immigration status, a minor traffic violation, or a violation of this subtitle, has not been convicted of—

(I) any offense under Federal or State law punishable by a maximum term of imprisonment of more than 1 year;

(II) any combination of offenses under Federal or State law, for which the alien was sentenced to imprisonment for a total of more than 1 year; or which is a violation of a State or local offense; or

(III) any crime of domestic violence (as such term is defined in section 423(a)(2)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), unless the alien—

(a) has filed an application under section 101(a)(15)(T) (101(a)(15)(U), 106, or 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T), 1106A, and 1229b(b)(2)) or section 244(a)(3) of such Act (as in effect on March 31, 1997);"
(bb) is a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (§ 8 U.S.C. 1101(a)(51));

(cc) provides evidence that the alien’s crime of domestic violence is related to her or his having been a victim herself or himself of domestic violence, sexual assault, stalking, child abuse or neglect, elder abuse or neglect, trafficking, having been battered or subjected to extreme cruelty, having been a victim of criminal activity described in section 101(a)(10)(U)(ii) of the Immigration and Nationality Act (§ 8 U.S.C. 1101(a)(10)(U)(ii)); or

(dd) is a witness involved in a pending criminal or government agency investigation or prosecution related to the crime of domestic violence; and

(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; or

(iii) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a regular high school diploma or its recognized equivalent under State law; or

(II) in passing a general educational development exam, a high school equivalency diploma examination, or other similar State-authorized exam.

(2) WAIVER.—With respect to any benefit under this subtitle, the Secretary may waive subparagraphs (I), (II), and (III) of subsection (b)(1)(C)(i) and 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)(6)(E), (6)(G), or (10)(D)) for humanitarian purposes, family unity, or if the waiver is otherwise in the public interest.

(3) TREATMENT OF EXPUNGED CONVICTIONS.—For purposes of cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status, the term ‘‘conviction’’ does not include any adjudication or judgment of guilt that has been dismissed, expunged, deferred, annulled, invalidated, withheld, sealed, vacated, pardoned, an order of probation without execution, suspended sentence, or any similar reformatory or rehabilitative disposition.

(D) DACA RECIPIENTS.—The Secretary shall cancel, adjust, and adjust to permanent resident status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who was granted DACA unless the alien has engaged in conduct since the alien was granted DACA that would make the alien ineligible for DACA.

(2) APPLICATION PERIOD.—In general.—The Secretary shall require an alien applying for permanent resident status on a conditional basis 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) 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 poverty line; or

(iii) is in foster care or otherwise lacks any parental support to help

(iv) is younger than 18 years of age and is homeless;

(v) (I) cannot care for himself or herself because of a serious, chronic disability, or

(vi) 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 poverty line; or

(vii) during the 12-month 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

(viii) 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 poverty line.

(E) SCREENING AND BIOGRAPHIC DATA.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien demonstrates biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(F) BACKGROUND CHECKS.—(i) REQUIREMENT.—It is the Secretary's policy that an alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination.

(ii) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination.

(G) PAPERWORK PROCEDURES.—The Secretary, with the concurrence of the Attorney General, shall prescribe policies and procedures for the naturalization, deferred action, or any other adjustment of status.

(H) DETERMINATION OF CONTINUOUS PRESENCE.—(i) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States under subparagraph (A) is—

(1) TERMINATION OF PERIOD.—Any period of continuous physical presence in the United States under subparagraph (A) is 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 exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—In general.—(A) Notwithstanding any provisions of the subtitle, the requirements to have the conditional basis of status removed.

(B) RESUMPTION OF REMOVAL FOR ADMISSION.—(i) An alien who is a victim of a criminal or government agency investigation or prosecution related to the crime of domestic violence is related to her or his having been a victim herself or himself of domestic violence, sexual assault, stalking, child abuse or neglect, elder abuse or neglect, trafficking, having been battered or subjected to extreme cruelty, having been a victim of criminal activity described in section 101(a)(10)(U)(ii) of the Immigration and Nationality Act (§ 8 U.S.C. 1101(a)(10)(U)(ii)); or

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of departure from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(D) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—(I) IN GENERAL.—The Secretary may not remove an alien who appears prima facie eligible for relief under this section.

(2) ALIENS SUBJECT TO REMOVAL.—The Secretary shall provide an alien with a reasonable opportunity to apply for relief under this section if the alien—

(A) requests such an opportunity or appears prima facie eligible for relief under this section; and

(B) is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order.

(3) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—(A) ATTORNEY GENERAL.—The Attorney General may impose a stay of removal of an alien who—

(i) meets all of the requirements under subparagraphs (A), (B), and (C) of subsection (b);

(ii) is in passing a general educational development exam, a high school equivalency diploma examination, or other similar State-authorized exam.

(iii) is enrolled in an elementary school, a secondary school, or an early childhood education program.

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary shall provide an alien with a reason for the Secretary's decision to remove an alien under such subparagraph.

(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.

(2) NOTICE OF REQUIREMENTS.—The Secretary or the Attorney General may not lift the stay granted to an alien under paragraph (A) unless the alien ceases to meet the requirements under subparagraph (A).

(e) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or 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 or otherwise, under this subtitle.

SEC. 13. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis is—

(i) valid for a period of 8 years, unless such period is extended by the Secretary; and

(ii) 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—

(i) determines that the alien ceases to meet the requirements under section 12(b)(1)(C), subject to paragraphs (2) and (3) of section 12(b); and
before the termination, provides the alien with—

(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), 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 such status is denied shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis or applying 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) whose application for such status 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 such permanent resident status on a conditional basis, as appropriate, may not return to such temporary protected status—

(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 such temporary protected status.

SEC. 14. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) BIOGRAPHICAL.—Subject to paragraph (2), the Secretary shall remove the conditional basis of an alien’s permanent resident status granted under this subtitle and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in section 12(b)(1)(C), subject to paragraphs (2) and (3) of section 12(b);

(B) has not abandoned the alien’s residence in the United States; and

(C) (i) has acquired a degree from an institution of higher education or has served in the armed forces at least 2 years, in good standing, in a post-secondary educational program or in a program for a bachelor’s degree or higher degree in the United States;

(ii) has served in the Uniformed Services for at least the period for which the alien was obligated to serve on active duty and, if discharged, received an honorable discharge; or

(iii) has been employed for periods totaling at least 3 years and at least 80 percent of the time continuously employed, 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 12(b)(1)(D)(iii), shall not count toward the time continuously employed; and

(2) HARDSHIP EXCEPTION.—The Secretary shall remove the conditional basis of an alien’s permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

(B) 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.

(b) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of an alien’s permanent resident status granted under this subtitle may not be removed unless the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1254a).

(B) EXCEPTION.—Subparagraph (A) shall not apply if an alien is unable to meet the requirements under such section 312(a) due to disability.

(c) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary shall require aliens applying for lawful permanent resident status under this section to pay a reasonable fee to cover 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) 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 poverty line; and

(iii) is in foster care or otherwise lacking parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii) cannot care for himself or herself because of a serious, chronic disability; and

(iv) 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 poverty line; or

(v) is during the 12-month 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 to 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 poverty line.

(3) DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—

The alien’s application for permanent resident status on a conditional basis may include, as proof of identity—

(A) a valid passport,

(B) a foreign birth certificate,

(C) a birth registration document,

(D) a marriage certificate,

(E) a birth certificate,

(F) an adoption certificate,

(G) a death certificate,

(H) a military discharge certificate,

(I) an identity card issued by a state or other governmental entity

(J) an identity card issued by the Department of Homeland Security, or

(K) a foreign national identification card issued by a foreign government,

(L) a photograph,

(M) a document issued by a state or other governmental entity,

(N) a document issued by the United States Government,

(O) a document issued by the government of another country,

(P) a document issued by the United States Government,

(Q) a document issued by the Department of Defense,

(R) a document issued by the United States Government,

(S) a document issued by the Department of Homeland Security,

(T) a document issued by the Department of State,

(U) a document issued by the Department of Labor,

(V) a document issued by the Department of Justice,

(W) a document issued by the Department of the Treasury,

(X) a document issued by the Department of Veterans Affairs,

(Y) a document issued by the Department of Agriculture,

(Z) a document issued by the Department of Education,

(aa) a document issued by the Department of Health and Human Services,

(bb) a document issued by the Department of Housing and Urban Development,

(cc) a document issued by the Department of Justice,

(dd) a document issued by the Department of Labor,

(ee) a document issued by the Department of the Treasury,

(ff) a document issued by the Department of Veterans Affairs,

(gg) a document issued by the Department of Agriculture,

(hh) a document issued by the Department of Education,

(ii) a document issued by the Department of Health and Human Services,

(jj) a document issued by the Department of Housing and Urban Development,

(kk) a document issued by the Department of Justice,

(ll) a document issued by the Department of Labor,

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(uu) a document issued by the Department of the Treasury,

(vv) a document issued by the Department of Veterans Affairs,

(ww) a document issued by the Department of Agriculture,

(xx) a document issued by the Department of Education,

(yy) a document issued by the Department of Health and Human Services,

(zz) a document issued by the Department of Housing and Urban Development,

(aa) a document issued by the Department of Justice,

(bb) a document issued by the Department of Labor,

(cc) a document issued by the Department of the Treasury,

(dd) a document issued by the Department of Veterans Affairs,

(ee) a document issued by the Department of Agriculture,

(ff) a document issued by the Department of Education,

(gg) a document issued by the Department of Health and Human Services,

(hh) a document issued by the Department of Housing and Urban Development,

(ii) a document issued by the Department of Justice,

(jj) a document issued by the Department of Labor,

(kk) a document issued by the Department of the Treasury,

(ll) a document issued by the Department of Veterans Affairs,

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(ll) a document issued by the Department of Education,

(rr) a document issued by the Department of Health and Human Services,

(ss) a document issued by the Department of Housing and Urban Development,

(tt) a document issued by the Department of Justice,

(uu) a document issued by the Department of Labor,

(vv) a document issued by the Department of the Treasury,

(wv) a document issued by the Department of Veterans Affairs,

(xv) a document issued by the Department of Agriculture,

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(ll) a document issued by the Department of Veterans Affairs,

(ll) a document issued by the Department of Agriculture,

(ll) a document issued by the Department of Education,

(rr) a document issued by the Department of Health and Human Services,

(ss) a document issued by the Department of Housing and Urban Development,
(9) tax receipts;
(10) insurance policies;
(11) remittance records;
(12) rent receipts or utility bills bearing the lienholder’s 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.

(d) DOCUMENTS ESTABLISHING INITIAL ENTRANCE INTO THE UNITED STATES.—To establish that an alien has been admitted to the United States, an alien shall 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) a 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 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.

(e) 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) has been enrolled in the institution as a student.

(f) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION OR THE EQUAL VALUE OF AN ALIEN WHO HAS ACQUIRED A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION IN THE UNITED STATES, the alien shall submit to the Secretary a diploma, certificate, or other document from the institution stating that the alien has received such a degree.

(g) 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.

(h) DOCUMENTS ESTABLISHING AN EDUCATIONAL PROGRAM.—To establish that an alien has been admitted to an educational program described in section 12(b)(1)(B), 12(b)(3)(A)(iii), or 14(a)(1)(C), 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.

(i) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section 12(b)(5)(B) or 14(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) 2 or more 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 alien’s name, address, and telephone number of the affiant; and
(ii) 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, the alien shall submit documents to the Secretary, including—
(1) a Department of Defense Form DD–214;
(2) a National Guard Report of Separation and Record of Service Form NGB–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 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) 2 or more sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien’s work and who have direct knowledge of the alien’s work, that contain—
(i) the alien’s name, address, and telephone number of the affiant; and
(ii) the nature and duration of the relationship between the affiant and the alien.

(l) DOCUMENTS ESTABLISHING LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that an alien is in foster care, lacks parental or familial support, or has a serious, chronic disability, the alien shall provide evidence that—
(1) the alien was in foster care, lacks parental or familial support; or
(2) the alien has a serious, chronic disability, the alien shall provide evidence that—
(A) bears the provider’s name and address;
(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.

(m) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that an alien has incurred debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

(n) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies 1 of the criteria for the hardship exemption set forth in section 14(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—
(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.

(o) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services, the alien shall submit documents to the Secretary, including—
(1) a Department of Defense Form DD–214;
(2) a National Guard Report of Separation and Record of Service Form NGB–22;
(3) personnel records for such service from the appropriate Uniformed Service; or
(4) health records from the appropriate Uniformed Service.

(p) DOCUMENTS ESTABLISHING EMPLOYMENT.—
(1) IN GENERAL.—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) 2 or more 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 alien’s name, address, and telephone number of the affiant; and
(ii) the nature and duration of the relationship between the affiant and the alien.

(q) 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. 16. RULEMAKING.

(a) INITIAL PUBLICATION.—Not later than 90 days after the date of the enactment of this Act, the regulations shall publish regulations implementing this section in the Federal Register. Such regulations shall allow eligible individuals to immediately apply affirmatively for the relief available under section 12 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) shall be effective, on an interim basis, immediately upon publication in the Federal Register, it shall be subject to change and revision after public notice and opportunity for a period of public comment.
SEC. 17. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use information provided in applications filed under this subtitle or in requests for DACA for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary may not refer any individual who has been granted permanent resident status on a conditional basis under this subtitle or who was granted DACA to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(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 Federal security and law enforcement agencies—

(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. 18. 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. 1225c) 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 (8 U.S.C. 1103) and the final report of the Commission on Public Law 104–208; 110 Stat. 3009–546.

Subtitle B—Secure Miles With All Resources and Technology

SEC. 21. DEFINITIONS.

In this subtitle—

(1) 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).

(2) 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).

(3) TECHNOLOGY.—The term ‘‘technology’’ includes border surveillance and detection technology, including—

(A) border surveillance systems;

(B) Vehicle and Dismount Exploitation Radars (VADER);

(C) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

(D) sensors;

(E) unmanned cameras;

(F) man-portable and mobile vehicle-mounted unmanned aerial vehicles; and

(G) any other devices, tools, or systems found to be more effective or advanced than those specified in subparagraphs (A) through (F).

SEC. 22. COMPREHENSIVE SOUTHERN BORDER STRATEGY.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a comprehensive southern border strategy to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(b) CONTENTS.—The strategy submitted under subsection (a) shall include—

(1) a list of known physical barriers, levees, technologies, tools, and other devices that can be used to maintain situational awareness and operational control along the southern border;

(2) a projected per mile cost estimate for each physical barrier, levee, technology, tool, and other device included on the list required under paragraph (1);

(3) a detailed account of which type of physical barrier, levee, technology, tool, or other device the Secretary believes is necessary to achieve and maintain situational awareness and operational control for each linear mile of the southern border;

(4) an explanation for why such physical barrier, levee, technology, tool, or other device was chosen to achieve and maintain situational awareness and operational control for each linear mile of the southern border, including—

(A) the methodology used to determine which type of physical barrier, levee, technology, tool, or other device was chosen for such linear mile;

(B) the examination of existing manmade and natural barriers for each linear mile of the southern border;

(C) the information collected and evaluated from—

(i) the appropriate U.S. Customs and Border Protection Sector Chief;

(ii) the Joint Task Force Commander;

(iii) the appropriate State Governor;

(iv) tribal government officials;

(v) border county and city elected officials;

(vi) local law enforcement officials;

(vii) private property owners; and

(viii) local community groups, including human rights organizations; and

(2) in subsection (c), by inserting ‘‘and border technology’’ after the date of the enactment of this Act, the Secretary shall ensure that not fewer than 95,000 annual flight hours are executed by Air and Marine Operations to fulfill air and maritime operations for not less than 24 hours per day for not fewer than 5 days per week.

(c) STUDY AND REPORT.—

(1) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall commence a comprehensive study to—

(A) to identify deficiencies and opportunities for improvement in the capability of Air and Marine Operations to fulfill air and maritime operations for not less than 24 hours per day for not fewer than 5 days per week.

(2) 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 and the Committee on Homeland Security of the House of Representatives that contains information on the expenditure of grants made under this section by each grant recipient.

SEC. 31. ELIMINATION OF IMMIGRATION COURT BACKLOGS.

(a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—The Attorney General shall increase the number of judges to meet the backlog requirements set forth in section 3106 of this Act.

(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-line reference materials and decision templates;

(4) specialized training to handle cases involving other vulnerable populations including survivors of domestic violence, sexual assault, or 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. 32. NEW TECHNOLOGY TO IMPROVE COURT EFFICIENCY.

The Director of the 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.

Subtitle D—Advancing Reforms in Central America to Address the Factors Driving Migration

SEC. 41. DEFINITIONS.

In this subtitle:...
(1) **NORTHERN TRIANGLE.**—The term “Northern Triangle” means the countries of El Salvador, Guatemala, and Honduras.

(2) **PLAN.**—The term “Plan” means the Plan for Prosperity for Prosperity in the Northern Triangle, developed by the Governments of El Salvador, Guatemala, and Honduras, with the technical assistance of the Inter-American Development Bank and representing a comprehensive approach to address the complex situation in the Northern Triangle.

CHAPTER 1—EFFECTIVELY COORDINATING UNITED STATES ENGAGEMENT IN CENTRAL AMERICA

**SEC. 42. UNITED STATES COORDINATOR FOR ENGAGEMENT IN CENTRAL AMERICA.**

(a) **DESIGNATION.**—Not later than 30 days after the date of the enactment of this Act, the President shall designate a senior official referred to in this section as the “Coordinator”—

(1) to coordinate the efforts of the Federal Government under this subtitle; and

(2) to coordinate the efforts of international partners—

(A) to strengthen citizen security, the rule of law, and economic prosperity in Central America; and

(B) to protect vulnerable populations in the region.

(b) **SUPERVISION.**—The Coordinator shall report directly to the President.

(c) **DUTIES.**—The Coordinator shall coordinate the efforts, activities, and programs related to United States engagement in Central America under this subtitle, including—

(1) coordinating with the Department of State, the Department of Justice (including the Federal Bureau of Investigation), the Department of Homeland Security, the intelligence community, and international partners regarding United States efforts to counter criminal gangs, illicit trafficking networks, and organized crime responsible for high levels of violence, extortion, and corruption in Central America; and

(2) coordinating with the Department of State, the United States Agency for International Development, and international partners to prevent and mitigate the effects of violent criminal gangs and transnational criminal organizations on vulnerable Central American populations, including women and children;

(3) coordinating with the Department of State, the Department of Homeland Security, and international partners regarding United States efforts to prevent the transportation of Central American migrants to the United States;

(4) coordinating with the Department of State, the Department of Homeland Security, the United States Agency for International Development, and international partners, including the United Nations High Commissioner for Refugees, to increase protections for vulnerable Central American populations, improve refugee processing, and strengthen asylum systems throughout the region;

(5) coordinating with the Department of State, the Department of Defense, the Department of Justice (including the Drug Enforcement Administration), the Department of the Treasury, the intelligence community, and international partners regarding United States efforts to combat illicit narcotics trafficking, illicit transshipments of illicit narcotics, and disrupt the financing of the illicit narcotics trade;

(6) coordinating with the Department of State, the Department of the Treasury, the Department of Justice, the intelligence community, the United States Agency for International Development, and international partners regarding United States efforts to combat corruption, money laundering, and illicit financial networks;

(7) coordinating with the Department of State, the Department of Justice, the United States Agency for International Development, and international partners regarding United States efforts to strengthen the rule of law, democratic governance, and human rights protections; and

(8) coordinating with the Department of State, the Department of Agriculture, the United States Agency for International Development, the Overseas Private Investment Corporation, the United States Trade and Development Agency, the Department of Labor, and international partners, including the Inter-American Development Bank, to strengthen the foundation for inclusive economic growth and improve food security, investment climate, and protections for labor rights.

(d) **CONSULTATION.**—The Coordinator shall consult with Congress, multilateral organizations and institutions, foreign governments, and domestic and international civil society organizations in carrying out this section.

CHAPTER 2—TARGETING ASSISTANCE TO APPROPRIATE COMMUNITIES IN THE NORTHERN TRIANGLE

**SEC. 43. TARGETING ASSISTANCE TO APPROPRIATE COMMUNITIES.**

Not later than 1 year after the date of the enactment of this Act and annually thereafter—

(1) the Comptroller General of the United States shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains—

(A) raw data on the number of children migrating to the United States from each community or geographic area in the Northern Triangle;

(B) an assessment of whether United States foreign assistance to the Northern Triangle is effectively reaching the communities and geographic areas from which children are migrating; and

(C) an assessment of the extent to which the Department of State and the United States Agency for International Development are adjusting programming in the Northern Triangle as migration patterns shift.

CHAPTER 3—REGIONAL MILLENNIUM CHALLENGE CORPORATION COMPACTS

**SEC. 44. MILLENNIUM CHALLENGE CORPORATION COMPACTS.**

(a) **CONCURRENT COMPACTS.**—Section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708) is amended—

(1) in subsection (a), by adding at the end the following:—

“A; and

(2) in subsection (b), by striking “the existing Compact and any” and inserting “the Compact.”

(b) **REPORT.**—Not later than 1 year after submitting the strategy required under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees that describes—

(1) the progress made in implementing the strategy; and

(2) the financial and technical assistance provided by international donors and partners in support of the Plan.

(c) **BRIEFINGS.**—Upon request from any of the appropriate congressional committees, the Secretary of State shall provide, a briefing to such committee that describes the progress made in implementing the strategy required under subsection (a). In any such section, the term “appropriate congressional committees” means—

and demonstrable progress in implementing the terms of the existing Compact and any supplementary agreements to such Compact.”


(1) in section 609(b) (22 U.S.C. 7709(b))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “the national development strategy of the eligible country” and inserting “the national or regional development strategy of the country or countries”; and

(ii) in subparagraph (A), by inserting “or countries” after “each country” each place such term appears; and

(B) in paragraph (3)—

(i) by inserting “or regional development strategy” after “national development strategy”; and

(ii) by inserting “or governments of the countries in the case of regional investments” after “governments of the country”;

(2) in section 613(b)(2)(A) (22 U.S.C. 7712(k)(2)(A)) by striking “the Compact” and inserting “any Compact.”

CHAPTER 4—UNITED STATES LEADERSHIP FOR ENGAGING INTERNATIONAL DONORS AND PARTNERS

**SEC. 45. REQUIREMENT FOR STRATEGY TO SECURE SUPPORT OF INTERNATIONAL DONORS AND PARTNERS.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a 3-year strategy to the appropriate congressional committees that—

(1) describes how the United States will secure support from international donors and regional partners (including Colombia and Mexico) for the implementation of the Plan;

(b) identifies governments that are willing to provide financial and technical assistance for the implementation of the Plan and a description of such assistance; and

(c) identifies the financial and technical assistance to be provided by multilateral institutions, the Inter-American Development Bank, the World Bank, the International Monetary Fund, the Andean Development Corporation—Development Bank of Latin America, and the Organization of American States, and a description of such assistance.

(b) **DIPLOMATIC ENGAGEMENT AND COORDINATION.**—The Secretary of State, in coordination with the Secretary of the Treasury, as appropriate, shall—

(1) carry out diplomatic engagement to secure contributions of financial and technical assistance from international donors and partners in support of the Plan; and

(2) take all necessary steps to ensure effective cooperation among international donors and partners supporting the Plan.

(c) **REPORT.**—Not later than 1 year after submitting the strategy required under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees that describes—

(1) the progress made in implementing the strategy; and

(2) the financial and technical assistance provided by international donors and partners, including the multilateral institutions specified in subsection (a).

(d) **BRIEFINGS.**—Upon a request from any of the appropriate congressional committees, the Secretary of State shall provide a briefing to such committee that describes the progress made in implementing the strategy required under subsection (a). In any such section, the term “appropriate congressional committees” means—

and demonstrable progress in implementing the terms of the existing Compact and any supplementary agreements to such Compact.”


(1) in section 609(b) (22 U.S.C. 7709(b))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “the national development strategy of the eligible country” and inserting “the national or regional development strategy of the country or countries”; and

(ii) in subparagraph (A), by inserting “or countries” after “each country” each place such term appears; and

(B) in paragraph (3)—

(i) by inserting “or regional development strategy” after “national development strategy”; and

(ii) by inserting “or governments of the countries in the case of regional investments” after “governments of the country”;

(2) in section 613(b)(2)(A) (22 U.S.C. 7712(k)(2)(A)) by striking “the Compact” and inserting “any Compact.”
SA 1956. Mr. JOHNSON 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 prohibited credit with respect to subsection (a) of the COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. STATE-SPONSORED VISITOR PROGRAM.

(a) Short Title.—This section may be cited as the “State Sponsored Visa Pilot Program Act of 2018”.

(b) STATE-SPONSORED NONIMMIGRANT PROGRAM.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking the “or” at the end; and

(2) in subparagraph (V), by striking the period at the end and inserting “; or” and “; and”;

(c) ADMISSION OF STATE-SPONSORED NONIMMIGRANTS.—

(1) REQUIREMENTS FOR STATE-SPONSORED NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1114) is amended—

(A) in subsection (b), by striking “(H)(i)(b) or (c), (L), or (V)” and inserting “(H)(i)(b), (L), or (V)”;

(B) in subsection (c), by inserting “(H)(i)(b), (L), or (V)” after “or (W)”;

(C) by adding at the end the following:

“(8) STATE COMPACTS.—

(A) IN GENERAL.—States may enter into interstate compacts for the joint implementation or administration of the State-sponsored nonimmigrant program in such States.

(B) CONSIDERATION.—A State-sponsored nonimmigrant shall be considered to be sponsored by a State if the State-sponsored nonimmigrant is sponsored by any State subject to an interstate compact under paragraph (7) that is approved by the State; and

(C) DELAYS.—

(A) FEDERAL APPEALS.—The denial of an application by a State to be a State-sponsored nonimmigrant or the request to terminate the period of authorized status by a State may be reviewed by any Federal department, agency, or court; and

(B) STATE APPEALS.—At the sole discretion of the State, a State that participates in the State-sponsored nonimmigrant program may create a process for a State-sponsored nonimmigrant who has applied for participation in the State-sponsored nonimmigrant program in the State to appeal an adjudication of an application by the State or determination by the State that the State-sponsored nonimmigrant violated the terms or conditions that were created by the State for the participation in the alien in the State-sponsor nonimmigrant program in the State.

(D) WAIVER OF RIGHTS PROHIBITED.—

(A) IN GENERAL.—Except as provided in subparagraph (C), a State-sponsored nonimmigrant may not be required to waive any substantive rights or protections under this Act.

(B) CONSTRUCTION.—Nothing under this paragraph may be construed to affect the interpretation of any other law.
“(C) EXCEPTION.—Notwithstanding subparagraph (A) or any other provision of law, an alien may not be provided State-sponsored nonimmigrant status unless the alien has written permission—

(i) 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 to the State, or

(ii) to contest or appeal, other than on the basis of an application for asylum, any action for removal of the alien.

(III) RESPONSIBILITIES.—An employer shall comply with all applicable Federal, State, and local tax laws with respect to each State-sponsored nonimmigrant employed by the employer.

(11) LABOR AND TAX LAWS.—State-sponsored nonimmigrants shall be subject to all Federal, State, and local laws regarding tax, employment, or hiring of persons in the State.

(12) FEDERAL PUBLIC BENEFITS.—

(A) IN GENERAL.—State-sponsored nonimmigrants—

(i) are not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986;

(ii) shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section; and

(iii)(D) shall not be allowed any credit under section 24 or 32 of the Internal Revenue Code of 1986.

(B) IN GENERAL.—At the end of each fiscal year, the Inspector General of the Department of Homeland Security that more than 3 percent of State-sponsored nonimmigrants who are residents or who work in the State, or any of the States under an interstate compact, did not sponsor the nonimmigrant.

(C) OTHER BENEFITS.—Notwithstanding any other provision of law, a State-sponsored nonimmigrant shall not be eligible for—

(i) any assistance or benefits provided under a State program funded under the temporary assistance for needy families program of the Social Security Act (42 U.S.C. 601 et seq.);

(ii) any medical assistance provided under a State program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under a waiver of such program, treating a full-time employee certified as having enrolled in a qualified health plan with respect to which an applicable premium tax credit or cost-sharing reduction is allowed or paid with respect to the employee;

(iii) any benefits or assistance provided under the supplemental nutrition assistance program of the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(iv) supplemental security income benefits provided under title XVI of the Social Security Act (42 U.S.C. 1382a et seq.) or under a waiver of such plan;

(v) any benefits or assistance provided under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

(vi) any other provision of law.

(B) EMPLOYER FEE.—For purposes of subsections (a)(2) and (2)(1)(B) of 4980H of the Internal Revenue Code of 1986, a State-sponsored nonimmigrant shall be treated as a full-time employee certified as having enrolled in a qualified health plan with respect to which an applicable premium tax credit or cost-sharing reduction is allowed or paid with respect to the employee.

(C) OTHER BENEFITS.—Notwithstanding any other provision of law, a State-sponsored nonimmigrant shall not be eligible for—

(i) any assistance or benefits provided under a State program funded under the temporary assistance for needy families program of the Social Security Act (42 U.S.C. 601 et seq.);

(ii) any medical assistance provided under a State program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under a waiver of such program, treating a full-time employee certified as having enrolled in a qualified health plan with respect to which an applicable premium tax credit or cost-sharing reduction is allowed or paid with respect to the employee;

(iii) any benefits or assistance provided under the supplemental nutrition assistance program of the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(iv) supplemental security income benefits provided under title XVI of the Social Security Act (42 U.S.C. 1382a et seq.) or under a waiver of such plan;

(v) any benefits or assistance provided under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

(vi) any other provision of law.
‘(A) revoke the employment authorization of such nonimmigrant; and

‘(B) initiate and expedited removal in accordance with section 235.

‘(18) ENFORCEMENT.—

‘(A) IN GENERAL.—A State that participates in the State-sponsored nonimmigrant program may enforce all rules and regulations of the State-sponsored nonimmigrant program in the State against employers to the same extent as any other labor laws under State law.

‘(B) SUSPENSION.—As a condition of participation in the State-sponsored nonimmigrant program, a State shall reimburse any holding, arresting, or removing federal agency which has apprehended and detained a State-sponsored nonimmigrant sponsored by the State for the full costs of apprehension, detention, or removal of the nonimmigrant; and

‘(C) PROCESS.—The Secretary shall establish a process through which a State may seek reimbursement under subparagraph (B).

‘(19) SUSPENSION OF PROGRAM APPROVAL.—

‘(A) IN GENERAL.—A State that participates in the State-sponsored nonimmigrant program shall be the sum of—

‘(i) 5,000;

‘(ii) the sum of the amounts computed under subparagraphs (C) and (D) in the prior year;

‘(iii) the percentage of the total population of the State from the numerical limitation under paragraph (18) multiplied by the sum of—

‘(I) the total number of State-sponsored nonimmigrant visas available in a fiscal year to a State that participates in the State-sponsored nonimmigrant program in the State; and

‘(II) the number of nonparticipating States in the State-based nonimmigrant program in the United States from abroad and not to aliens described in subparagraph (B) or the alien has been a party;

‘(iv) the identification of deficiencies in the reports under paragraph (13)(B).

‘(B) REQUIREMENTS.—

‘(1) IN GENERAL.—An alien submitting an application under subparagraph (A) shall pay a fee in an amount determined by the Secretary to be necessary to cover the cost of adjudicating the application and reviewing the application for fraud.

‘(2) PENALTY.—In addition to the fine under clause (i), an alien seeking a waiver under paragraph (19) shall pay a penalty of not less than $1,000, which shall be deposited into the Treasury of the United States after the approval of the application under subparagraph (A).

‘(3) REMOVAL.—If the Secretary determines that the alien has been a party to the violation, the alien shall be removed from the United States.
“(v) the remedy of any identified deficiencies, and
“(vi) the referral of cases of identified or suspected fraud or other misconduct for investigation.

“(F) INELIGIBLE ALIENS.—

“(i) REMOVAL AUTHORIZED.—Except as provided in clause (ii), if the Secretary makes a final determination to deny an application under this section, the Secretary shall place the applicant in removal proceedings to which the alien would otherwise be subject.

“(ii) REMOVAL AUTHORIZED WITH PRIOR ORDERS.—If the final determination to deny an application concerns an alien with an existing order of exclusion, deportation, or removal, or voluntary departure from the United States, such order shall be enforced to the same extent as if the application had not been made.

“(G) EMPLOYMENT RECORDS.—Copies of employment records or other evidence of employment provided by an alien or by an alien’s employer in support of an alien’s application under this subsection may not be used in a civil or criminal prosecution or investigation of that employer under section 274A or the tax laws of the United States for the purpose of unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien’s prima facie eligibility determination, for which the alien had no notice. The rule that provides unauthorized aliens with copies of employment records or other evidence of employment pursuant to the alien’s adjustment of status may not apply to such aliens unless such employment records or other evidence of employment are submitted by an employer.

“(H) CONSTRUCTION.—Nothing in this subsection may be construed to limit the authority of the State to require additional monetary penalties, other evidence of physical presence, or any other requirement for aliens described in paragraph (19)(B) to participate in the State-based nonimmigrant program in such State.

“(2) JUDICIAL REVIEW.—Section 242(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)) is amended by adding at the end the following:

“(B) JUDICIAL REVIEW OF CERTAIN ELIGIBILITY DETERMINATIONS.—If an alien’s application under section 214(c)(20) is denied or revoked, judicial review shall be conducted in the United States District Court for the District of Columbia and shall be limited to determinations of the constitutionality of section 214(e), or any regulations implemented pursuant to such section.”.

“(3) NONIMMIGRANTS WITH APPROVED IMMIGRANT PETITIONS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

“(A) in subsection (a)—

“(i) by striking “if (1) the alien” and inserting the following: “if—

“(I) the alien;

“(ii) by striking “adjustment, (2) the alien” and inserting the following: “adjustment; “

“(II) the alien; and

“(iii) by striking “residence, and (3) an immigrant visa” and inserting the following: “residence; and “

“(3) an immigrant visa”; and

“(B) in paragraph (3), by striking “him at the time his application is filed” and inserting “the alien at the time the alien’s application is adjudicated”; and

“(B) by adding at the end the following:

“(d) ADJUSTMENT OF STATUS APPLICATION AFTER AN APPROVED IMMIGRANT PETITION.—

“(I) A petition to adjust to permanent resident status on the basis of an approved immigrant petition may file an adjustment of status application under subsection (a), which shall remain pending until a visa number becomes available.

“(2) STATUS.—An alien who has properly filed an adjustment of status application under subsection (a) shall, throughout the pendency of such application—

“(A) have a lawful status and be considered lawfully present for purposes of section 212; and

“(B) following a biometric background check, be eligible for employment and travel authorization incident to such status—

“(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have 5 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 10 a.m., to conduct a closed hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, February 13, at 10 a.m. to conduct a hearing entitled “Improving Animal Health: Reauthorization of FDA Animal Drug User Fees.”

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 9:30 a.m., to conduct a hearing entitled “Worldwide Threats.”

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 2:30 p.m., to conduct a hearing.

ORDERS FOR WEDNESDAY

February 14, 2018

Mr. McCONNEL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, February 14; 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; I further ask that following leader remarks, the Senate resume and vote on the motion to proceed to H.R. 2579.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

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, following the remarks of Senator Moran.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

TRIBAL LABOR SOVEREIGNTY ACT

Mr. Moran. Mr. President, this week, the National Congress of American Indians is holding its Executive Council Winter Session here in the Nation’s Capital, and Tribes and Tribal leaders throughout the Nation are here to meet and to confer and to advocate on policies that are important to them and to their Tribal members. I welcome them here to Washington, DC, and I encourage them to make known to us as Members of the Senate things that are important to them as Tribal leaders and things that matter directly to their Tribal members.

Some of the priorities that I know exist is the issue of Tribal sovereignty. Throughout the conversations you have with Tribal leaders, there is the importance of maintaining the sovereignty of their Tribe.

Tonight, I want to highlight for my colleagues S. 140, a package of Tribal bills that includes the Tribal Labor Sovereignty Act, which I introduced here in the Senate some time ago.

By moving forward on this legislation and with its passage, we would return to the days where the law was as it existed for 70 years after the passage of the National Labor Relations Act. That was true for 70 years until the National Labor Relations Board stripped the Tribes of their governmental status under NLRA. Passage of this legislation would correct this decade-old error made by the NLRB.

The National Labor Relations Act was passed in 1935. It exempted public sector employees of Federal, State, and local governments; though it was not explicitly included, Tribal governments had their sovereign status respected by the NLRB for the next 70 years. This approach caused no problems and was what was expected.

Yet, in 2004, the National Labor Relations Board abruptly reversed its treatment of Tribal governments to enact right-to-work laws. Tribes have struggled to find economic success and provide for their people, and many of them still do, but the NLRB has now included on the gains that have been made.

The Tribal Labor Sovereignty Act that was introduced, and will be before