

115TH CONGRESS
2D SESSION

H. R. 4796

To provide relief from removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States before reaching the age of 18, improve border security, foster United States engagement in Central America, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2018

Mr. HURD (for himself, Mr. AGUILAR, Mr. UPTON, Ms. ROS-LEHTINEN, Mr. DENT, Mr. AMODEI, Mr. BARTON, Ms. STEFANIK, Mr. VALADAO, Mr. FASO, Mr. DENHAM, Mr. LANCE, Mr. KATKO, Mr. FITZPATRICK, Mrs. LOVE, Mrs. BROOKS of Indiana, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. NEWHOUSE, Mr. STIVERS, Mr. SHUSTER, Mr. COSTELLO of Pennsylvania, Mr. KING of New York, Mr. KNIGHT, Mr. REICHERT, Mr. FLORES, Mr. BACON, Ms. SEWELL of Alabama, Mr. WELCH, Ms. CLARKE of New York, Ms. ROYBAL-ALLARD, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. O'HALLERAN, Mr. CRIST, Mr. CARBAJAL, Ms. SINEMA, Ms. ROSEN, Mr. RUIZ, Mr. CUELLAR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JUDY CHU of California, Mr. PETERS, Mr. SCHNEIDER, Ms. LOFGREN, Mr. GOTTHEIMER, Mrs. BUSTOS, Mr. HIMES, Mr. POLIS, Mr. RICHMOND, Miss RICE of New York, and Ms. DELBENE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Education and the Workforce, Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide relief from removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States before

reaching the age of 18, improve border security, foster United States engagement in Central America, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Uniting and Securing America Act of 2018” or as the
 6 “USA Act of 2018”.

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADJUSTMENT OF STATUS FOR CERTAIN INDIVIDUALS
 WHO ENTERED THE UNITED STATES AS CHILDREN

Sec. 101. Definitions.

Sec. 102. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children.

Sec. 103. Terms of permanent resident status on a conditional basis.

Sec. 104. Removal of conditional basis of permanent resident status.

Sec. 105. Documentation requirements.

Sec. 106. Rulemaking.

Sec. 107. Confidentiality of information.

Sec. 108. Restoration of State option to determine residency for purposes of higher education benefits.

TITLE II—SECURE MILES WITH ALL RESOURCES AND
 TECHNOLOGY

Sec. 201. Definitions.

Subtitle A—Infrastructure and Equipment

Sec. 211. Strengthening the requirements for border security technology along the southern border.

Sec. 212. Comprehensive southern border strategy.

Sec. 213. Control or eradication of carrizo cane and salt cedar.

Sec. 214. Air and Marine Operations flight hours.

Sec. 215. Ports of entry infrastructure.

Subtitle B—Grants

Sec. 221. Operation Stonegarden.

Sec. 222. Southern border region emergency communications grant.

TITLE III—REDUCING SIGNIFICANT DELAYS IN IMMIGRATION COURT

- Sec. 301. Eliminate immigration court backlogs.
- Sec. 302. Improved training for immigration judges and members of the Board of Immigration Appeals.
- Sec. 303. New technology to improve court efficiency.

TITLE IV—ADVANCING REFORMS IN CENTRAL AMERICA TO ADDRESS THE FACTORS DRIVING MIGRATION

- Sec. 401. Definitions.
 - Subtitle A—Effectively Coordinating United States Engagement in Central America
 - Sec. 411. United States coordinator for engagement in Central America.
 - Subtitle B—Targeting Assistance to Appropriate Communities in the Northern Triangle
 - Sec. 421. Targeting assistance to appropriate communities.
 - Subtitle C—Regional Millennium Challenge Corporation Compacts
 - Sec. 431. MCC compacts.
 - Subtitle D—United States Leadership for Engaging International Donors and Partners
 - Sec. 441. Requirement for strategy to secure support of international donors and partners.

1 **TITLE I—ADJUSTMENT OF STA-**
2 **TUS FOR CERTAIN INDIVID-**
3 **UALS WHO ENTERED THE**
4 **UNITED STATES AS CHIL-**
5 **DREN**

6 **SEC. 101. DEFINITIONS.**

7 In this title:

8 (1) IN GENERAL.—Except as otherwise specifi-

9 cally provided, any term used in this title that is

10 used in the immigration laws shall have the meaning

11 given such term in the immigration laws.

1 (2) DACA.—The term “DACA” means de-
2 ferred action granted to an alien pursuant to the
3 Deferred Action for Childhood Arrivals program an-
4 nounced by President Obama on June 15, 2012.

5 (3) DISABILITY.—The term “disability” has the
6 meaning given such term in section 3(1) of the
7 Americans with Disabilities Act of 1990 (42 U.S.C.
8 12102(1)).

9 (4) EARLY CHILDHOOD EDUCATION PRO-
10 GRAM.—The term “early childhood education pro-
11 gram” has the meaning given such term in section
12 103 of the Higher Education Act of 1965 (20
13 U.S.C. 1003).

14 (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-
15 ONDARY SCHOOL.—The terms “elementary school”,
16 “high school”, and “secondary school” have the
17 meanings given such terms in section 8101 of the
18 Elementary and Secondary Education Act of 1965
19 (20 U.S.C. 7801).

20 (6) IMMIGRATION LAWS.—The term “immigra-
21 tion laws” has the meaning given such term in sec-
22 tion 101(a)(17) of the Immigration and Nationality
23 Act (8 U.S.C. 1101(a)(17)).

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

1 (A) except as provided in subparagraph
2 (B), has the meaning given such term in section
3 102 of the Higher Education Act of 1965 (20
4 U.S.C. 1002); and

5 (B) does not include an institution of high-
6 er education outside of the United States.

7 (8) PERMANENT RESIDENT STATUS ON A CON-
8 DITIONAL BASIS.—The term “permanent resident
9 status on a conditional basis” means status as an
10 alien lawfully admitted for permanent residence on
11 a conditional basis under this title.

12 (9) POVERTY LINE.—The term “poverty line”
13 has the meaning given such term in section 673 of
14 the Community Services Block Grant Act (42 U.S.C.
15 9902).

16 (10) SECRETARY.—Except as otherwise specifi-
17 cally provided, the term “Secretary” means the Sec-
18 retary of Homeland Security.

19 (11) UNIFORMED SERVICES.—The term “Uni-
20 formed Services” has the meaning given the term
21 “uniformed services” in section 101(a) of title 10,
22 United States Code.

1 **SEC. 102. PERMANENT RESIDENT STATUS ON A CONDI-**
2 **TIONAL BASIS FOR CERTAIN LONG-TERM**
3 **RESIDENTS WHO ENTERED THE UNITED**
4 **STATES AS CHILDREN.**

5 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-
6 standing any other provision of law, and except as pro-
7 vided in subsection (c)(2) of section 104, an alien shall
8 be considered, at the time of obtaining the status of an
9 alien lawfully admitted for permanent residence under this
10 section, to have obtained such status on a conditional basis
11 subject to the provisions under this title.

12 (b) **REQUIREMENTS.**—

13 (1) **IN GENERAL.**—Notwithstanding any other
14 provision of law, the Secretary shall cancel the re-
15 moval of, and adjust to the status of an alien law-
16 fully admitted for permanent residence on a condi-
17 tional basis, or without such conditional basis as
18 provided in subsection (c)(2) of section 104, an alien
19 who is inadmissible or deportable from the United
20 States or is in temporary protected status under sec-
21 tion 244 of the Immigration and Nationality Act (8
22 U.S.C. 1254a), if—

23 (A) the alien has been continuously phys-
24 ically present in the United States since Decem-
25 ber 31, 2013;

1 (B) the alien was younger than 18 years of
2 age on the date on which the alien initially en-
3 tered the United States;

4 (C) subject to paragraphs (2) and (3), the
5 alien—

6 (i) is not inadmissible under para-
7 graph (2), (3), (6)(E), (6)(G), (8),
8 (10)(A), (10)(C), or (10)(D) of section
9 212(a) of the Immigration and Nationality
10 Act (8 U.S.C. 1182(a));

11 (ii) has not ordered, incited, assisted,
12 or otherwise participated in the persecution
13 of any person on account of race, religion,
14 nationality, membership in a particular so-
15 cial group, or political opinion; and

16 (iii) other than an offense under State
17 or local law for which an essential element
18 was the alien's immigration status, a
19 minor traffic offense, or a violation of this
20 title, has not been convicted of—

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

1 (II) any combination of offenses
2 under Federal or State law, for which
3 the alien was sentenced to imprison-
4 ment for a total of more than 1 year;
5 or

6 (III) a crime of domestic violence
7 (as such term is defined in section
8 237(a)(2)(E)(i) of the Immigration
9 and Nationality Act (8 U.S.C.
10 1227(a)(2)(E)(i))), unless—

11 (aa) the alien has filed an
12 application under section
13 101(a)(15)(T), 101(a)(15)(U),
14 106, or 240A(b)(2) of the Immi-
15 gration and Nationality Act or
16 section 244(a)(3) of such Act (as
17 in effect on March 31, 1997);

18 (bb) the alien is a VAWA
19 self-petitioner for immigration re-
20 lief, as defined in section
21 101(a)(51) of the Immigration
22 and Nationality Act;

23 (cc) the alien provides evi-
24 dence that the alien's crime of
25 domestic violence is related to her

1 or his having been a victim her-
2 self or himself of domestic vio-
3 lence, sexual assault, stalking,
4 child abuse or neglect, elder
5 abuse or neglect, human traf-
6 ficking, having been battered or
7 subjected to extreme cruelty, hav-
8 ing been a victim of criminal ac-
9 tivity described in section
10 101(a)(15)(U)(iii) of the Immi-
11 gration and Nationality Act; or

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

17 (D) the alien—

18 (i) has been admitted to an institution
19 of higher education;

20 (ii) has earned a high school diploma
21 or a commensurate alternative award from
22 a public or private high school, or has ob-
23 tained a general education development
24 certificate recognized under State law or a

1 high school equivalency diploma in the
2 United States; or

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

6 (I) obtaining a regular high
7 school diploma or its recognized equiv-
8 alent under State law; or

9 (II) in passing a general edu-
10 cational development exam, a high
11 school equivalence diploma examina-
12 tion, or other similar State-authorized
13 exam.

14 (2) WAIVER.—With respect to any benefit
15 under this title, the Secretary may waive subclauses
16 (I), (II), and (III) of subsection (b)(1)(C)(iii) of this
17 section, and the grounds of inadmissibility under
18 paragraph (2), (6)(E), (6)(G), or (10)(D) of section
19 212(a) of the Immigration and Nationality Act (8
20 U.S.C. 1182(a)) for humanitarian purposes, family
21 unity, or if the waiver is otherwise in the public in-
22 terest.

23 (3) TREATMENT OF EXPUNGED CONVIC-
24 TIONS.—For purposes of cancellation of removal, ad-
25 justment to permanent resident status on a condi-

1 tional basis, or other adjustment of status, the term
2 “conviction” does not include an adjudication or
3 judgment of guilt that has been dismissed, ex-
4 punged, deferred, annulled, invalidated, withheld,
5 sealed, vacated, pardoned, an order of probation
6 without entry of judgment, or any similar rehabilita-
7 tive disposition.

8 (4) DACA RECIPIENTS.—The Secretary shall
9 cancel the removal of, and adjust to the status of an
10 alien lawfully admitted for permanent residence on
11 a conditional basis, an alien who was granted DACA
12 unless the alien has engaged in conduct since the
13 alien was granted DACA that would make the alien
14 ineligible for DACA.

15 (5) APPLICATION FEE.—

16 (A) IN GENERAL.—The Secretary shall re-
17 quire an alien applying for permanent resident
18 status on a conditional basis under this section
19 to pay a reasonable fee that is commensurate
20 with the cost of processing the application.

21 (B) EXEMPTION.—An applicant may be
22 exempted from paying the fee required under
23 subparagraph (A) if the alien—

24 (i)(I) is younger than 18 years of age;

1 (II) received total income, during the
2 12-month period immediately preceding the
3 date on which the alien files an application
4 under this section, that is less than 150
5 percent poverty line; and

6 (III) is in foster care or otherwise
7 lacking any parental or other familial sup-
8 port;

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

11 (iii)(I) cannot care for himself or her-
12 self because of a serious, chronic disability;
13 and

14 (II) received total income, during the
15 12-month period immediately preceding the
16 date on which the alien files an application
17 under this section, that is less than 150
18 percent of the poverty line; or

19 (iv)(I) during the 12-month period im-
20 mediately preceding the date on which the
21 alien files an application under this sec-
22 tion, accumulated \$10,000 or more in debt
23 as a result of unreimbursed medical ex-
24 penses incurred by the alien or an imme-
25 diate family member of the alien; and

1 (II) received total income, during the
2 12-month period immediately preceding the
3 date on which the alien files an application
4 under this section, that is less than 150
5 percent of the poverty line.

6 (6) SUBMISSION OF BIOMETRIC AND BIO-
7 GRAPHIC DATA.—The Secretary may not grant an
8 alien permanent resident status on a conditional
9 basis under this section unless the alien submits bio-
10 metric and biographic data, in accordance with pro-
11 cedures established by the Secretary. The Secretary
12 shall provide an alternative procedure for aliens who
13 are unable to provide such biometric or biographic
14 data because of a physical impairment.

15 (7) BACKGROUND CHECKS.—

16 (A) REQUIREMENT FOR BACKGROUND
17 CHECKS.—The Secretary shall utilize biometric,
18 biographic, and other data that the Secretary
19 determines appropriate—

20 (i) to conduct security and law en-
21 forcement background checks of an alien
22 seeking permanent resident status on a
23 conditional basis under this section; and

24 (ii) to determine whether there is any
25 criminal, national security, or other factor

1 that would render the alien ineligible for
2 such status.

3 (B) COMPLETION OF BACKGROUND
4 CHECKS.—The security and law enforcement
5 background checks of an alien required under
6 subparagraph (A) shall be completed, to the
7 satisfaction of the Secretary, before the date on
8 which the Secretary grants such alien perma-
9 nent resident status on a conditional basis
10 under this section.

11 (8) MEDICAL EXAMINATION.—

12 (A) REQUIREMENT.—An alien applying for
13 permanent resident status on a conditional
14 basis under this section shall undergo a medical
15 examination.

16 (B) POLICIES AND PROCEDURES.—The
17 Secretary, with the concurrence of the Sec-
18 retary of Health and Human Services, shall
19 prescribe policies and procedures for the nature
20 and timing of the examination required under
21 subparagraph (A).

22 (9) MILITARY SELECTIVE SERVICE.—An alien
23 applying for permanent resident status on a condi-
24 tional basis under this section shall establish that
25 the alien has registered under the Military Selective

1 Service Act (50 U.S.C. 3801 et seq.), if the alien is
2 subject to registration under such Act.

3 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

4 (1) TERMINATION OF CONTINUOUS PERIOD.—

5 Any period of continuous physical presence in the
6 United States of an alien who applies for permanent
7 resident status on a conditional basis under this sec-
8 tion shall not terminate when the alien is served a
9 notice to appear under section 239(a) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1229(a)).

11 (2) TREATMENT OF CERTAIN BREAKS IN PRES-
12 ENCE.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraphs (B) and (C), an alien shall be
15 considered to have failed to maintain contin-
16 uous physical presence in the United States
17 under subsection (b)(1)(A) if the alien has de-
18 parted from the United States for any period
19 exceeding 90 days or for any periods, in the ag-
20 gregate, exceeding 180 days.

21 (B) EXTENSIONS FOR EXTENUATING CIR-
22 CUMSTANCES.—The Secretary may extend the
23 time periods described in subparagraph (A) for
24 an alien who demonstrates that the failure to
25 timely return to the United States was due to

1 extenuating circumstances beyond the alien's
2 control, including the serious illness of the
3 alien, or death or serious illness of a parent,
4 grandparent, sibling, or child of the alien.

5 (C) TRAVEL AUTHORIZED BY THE SEC-
6 RETARY.—Any period of travel outside of the
7 United States by an alien that was authorized
8 by the Secretary may not be counted toward
9 any period of departure from the United States
10 under subparagraph (A).

11 (d) LIMITATION ON REMOVAL OF CERTAIN
12 ALIENS.—

13 (1) IN GENERAL.—The Secretary or the Attor-
14 ney General may not remove an alien who appears
15 prima facie eligible for relief under this section.

16 (2) ALIENS SUBJECT TO REMOVAL.—The Sec-
17 retary shall provide a reasonable opportunity to
18 apply for relief under this section to any alien who
19 requests such an opportunity or who appears prima
20 facie eligible for relief under this section if the alien
21 is in removal proceedings, is the subject of a final
22 removal order, or is the subject of a voluntary depar-
23 ture order.

24 (3) CERTAIN ALIENS ENROLLED IN ELEMEN-
25 TARY OR SECONDARY SCHOOL.—

1 (A) STAY OF REMOVAL.—The Attorney
2 General shall stay the removal proceedings of
3 an alien who—

4 (i) meets all the requirements under
5 subparagraphs (A), (B), and (C) of sub-
6 section (b)(1), subject to paragraphs (2)
7 and (3) of such subsection;

8 (ii) is at least 5 years of age; and

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

12 (B) COMMENCEMENT OF REMOVAL PRO-
13 CEEDINGS.—The Secretary may not commence
14 removal proceedings for an alien described in
15 subparagraph (A).

16 (C) EMPLOYMENT.—An alien whose re-
17 moval is stayed pursuant to subparagraph (A)
18 or who may not be placed in removal pro-
19 ceedings pursuant to subparagraph (B) shall,
20 upon application to the Secretary, be granted
21 an employment authorization document.

22 (D) LIFT OF STAY.—The Secretary or At-
23 torney General may not lift the stay granted to
24 an alien under subparagraph (A) unless the

1 alien ceases to meet the requirements under
2 such subparagraph.

3 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—

4 Nothing in this section or in any other law may be con-
5 strued to apply a numerical limitation on the number of
6 aliens who may be granted permanent resident status, on
7 a conditional basis or otherwise, under this title.

8 **SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A**
9 **CONDITIONAL BASIS.**

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

12 (1) valid for a period of 8 years, unless such pe-
13 riod is extended by the Secretary; and

14 (2) subject to termination under subsection (c).

15 (b) NOTICE OF REQUIREMENTS.—At the time an
16 alien obtains permanent resident status on a conditional
17 basis, the Secretary shall provide notice to the alien re-
18 garding the provisions of this title and the requirements
19 to have the conditional basis of such status removed.

20 (c) TERMINATION OF STATUS.—The Secretary may
21 terminate the permanent resident status on a conditional
22 basis of an alien only if the Secretary—

23 (1) determines that the alien ceases to meet the
24 requirements under paragraph (1)(C) of section

1 102(b), subject to paragraphs (2) and (3) of that
2 section; and

3 (2) prior to the termination, provides the
4 alien—

5 (A) notice of the proposed termination;
6 and

7 (B) the opportunity for a hearing to pro-
8 vide evidence that the alien meets such require-
9 ments or otherwise contest the termination.

10 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), an alien whose permanent resident status
13 on a conditional basis expires under subsection
14 (a)(1) or is terminated under subsection (c) or
15 whose application for such status is denied shall re-
16 turn to the immigration status that the alien had
17 immediately before receiving permanent resident sta-
18 tus on a conditional basis or applying for such sta-
19 tus, as appropriate.

20 (2) SPECIAL RULE FOR TEMPORARY PRO-
21 TECTED STATUS.—An alien whose permanent resi-
22 dent status on a conditional basis expires under sub-
23 section (a)(1) or is terminated under subsection (c)
24 or whose application for such status is denied and
25 who had temporary protected status under section

1 244 of the Immigration and Nationality Act (8
2 U.S.C. 1254a) immediately before receiving or ap-
3 plying for such permanent resident status on a con-
4 ditional basis, as appropriate, may not return to
5 such temporary protected status if—

6 (A) the relevant designation under section
7 244(b) of the Immigration and Nationality Act
8 (8 U.S.C. 1254a(b)) has been terminated; or

9 (B) the Secretary determines that the rea-
10 son for terminating the permanent resident sta-
11 tus on a conditional basis renders the alien in-
12 eligible for such temporary protected status.

13 **SEC. 104. REMOVAL OF CONDITIONAL BASIS OF PERMA-**
14 **NENT RESIDENT STATUS.**

15 (a) **ELIGIBILITY FOR REMOVAL OF CONDITIONAL**
16 **BASIS.—**

17 (1) **IN GENERAL.—**Subject to paragraph (2),
18 the Secretary shall remove the conditional basis of
19 an alien’s permanent resident status granted under
20 this title and grant the alien status as an alien law-
21 fully admitted for permanent residence if the alien—

22 (A) is described in paragraph (1)(C) of
23 section 102(b), subject to paragraphs (2) and
24 (3) of that section;

1 (B) has not abandoned the alien's resi-
2 dence in the United States; and

3 (C)(i) has acquired a degree from an insti-
4 tution of higher education or has completed at
5 least 2 years, in good standing, in a postsec-
6 ondary vocational program or in a program for
7 a bachelor's degree or higher degree in the
8 United States;

9 (ii) has served in the Uniformed Services
10 for at least the period for which the alien was
11 obligated to serve on active duty and, if dis-
12 charged, received an honorable discharge; or

13 (iii) has been employed for periods totaling
14 at least 3 years and at least 80 percent of the
15 time that the alien has had a valid employment
16 authorization, except that any period during
17 which the alien is not employed while having a
18 valid employment authorization and is enrolled
19 in an institution of higher education, a sec-
20 ondary school, or an education program de-
21 scribed in section 3(b)(1)(D)(iii), shall not
22 count toward the time requirements under this
23 clause.

24 (2) HARDSHIP EXCEPTION.—The Secretary
25 shall remove the conditional basis of an alien's per-

1 manent resident status and grant the alien status as
2 an alien lawfully admitted for permanent residence
3 if the alien—

4 (A) satisfies the requirements under sub-
5 paragraphs (A) and (B) of paragraph (1);

6 (B) demonstrates compelling circumstances
7 for the inability to satisfy the requirements
8 under subparagraph (C) of such paragraph; and

9 (C) demonstrates that—

10 (i) the alien has a disability;

11 (ii) the alien is a full-time caregiver of
12 a minor child; or

13 (iii) the removal of the alien from the
14 United States would result in extreme
15 hardship to the alien or the alien's spouse,
16 parent, or child who is a national of the
17 United States or is lawfully admitted for
18 permanent residence.

19 (3) CITIZENSHIP REQUIREMENT.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the conditional basis of an
22 alien's permanent resident status granted under
23 this title may not be removed unless the alien
24 demonstrates that the alien satisfies the re-

1 requirements under section 312(a) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1423(a)).

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

7 (4) APPLICATION FEE.—

8 (A) IN GENERAL.—The Secretary shall re-
9 quire aliens applying for lawful permanent resi-
10 dent status under this section to pay a reason-
11 able fee that is commensurate with the cost of
12 processing the application.

13 (B) EXEMPTION.—An applicant may be
14 exempted from paying the fee required under
15 subparagraph (A) if the alien—

16 (i)(I) is younger than 18 years of age;

17 (II) received total income, during the
18 12-month period immediately preceding the
19 date on which the alien files an application
20 under this section, that is less than 150
21 percent of the poverty line; and

22 (III) is in foster care or otherwise
23 lacking any parental or other familial sup-
24 port;

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

3 (iii)(I) cannot care for himself or her-
4 self because of a serious, chronic disability;
5 and

6 (II) received total income, during the
7 12-month period immediately preceding the
8 date on which the alien files an application
9 under this section, that is less than 150
10 percent of the poverty line; or

11 (iv)(I) during the 12-month period im-
12 mediately preceding the date on which the
13 alien files an application under this sec-
14 tion, the alien accumulated \$10,000 or
15 more in debt as a result of unreimbursed
16 medical expenses incurred by the alien or
17 an immediate family member of the alien;
18 and

19 (II) received total income, during the
20 12-month period immediately preceding the
21 date on which the alien files an application
22 under this section, that is less than 150
23 percent of the poverty line.

24 (5) SUBMISSION OF BIOMETRIC AND BIO-
25 GRAPHIC DATA.—The Secretary may not remove the

1 conditional basis of an alien's permanent resident
2 status unless the alien submits biometric and bio-
3 graphic data, in accordance with procedures estab-
4 lished by the Secretary. The Secretary shall provide
5 an alternative procedure for applicants who are un-
6 able to provide such biometric data because of a
7 physical impairment.

8 (6) BACKGROUND CHECKS.—

9 (A) REQUIREMENT FOR BACKGROUND
10 CHECKS.—The Secretary shall utilize biometric,
11 biographic, and other data that the Secretary
12 determines appropriate—

13 (i) to conduct security and law en-
14 forcement background checks of an alien
15 applying for removal of the conditional
16 basis of the alien's permanent resident sta-
17 tus; and

18 (ii) to determine whether there is any
19 criminal, national security, or other factor
20 that would render the alien ineligible for
21 removal of such conditional basis.

22 (B) COMPLETION OF BACKGROUND
23 CHECKS.—The security and law enforcement
24 background checks of an alien required under
25 subparagraph (A) shall be completed, to the

1 satisfaction of the Secretary, before the date on
2 which the Secretary removes the conditional
3 basis of the alien's permanent resident status.

4 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
5 TION.—

6 (1) IN GENERAL.—For purposes of title III of
7 the Immigration and Nationality Act (8 U.S.C. 1401
8 et seq.), an alien granted permanent resident status
9 on a conditional basis shall be considered to have
10 been admitted to the United States, and be present
11 in the United States, as an alien lawfully admitted
12 for permanent residence.

13 (2) LIMITATION ON APPLICATION FOR NATU-
14 RALIZATION.—An alien may not apply for natu-
15 ralization while the alien is in permanent resident
16 status on a conditional basis.

17 (c) TIMING OF APPROVAL OF LAWFUL PERMANENT
18 RESIDENCE STATUS.—

19 (1) IN GENERAL.—An alien granted lawful per-
20 manent residence on a conditional basis under this
21 title may apply to have such conditional basis re-
22 moved at any time after such alien has met the eligi-
23 bility requirements set forth in subsection (a).

24 (2) APPROVAL WITH REGARD TO INITIAL APPLI-
25 CATIONS.—The Secretary shall provide lawful per-

1 permanent residence status without conditional basis to
2 any alien who demonstrates eligibility for lawful per-
3 manent residence status on a conditional basis under
4 section 102, if such alien has already fulfilled the re-
5 quirements of subsection (a) at the time such alien
6 first submits an application for benefits under this
7 title.

8 **SEC. 105. DOCUMENTATION REQUIREMENTS.**

9 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
10 alien’s application for permanent resident status on a con-
11 ditional basis may include, as proof of identity—

12 (1) a passport or national identity document
13 from the alien’s country of origin that includes the
14 alien’s name and the alien’s photograph or finger-
15 print;

16 (2) the alien’s birth certificate and an identity
17 card that includes the alien’s name and photograph;

18 (3) a school identification card that includes the
19 alien’s name and photograph, and school records
20 showing the alien’s name and that the alien is or
21 was enrolled at the school;

22 (4) a Uniformed Services identification card
23 issued by the Department of Defense;

1 (5) any immigration or other document issued
2 by the United States Government bearing the alien's
3 name and photograph; or

4 (6) a State-issued identification card bearing
5 the alien's name and photograph.

6 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-
7 ICAL PRESENCE IN THE UNITED STATES.—To establish
8 that an alien has been continuously physically present in
9 the United States, as required under section 102(b)(1)(A),
10 or to establish that an alien has not abandoned residence
11 in the United States, as required under section
12 104(a)(1)(B), the alien may submit documents to the Sec-
13 retary, including—

14 (1) employment records that include the em-
15 ployer's name and contact information;

16 (2) records from any educational institution the
17 alien has attended in the United States;

18 (3) records of service from the Uniformed Serv-
19 ices;

20 (4) official records from a religious entity con-
21 firming the alien's participation in a religious cere-
22 mony;

23 (5) passport entries;

24 (6) a birth certificate for a child who was born
25 in the United States;

- 1 (7) automobile license receipts or registration;
- 2 (8) deeds, mortgages, or rental agreement con-
- 3 tracts;
- 4 (9) tax receipts;
- 5 (10) insurance policies;
- 6 (11) remittance records;
- 7 (12) rent receipts or utility bills bearing the
- 8 alien's name or the name of an immediate family
- 9 member of the alien, and the alien's address;
- 10 (13) copies of money order receipts for money
- 11 sent in or out of the United States;
- 12 (14) dated bank transactions; or
- 13 (15) two or more sworn affidavits from individ-
- 14 uals who are not related to the alien who have direct
- 15 knowledge of the alien's continuous physical pres-
- 16 ence in the United States, that contain—
- 17 (A) the name, address, and telephone num-
- 18 ber of the affiant; and
- 19 (B) the nature and duration of the rela-
- 20 tionship between the affiant and the alien.
- 21 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY
- 22 INTO THE UNITED STATES.—To establish under section
- 23 102(b)(1)(B) that an alien was younger than 18 years of
- 24 age on the date on which the alien initially entered the

1 United States, an alien may submit documents to the Sec-
2 retary, including—

3 (1) an admission stamp on the alien's passport;

4 (2) records from any educational institution the
5 alien has attended in the United States;

6 (3) any document from the Department of Jus-
7 tice or the Department of Homeland Security stat-
8 ing the alien's date of entry into the United States;

9 (4) hospital or medical records showing medical
10 treatment or hospitalization, the name of the med-
11 ical facility or physician, and the date of the treat-
12 ment or hospitalization;

13 (5) rent receipts or utility bills bearing the
14 alien's name or the name of an immediate family
15 member of the alien, and the alien's address;

16 (6) employment records that include the em-
17 ployer's name and contact information;

18 (7) official records from a religious entity con-
19 firming the alien's participation in a religious cere-
20 mony;

21 (8) a birth certificate for a child who was born
22 in the United States;

23 (9) automobile license receipts or registration;

24 (10) deeds, mortgages, or rental agreement con-
25 tracts;

- 1 (11) tax receipts;
- 2 (12) travel records;
- 3 (13) copies of money order receipts sent in or
- 4 out of the country;
- 5 (14) dated bank transactions;
- 6 (15) remittance records; or
- 7 (16) insurance policies.

8 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN
9 INSTITUTION OF HIGHER EDUCATION.—To establish that
10 an alien has been admitted to an institution of higher edu-
11 cation, the alien shall submit to the Secretary a document
12 from the institution of higher education certifying that the
13 alien—

- 14 (1) has been admitted to the institution; or
- 15 (2) is currently enrolled in the institution as a
- 16 student.

17 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-
18 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—
19 To establish that an alien has acquired a degree from an
20 institution of higher education in the United States, the
21 alien shall submit to the Secretary a diploma or other doc-
22 ument from the institution stating that the alien has re-
23 ceived such a degree.

24 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH
25 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-

1 MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—
2 To establish that an alien has earned a high school di-
3 ploma or a commensurate alternative award from a public
4 or private high school, or has obtained a general edu-
5 cational development certificate recognized under State
6 law or a high school equivalency diploma in the United
7 States, the alien shall submit to the Secretary—

8 (1) a high school diploma, certificate of comple-
9 tion, or other alternate award;

10 (2) a high school equivalency diploma or certifi-
11 cate recognized under State law; or

12 (3) evidence that the alien passed a State-au-
13 thorized exam, including the general educational de-
14 velopment exam, in the United States.

15 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
16 EDUCATIONAL PROGRAM.—To establish that an alien is
17 enrolled in any school or education program described in
18 section 102(b)(1)(D)(iii), 102(d)(3)(A)(iii), or
19 104(a)(1)(C), the alien shall submit school records from
20 the United States school that the alien is currently attend-
21 ing that include—

22 (1) the name of the school; and

23 (2) the alien's name, periods of attendance, and
24 current grade or educational level.

1 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM
2 APPLICATION FEES.—To establish that an alien is exempt
3 from an application fee under section 102(b)(5)(B) or
4 104(a)(4)(B), the alien shall submit to the Secretary the
5 following relevant documents:

6 (1) DOCUMENTS TO ESTABLISH AGE.—To es-
7 tablish that an alien meets an age requirement, the
8 alien shall provide proof of identity, as described in
9 subsection (a), that establishes that the alien is
10 younger than 18 years of age.

11 (2) DOCUMENTS TO ESTABLISH INCOME.—To
12 establish the alien’s income, the alien shall provide—

13 (A) employment records that have been
14 maintained by the Social Security Administra-
15 tion, the Internal Revenue Service, or any other
16 Federal, State, or local government agency;

17 (B) bank records; or

18 (C) at least 2 sworn affidavits from indi-
19 viduals who are not related to the alien and
20 who have direct knowledge of the alien’s work
21 and income that contain—

22 (i) the name, address, and telephone
23 number of the affiant; and

1 (ii) the nature and duration of the re-
2 lationship between the affiant and the
3 alien.

4 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,
5 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR
6 SERIOUS, CHRONIC DISABILITY.—To establish that
7 the alien was in foster care, lacks parental or famil-
8 ial support, is homeless, or has a serious, chronic
9 disability, the alien shall provide at least 2 sworn af-
10 fidavits from individuals who are not related to the
11 alien and who have direct knowledge of the cir-
12 cumstances that contain—

13 (A) a statement that the alien is in foster
14 care, otherwise lacks any parental or other fa-
15 miliar support, is homeless, or has a serious,
16 chronic disability, as appropriate;

17 (B) the name, address, and telephone num-
18 ber of the affiant; and

19 (C) the nature and duration of the rela-
20 tionship between the affiant and the alien.

21 (4) DOCUMENTS TO ESTABLISH UNPAID MED-
22 ICAL EXPENSE.—To establish that the alien has debt
23 as a result of unreimbursed medical expenses, the
24 alien shall provide receipts or other documentation
25 from a medical provider that—

1 (A) bear the provider's name and address;

2 (B) bear the name of the individual receiv-
3 ing treatment; and

4 (C) document that the alien has accumu-
5 lated \$10,000 or more in debt in the past 12
6 months as a result of unreimbursed medical ex-
7 penses incurred by the alien or an immediate
8 family member of the alien.

9 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
10 HARDSHIP EXEMPTION.—To establish that an alien satis-
11 fies one of the criteria for the hardship exemption set forth
12 in section 104(a)(2)(A)(iii), the alien shall submit to the
13 Secretary at least 2 sworn affidavits from individuals who
14 are not related to the alien and who have direct knowledge
15 of the circumstances that warrant the exemption, that
16 contain—

17 (1) the name, address, and telephone number of
18 the affiant; and

19 (2) the nature and duration of the relationship
20 between the affiant and the alien.

21 (j) DOCUMENTS ESTABLISHING SERVICE IN THE
22 UNIFORMED SERVICES.—To establish that an alien has
23 served in the Uniformed Services for at least the period
24 for which the alien was obligated to serve on active duty

1 and, if discharged, received an honorable discharge, the
2 alien shall submit to the Secretary—

3 (1) a Department of Defense form DD–214;

4 (2) a National Guard Report of Separation and
5 Record of Service form 22;

6 (3) personnel records for such service from the
7 appropriate Uniformed Service; or

8 (4) health records from the appropriate Uni-
9 formed Service.

10 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

11 (1) IN GENERAL.—An alien may satisfy the em-
12 ployment requirement under section
13 104(a)(1)(C)(iii) by submitting records that—

14 (A) establish compliance with such employ-
15 ment requirement; and

16 (B) have been maintained by the Social Se-
17 curity Administration, the Internal Revenue
18 Service, or any other Federal, State, or local
19 government agency.

20 (2) OTHER DOCUMENTS.—An alien who is un-
21 able to submit the records described in paragraph
22 (1) may satisfy the employment requirement by sub-
23 mitting at least 2 types of reliable documents that
24 provide evidence of employment, including—

25 (A) bank records;

1 (B) business records;

2 (C) employer records;

3 (D) records of a labor union, day labor
4 center, or organization that assists workers in
5 employment;

6 (E) sworn affidavits from individuals who
7 are not related to the alien and who have direct
8 knowledge of the alien's work, that contain—

9 (i) the name, address, and telephone
10 number of the affiant; and

11 (ii) the nature and duration of the re-
12 lationship between the affiant and the
13 alien; and

14 (F) remittance records.

15 (I) **AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-**
16 **UMENTS.**—If the Secretary determines, after publication
17 in the Federal Register and an opportunity for public com-
18 ment, that any document or class of documents does not
19 reliably establish identity or that permanent resident sta-
20 tus on a conditional basis is being obtained fraudulently
21 to an unacceptable degree, the Secretary may prohibit or
22 restrict the use of such document or class of documents.

23 **SEC. 106. RULEMAKING.**

24 (a) **INITIAL PUBLICATION.**—Not later than 90 days
25 after the date of the enactment of this Act, the Secretary

1 shall publish regulations implementing this title in the
2 Federal Register. Such regulations shall allow eligible indi-
3 viduals to immediately apply affirmatively for the relief
4 available under section 102 without being placed in re-
5 moval proceedings.

6 (b) INTERIM REGULATIONS.—Notwithstanding sec-
7 tion 553 of title 5, United States Code, the regulations
8 published pursuant to subsection (a) shall be effective, on
9 an interim basis, immediately upon publication in the Fed-
10 eral Register, but may be subject to change and revision
11 after public notice and opportunity for a period of public
12 comment.

13 (c) FINAL REGULATIONS.—Not later than 180 days
14 after the date on which interim regulations are published
15 under this section, the Secretary shall publish final regula-
16 tions implementing this title.

17 (d) PAPERWORK REDUCTION ACT.—The require-
18 ments under chapter 35 of title 44, United States Code
19 (commonly known as the “Paperwork Reduction Act”),
20 shall not apply to any action to implement this title.

21 **SEC. 107. CONFIDENTIALITY OF INFORMATION.**

22 (a) IN GENERAL.—The Secretary may not disclose
23 or use information provided in applications filed under this
24 title or in requests for DACA for the purpose of immigra-
25 tion enforcement.

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

7 (c) LIMITED EXCEPTION.—Notwithstanding sub-
8 sections (a) and (b), information provided in an applica-
9 tion for permanent resident status on a conditional basis
10 or a request for DACA may be shared with Federal secu-
11 rity and law enforcement agencies—

12 (1) for assistance in the consideration of an ap-
13 plication for permanent resident status on a condi-
14 tional basis;

15 (2) to identify or prevent fraudulent claims;

16 (3) for national security purposes; or

17 (4) for the investigation or prosecution of any
18 felony not related to immigration status.

19 (d) PENALTY.—Any person who knowingly uses, pub-
20 lishes, or permits information to be examined in violation
21 of this section shall be fined not more than \$10,000.

1 **SEC. 108. RESTORATION OF STATE OPTION TO DETERMINE**
2 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
3 **CATION BENEFITS.**

4 (a) IN GENERAL.—Section 505 of the Illegal Immi-
5 gration Reform and Immigrant Responsibility Act of 1996
6 (8 U.S.C. 1623) is repealed.

7 (b) EFFECTIVE DATE.—The repeal under subsection
8 (a) shall take effect as if included in the original enact-
9 ment of the Illegal Immigration Reform and Immigrant
10 Responsibility Act of 1996 (division C of Public Law 104–
11 208; 110 Stat. 3009–546).

12 **TITLE II—SECURE MILES WITH**
13 **ALL RESOURCES AND TECH-**
14 **NOLOGY**

15 **SEC. 201. DEFINITIONS.**

16 In this title:

17 (1) OPERATIONAL CONTROL.—The term “oper-
18 ational control” has the meaning given such term in
19 section 2(b) of the Secure Fence Act of 2006 (8
20 U.S.C. 1701 note; Public Law 109–367).

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of Homeland Security.

23 (3) SITUATIONAL AWARENESS.—The term “sit-
24 uational awareness” has the meaning given the term
25 in section 1092(a)(7) of the National Defense Au-

1 thorization Act for Fiscal Year 2017 (Public Law
2 114–328).

3 **Subtitle A—Infrastructure and**
4 **Equipment**

5 **SEC. 211. STRENGTHENING THE REQUIREMENTS FOR BOR-**
6 **DER SECURITY TECHNOLOGY ALONG THE**
7 **SOUTHERN BORDER.**

8 Section 102 of the Illegal Immigration Reform and
9 Immigrant Responsibility Act of 1996 (Division C of Pub-
10 lic Law 104–208; 8 U.S.C. 1103 note) is amended—

11 (1) in subsection (a)—

12 (A) by inserting “and border technology”
13 before “in the vicinity of”; and

14 (B) by striking “illegal crossings in areas
15 of high illegal entry into the United States” and
16 inserting “, impede, and detect illegal activity in
17 high traffic areas”;

18 (2) in subsection (c)(1), by inserting “and, pur-
19 suant to subsection (d), the installation, operation,
20 and maintenance of technology” after “barriers and
21 roads”; and

22 (3) by adding at the end the following new sub-
23 sections:

24 “(d) **INSTALLATION, OPERATION, AND MAINTENANCE OF TECHNOLOGY.**—Not later than January 20,
25

1 2021, the Secretary of Homeland Security, in carrying out
2 subsection (a), shall deploy the most practical and effec-
3 tive technology available along the United States border
4 for achieving situational awareness and operational con-
5 trol of the border.

6 “(e) DEFINITIONS.—In this section:

7 “(1) HIGH TRAFFIC AREAS.—The term ‘high
8 traffic areas’ means sectors along the northern,
9 southern, or coastal border that—

10 “(A) are within the responsibility of U.S.
11 Customs and Border Protection; and

12 “(B) have significant unlawful cross-border
13 activity.

14 “(2) OPERATIONAL CONTROL.—The term ‘oper-
15 ational control’ has the meaning given such term in
16 section 2(b) of the Secure Fence Act of 2006 (8
17 U.S.C. 1701 note; Public Law 109–367).

18 “(3) SITUATIONAL AWARENESS DEFINED.—The
19 term ‘situational awareness’ has the meaning given
20 such term in section 1092(a)(7) of the National De-
21 fense Authorization Act for Fiscal Year 2017 (Pub-
22 lic Law 114–328).

23 “(4) TECHNOLOGY.—The term ‘technology’ in-
24 cludes border surveillance and detection technology,
25 including—

- 1 “(A) radar surveillance systems;
- 2 “(B) Vehicle and Dismount Exploitation
- 3 Radars (VADER);
- 4 “(C) 3-dimensional, seismic acoustic detec-
- 5 tion and ranging border tunneling detection
- 6 technology;
- 7 “(D) sensors;
- 8 “(E) unmanned cameras;
- 9 “(F) man-portable and mobile vehicle-
- 10 mounted unmanned aerial vehicles; and
- 11 “(G) any other devices, tools, or systems
- 12 found to be more effective or advanced than
- 13 those specified in subparagraphs (A) through
- 14 (F).”.

15 **SEC. 212. COMPREHENSIVE SOUTHERN BORDER STRATEGY.**

16 (a) **REQUIREMENT.**—Not later than one year after

17 the date of the enactment of this Act, the Secretary shall

18 submit to the Committee on Homeland Security of the

19 House of Representatives and the Committee on Home-

20 land Security and Governmental Affairs of the Senate a

21 comprehensive southern border strategy.

22 (b) **CONTENTS.**—The strategy submitted under sub-

23 section (a) shall include—

- 24 (1) a list of known physical barriers, levees,
- 25 technologies, tools, and other devices that can be

1 used to achieve and maintain situational awareness
2 and operational control along the southern border;

3 (2) a projected per mile cost estimate for each
4 physical barrier, levee, technology, tool, and other
5 device included on the list required under paragraph
6 (1);

7 (3) a detailed account of which type of physical
8 barrier, levee, technology, tool, or other device the
9 Department of Homeland Security believes is nec-
10 essary to achieve and maintain situational awareness
11 and operational control for each linear mile of the
12 southern border;

13 (4) an explanation for why such physical bar-
14 rier, levee, technology, tool, or other device was cho-
15 sen to achieve and maintain situational awareness
16 and operational control for each linear mile of the
17 southern border, including—

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

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

1 (C) the information collected and evaluated
2 from—

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

5 (ii) the Joint Task Force Commander;

6 (iii) the appropriate State Governor;

7 (iv) tribal government officials;

8 (v) border county and city elected offi-
9 cials;

10 (vi) local law enforcement officials;

11 (vii) private property owners;

12 (viii) local community groups, includ-
13 ing human rights organizations; and

14 (ix) other affected stakeholders; and

15 (D) a privacy evaluation conducted by the
16 Privacy Officer of the Department of Homeland
17 Security, in accordance with the responsibilities
18 and authorities under section 222 of the Home-
19 land Security Act of 2002 (6 U.S.C. 142), for
20 each such physical barrier, levee, technology,
21 tool, or other device;

22 (5) a per mile cost calculation for each linear
23 mile of the southern border given the type of phys-
24 ical barrier, levee, technology, tool, or other device
25 chosen to achieve and maintain situational aware-

1 ness and operational control for each linear mile;
2 and

3 (6) a cost justification for each time a more ex-
4 pensive physical barrier, levee, technology, tool, or
5 other device is chosen over a less expensive option,
6 as established by the per mile cost estimates re-
7 quired in paragraph (2).

8 **SEC. 213. CONTROL OR ERADICATION OF CARRIZO CANE**
9 **AND SALT CEDAR.**

10 Not later than January 20, 2019, the Secretary, after
11 coordinating with the heads of relevant Federal, State,
12 and local agencies, shall begin controlling or eradicating,
13 as appropriate, the carrizo cane plant and any salt cedar
14 along the Rio Grande River.

15 **SEC. 214. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

16 (a) INCREASED FLIGHT HOURS.—The Secretary
17 shall ensure that not fewer than 95,000 annual flight
18 hours are executed by Air and Marine Operations of U.S.
19 Customs and Border Protection, with adequate account-
20 ability and oversight, including strong privacy protections.

21 (b) UNMANNED AERIAL SYSTEM.—The Secretary
22 shall ensure that Air and Marine Operations operate un-
23 manned aerial systems for not less than 24 hours per day
24 for not fewer than five days per week.

25 (c) STUDY AND REPORT.—

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

4 (A) identify deficiencies and opportunities
5 for improvement in the capability of Air and
6 Marine Operations to fulfill air and marine sup-
7 port requirements for the U.S. Border Patrol
8 and other components of the Department of
9 Homeland Security, including support in critical
10 source and transit zones;

11 (B) assess whether such requirements
12 could better be fulfilled through the realignment
13 of Air and Marine Operations as a directorate
14 of the U.S. Border Patrol; and

15 (C) identify deficiencies and opportunities
16 for improvement in the capabilities of the U.S.
17 Border Patrol and other departmental compo-
18 nents to develop rigorous estimates of such re-
19 quirements.

20 (2) REPORT.—Not later than 180 days after
21 the date of the enactment of this Act, the Secretary
22 shall submit to the Committee on Homeland Secu-
23 rity of the House of Representatives and the Com-
24 mittee on Homeland Security and Governmental Af-
25 fairs of the Senate a report containing the results of

1 the study required under paragraph (1), including
2 recommendations and timeframes for implementing
3 the recommendations contained in such study.

4 **SEC. 215. PORTS OF ENTRY INFRASTRUCTURE.**

5 (a) **ADDITIONAL PORTS OF ENTRY.**—

6 (1) **AUTHORITY.**—The Secretary may construct
7 new ports of entry along the northern border and
8 southern border and determine the location of any
9 such new ports of entry.

10 (2) **CONSULTATION.**—

11 (A) **REQUIREMENT TO CONSULT.**—The
12 Secretary shall consult with the Secretary of
13 the Interior, the Secretary of Agriculture, the
14 Administrator of General Services, and appro-
15 priate representatives of State and local govern-
16 ments, tribal governments, community groups,
17 and property owners in the United States prior
18 to selecting a location for any new port con-
19 structed pursuant to paragraph (1).

20 (B) **CONSIDERATIONS.**—The purpose of
21 the consultations required by subparagraph (A)
22 shall be to minimize any negative impacts of
23 any proposed new port on the environment, cul-
24 ture, commerce, and quality of life of the com-

1 munities and residents located near such new
2 port.

3 (b) EXPANSION AND MODERNIZATION OF HIGH-VOL-
4 UME SOUTHERN BORDER PORTS OF ENTRY.—Not later
5 than September 30, 2018, the Secretary shall provide to
6 the Committee on Homeland Security and Governmental
7 Affairs of the Senate, the Committee on Commerce,
8 Science, and Transportation of the Senate, the Committee
9 on Homeland Security of the House of Representatives,
10 and the Committee on Transportation and Infrastructure
11 of the House of Representatives a plan to expand the pri-
12 mary and secondary inspection lanes for vehicle, cargo,
13 and pedestrian inbound and outbound inspection lanes at
14 the top ten high-volume ports of entry on the southern
15 border, as determined by the Secretary.

16 (c) ESTIMATES OF INSPECTION PROCESSING GOALS
17 AND WAIT-TIME STANDARDS.—The plan required pursu-
18 ant to subsection (b) shall be based on estimates by the
19 Secretary of the number of such inspection lanes required
20 to meet inspection processing goals and wait-time stand-
21 ards established by the Secretary.

22 (d) PORT OF ENTRY PRIORITIZATION.—Prior to con-
23 structing any new ports of entry pursuant to subsection
24 (a), the Secretary shall complete the expansion and mod-

1 ernization of ports of entry pursuant to subsection (b),
2 to the extent practicable.

3 **Subtitle B—Grants**

4 **SEC. 221. OPERATION STONEGARDEN.**

5 (a) IN GENERAL.—Subtitle A of title XX of the
6 Homeland Security Act of 2002 (6 U.S.C. 601 et seq.)
7 is amended by adding at the end the following new section:

8 **“SEC. 2009. OPERATION STONEGARDEN.**

9 “(a) ESTABLISHMENT.—There is established in the
10 Department a program, which shall be known as ‘Oper-
11 ation Stonegarden’, under which the Secretary, acting
12 through the Administrator, shall make grants to eligible
13 law enforcement agencies, through the State administra-
14 tive agency, to enhance border security in accordance with
15 this section.

16 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
17 ceive a grant under this section, a law enforcement agen-
18 cy—

19 “(1) shall be located in—

20 “(A) a State bordering Canada or Mexico;

21 or

22 “(B) a State or territory with a maritime
23 border; and

1 “(2) shall be involved in an active, ongoing,
2 U.S. Customs and Border Protection operation co-
3 ordinated through a sector or field office.

4 “(c) PERMITTED USES.—The recipient of a grant
5 under this section may use such grant for—

6 “(1) equipment, including maintenance and
7 sustainment costs;

8 “(2) any cost or activity permitted for Oper-
9 ation Stonegarden under the Department of Home-
10 land Security’s Fiscal Year 2017 Homeland Security
11 Grant Program Notice of Funding Opportunity; and

12 “(3) any other appropriate border security ac-
13 tivity, as determined by the Administrator, in con-
14 sultation with the Commissioner of U.S. Customs
15 and Border Protection.

16 “(d) PERIOD OF PERFORMANCE.—The Secretary
17 shall award grants under this section to grant recipients
18 for a period of not less than 36 months.

19 “(e) REPORT.—For each of the fiscal years 2018
20 through 2022, the Administrator shall submit to the Com-
21 mittee on Homeland Security and Governmental Affairs
22 of the Senate and the Committee on Homeland Security
23 of the House of Representatives a report that contains in-
24 formation on the expenditure of grants made under this
25 section by each grant recipient.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated \$110,000,000 for each
3 of fiscal years 2018 through 2022 for grants under this
4 section.”.

5 (b) CONFORMING AMENDMENT.—Subsection (a) of
6 section 2002 of the Homeland Security Act of 2002 (6
7 U.S.C. 603) is amended to read as follows:

8 “(a) GRANTS AUTHORIZED.—The Secretary, through
9 the Administrator, may award grants under sections 2003,
10 2004, and 2009 to State, local, and tribal governments,
11 as appropriate.”.

12 (c) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item relating to section
15 2008 the following new item:

“Sec. 2009. Operation Stonegarden.”.

16 **SEC. 222. SOUTHERN BORDER REGION EMERGENCY COM-**
17 **MUNICATIONS GRANT.**

18 (a) IN GENERAL.—The Secretary, in consultation
19 with the Governors of the States located on the southern
20 border, shall establish a two-year grant program to im-
21 prove emergency communications in the southern border
22 region.

23 (b) ELIGIBILITY FOR GRANTS.—An individual is eli-
24 gible for a grant under this section if the individual dem-
25 onstrates that the individual—

1 (1) regularly resides or works in a State on the
2 southern border; and

3 (2) is at greater risk of border violence due to
4 a lack of cellular and LTE network service at the in-
5 dividual's residence or business and the individual's
6 proximity to the southern border.

7 (c) USE OF GRANTS.—Grants awarded under this
8 section may be used to purchase satellite telephone com-
9 munications systems and services that—

10 (1) can provide access to 9–1–1 service; and

11 (2) are equipped with receivers for the Global
12 Positioning System.

13 **TITLE III—REDUCING SIGNIFI-**
14 **CANT DELAYS IN IMMIGRA-**
15 **TION COURT**

16 **SEC. 301. ELIMINATE IMMIGRATION COURT BACKLOGS.**

17 (a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—

18 The Attorney General of the United States shall increase
19 the total number of immigration judges to adjudicate
20 pending cases and efficiently process future cases by at
21 least—

22 (1) 55 judges during fiscal year 2018;

23 (2) an additional 55 judges during fiscal year
24 2019; and

1 (3) an additional 55 judges during fiscal year
2 2020.

3 (b) QUALIFICATIONS OF IMMIGRATION JUDGES.—

4 The Attorney General shall ensure that all newly hired im-
5 migration judges are highly qualified and trained to con-
6 duct fair, impartial hearings consistent with due process
7 and that all newly hired immigration judges represent a
8 diverse pool of individuals that includes a balance of indi-
9 viduals with nongovernmental, private bar, or academic
10 experience in addition to government experience.

11 (c) NECESSARY SUPPORT STAFF FOR IMMIGRATION

12 JUDGES.—To address the shortage of support staff for
13 immigration judges, the Attorney General shall ensure
14 that each immigration judge has sufficient support staff,
15 adequate technological and security resources, and appro-
16 priate courtroom facilities.

17 (d) ANNUAL INCREASES IN BOARD OF IMMIGRATION

18 APPEALS PERSONNEL.—The Attorney General shall in-
19 crease the number of Board of Immigration Appeals staff
20 attorneys (including necessary additional support staff) to
21 efficiently process cases by at least—

22 (1) 23 attorneys during fiscal year 2018;

23 (2) an additional 23 attorneys during fiscal
24 year 2019; and

1 (3) an additional 23 attorneys during fiscal
2 year 2020.

3 (e) GAO REPORT.—The Comptroller General of the
4 United States shall—

5 (1) conduct a study of the hurdles to efficient
6 hiring of immigration court judges within the De-
7 partment of Justice; and

8 (2) propose solutions to Congress for improving
9 the efficiency of the hiring process.

10 **SEC. 302. IMPROVED TRAINING FOR IMMIGRATION JUDGES**

11 **AND MEMBERS OF THE BOARD OF IMMIGRA-**
12 **TION APPEALS.**

13 (a) IN GENERAL.—To ensure efficient and fair pro-
14 ceedings, the Director of the Executive Office for Immi-
15 gration Review shall facilitate robust training programs
16 for immigration judges and members of the Board of Im-
17 migration Appeals.

18 (b) MANDATORY TRAINING.—Training facilitated
19 under subsection (a) shall include—

20 (1) an expansion of the training program for
21 new immigration judges and Board members;

22 (2) continuing education regarding current de-
23 velopments in immigration law through regularly
24 available training resources and an annual con-
25 ference;

1 (3) methods to ensure that immigration judges
2 are trained on properly crafting and dictating deci-
3 sions and standards of review, including improved
4 on-bench reference materials and decision templates;

5 (4) specialized training to handle cases involv-
6 ing other vulnerable populations including survivors
7 of domestic violence/sexual assault/trafficking and
8 individuals with mental disabilities in partnership
9 with the National Council of Juvenile and Family
10 Court Judges; and

11 (5) specialized training in child interviewing,
12 child psychology, and child trauma in partnership
13 with the National Council of Juvenile and Family
14 Court Judges for Immigration Judges.

15 **SEC. 303. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**
16 **CIENCY.**

17 The Director of the Executive Office for Immigration
18 Review shall modernize its case management and related
19 electronic systems, including allowing for electronic filing,
20 to improve efficiency in the processing of immigration pro-
21 ceedings.

1 **TITLE IV—ADVANCING REFORMS**
2 **IN CENTRAL AMERICA TO AD-**
3 **DRESS THE FACTORS DRIV-**
4 **ING MIGRATION**

5 **SEC. 401. DEFINITIONS.**

6 In this title:

7 (1) **NORTHERN TRIANGLE.**—The term “North-
8 ern Triangle” means the countries of El Salvador,
9 Guatemala, and Honduras.

10 (2) **PLAN.**—The term “Plan” means the Plan
11 of the Alliance for Prosperity in the Northern Tri-
12 angle, developed by the Governments of El Salvador,
13 Guatemala, and Honduras, with the technical assist-
14 ance of the Inter-American Development Bank, and
15 representing a comprehensive approach to address
16 the complex situation in the Northern Triangle.

17 **Subtitle A—Effectively Coordi-**
18 **nating United States Engage-**
19 **ment in Central America**

20 **SEC. 411. UNITED STATES COORDINATOR FOR ENGAGE-**
21 **MENT IN CENTRAL AMERICA.**

22 (a) **DESIGNATION.**—Not later than 30 days after the
23 date of the enactment of this Act, the President shall des-
24 ignate a senior official to coordinate the efforts of the Fed-
25 eral Government under this title and the efforts of inter-

1 national partners to strengthen citizen security, the rule
2 of law, and economic prosperity in Central America and
3 to protect vulnerable populations in the region.

4 (b) SUPERVISION.—The official designated under
5 subsection (a) shall report directly to the President.

6 (c) DUTIES.—The official designated under sub-
7 section (a) shall coordinate the efforts, activities, and pro-
8 grams related to United States engagement in Central
9 America under this title, including—

10 (1) coordinating with the Department of State,
11 the Department of Justice (including the Federal
12 Bureau of Investigation), the Department of Home-
13 land Security, the intelligence community, and inter-
14 national partners regarding United States efforts to
15 confront armed criminal gangs, illicit trafficking net-
16 works, and organized crime responsible for high lev-
17 els of violence, extortion, and corruption in Central
18 America;

19 (2) coordinating with the Department of State,
20 the United States Agency for International Develop-
21 ment, and international partners regarding United
22 States efforts to prevent and mitigate the effects of
23 violent criminal gangs and transnational criminal or-
24 ganizations on vulnerable Central American popu-
25 lations, including women and children;

1 (3) coordinating with the Department of State,
2 the Department of Homeland Security, and inter-
3 national partners regarding United States efforts to
4 counter human smugglers illegally transporting Cen-
5 tral American migrants to the United States;

6 (4) coordinating with the Department of State,
7 the Department of Homeland Security, the United
8 States Agency for International Development, and
9 international partners, including the United Nations
10 High Commissioner for Refugees, to increase protec-
11 tions for vulnerable Central American populations,
12 improve refugee processing, and strengthen asylum
13 systems throughout the region;

14 (5) coordinating with the Department of State,
15 the Department of Defense, the Department of Jus-
16 tice (including the Drug Enforcement Administra-
17 tion), the Department of the Treasury, the intel-
18 ligence community, and international partners re-
19 garding United States efforts to combat illicit nar-
20 cotics traffickers, interdict transshipments of illicit
21 narcotics, and disrupt the financing of the illicit nar-
22 cotics trade;

23 (6) coordinating with the Department of State,
24 the Department of the Treasury, the Department of
25 Justice, the intelligence community, the United

1 States Agency for International Development, and
2 international partners regarding United States ef-
3 forts to combat corruption, money laundering, and
4 illicit financial networks;

5 (7) coordinating with the Department of State,
6 the Department of Justice, the United States Agen-
7 cy for International Development, and international
8 partners regarding United States efforts to strength-
9 en the rule of law, democratic governance, and
10 human rights protections; and

11 (8) coordinating with the Department of State,
12 the Department of Agriculture, the United States
13 Agency for International Development, the Overseas
14 Private Investment Corporation, the United States
15 Trade and Development Agency, the Department of
16 Labor, and international partners, including the
17 Inter-American Development Bank, to strengthen
18 the foundation for inclusive economic growth and
19 improve food security, investment climate, and pro-
20 tections for labor rights.

21 (d) CONSULTATION.—The official designated under
22 subsection (a) shall consult with Congress, multilateral or-
23 ganizations and institutions, foreign governments, and do-
24 mestic and international civil society organizations in car-
25 rying out this section.

1 **Subtitle B—Targeting Assistance to**
2 **Appropriate Communities in the**
3 **Northern Triangle**

4 **SEC. 421. TARGETING ASSISTANCE TO APPROPRIATE COM-**
5 **MUNITIES.**

6 Not later than one year after the date of the enact-
7 ment of this Act and annually thereafter for each of the
8 five succeeding years, the Comptroller General of the
9 United States shall submit to the Committee on Foreign
10 Affairs and the Committee on Appropriations of the
11 House of Representatives and the Committee on Foreign
12 Relations and the Committee on Appropriations of the
13 Senate a report that contains the following:

14 (1) Raw data on the number of children migrat-
15 ing to the United States from each community or
16 geographic area in the Northern Triangle.

17 (2) An assessment of whether United States
18 foreign assistance to the Northern Triangle is effec-
19 tively reaching the communities and geographic
20 areas from which children are migrating.

21 (3) An assessment of the extent to which the
22 State Department and the United States Agency for
23 International Development are adjusting program-
24 ming in the Northern Triangle as migration patterns
25 shift.

1 **Subtitle C—Regional Millennium**
2 **Challenge Corporation Compacts**

3 **SEC. 431. MCC COMPACTS.**

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

7 (1) in subsection (a), by adding at the end the
8 following new sentence: “The Board may enter into
9 a Compact with more than one eligible country in a
10 region if the Board determines that a regional devel-
11 opment strategy would further regional development
12 objectives.”;

13 (2) in subsection (k)—

14 (A) by striking the first sentence; and

15 (B) by striking “the existing” and insert-
16 ing “an existing”; and

17 (3) by adding at the end the following new sub-
18 section:

19 “(l) CONCURRENT COMPACTS.—In accordance with
20 the requirements of this Act, an eligible country and the
21 United States may enter into and have in effect more than
22 one Compact at any given time, including a concurrent
23 Compact for purposes of regional economic integration or
24 cross-border collaborations, only if the Board determines
25 that such country is making considerable and demon-

1 strable progress in implementing the terms of the existing
2 Compact and any supplementary agreements thereto.”.

3 (b) CONFORMING AMENDMENTS.—The Millennium
4 Challenge Act of 2003 is amended—

5 (1) in subsection (b) of section 609 (22 U.S.C.
6 7708)—

7 (A) in paragraph (1)—

8 (i) in the matter preceding subpara-
9 graph (A), by striking “the national devel-
10 opment strategy of the eligible country”
11 and inserting “the national or regional de-
12 velopment strategy of the country or coun-
13 tries”; and

14 (ii) in each of subparagraphs (A), (B),
15 (E), and (J), by striking “the country”
16 each place it appears and inserting “the
17 country or countries”; and

18 (B) in paragraph (3)—

19 (i) by inserting “or regional develop-
20 ment strategy” after “national develop-
21 ment strategy”; and

22 (ii) by inserting “or governments of
23 the countries in the case of regional invest-
24 ments” after “government of the country”;
25 and

1 (2) in subparagraph (A) of section 613(b)(2) of
2 such Act (22 U.S.C. 7712(b)(2)) by striking “the
3 Compact” and inserting “any Compact”.

4 **Subtitle D—United States Leader-**
5 **ship for Engaging International**
6 **Donors and Partners**

7 **SEC. 441. REQUIREMENT FOR STRATEGY TO SECURE SUP-**
8 **PORT OF INTERNATIONAL DONORS AND**
9 **PARTNERS.**

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

14 (1) describes how the United States will secure
15 support from international donors and regional part-
16 ners (including Colombia and Mexico) for the imple-
17 mentation of the Plan;

18 (2) identifies governments that are willing to
19 provide financial and technical assistance for the im-
20 plementation of the Plan and a description of such
21 assistance; and

22 (3) identifies the financial and technical assist-
23 ance to be provided by multilateral institutions, in-
24 cluding the Inter-American Development Bank, the
25 World Bank, the International Monetary Fund, the

1 Andean Development Corporation—Development
2 Bank of Latin America, and the Organization of
3 American States, and a description of such assist-
4 ance.

5 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-
6 TION.—The Secretary of State, in coordination with the
7 Secretary of the Treasury, as appropriate, shall—

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

12 (2) take all necessary steps to ensure effective
13 cooperation among international donors and part-
14 ners supporting the Plan.

15 (c) REPORT.—Not later than one year after submit-
16 ting the strategy required under subsection (a), the Sec-
17 retary of State shall submit to the appropriate congres-
18 sional committees a report that describes—

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

21 (2) the financial and technical assistance pro-
22 vided by international donors and partners, includ-
23 ing the multilateral institutions specified in sub-
24 section (a)(3).

1 (d) BRIEFINGS.—Upon a request from any of the ap-
2 appropriate congressional committees, the Secretary of State
3 shall provide a briefing to such committee that describes
4 the progress made in implementing the strategy required
5 under subsection (a).

6 (e) DEFINED TERM.—In this section, the term “ap-
7 propriate congressional committees” means—

8 (1) the Committee on Foreign Relations of the
9 Senate;

10 (2) the Committee on Appropriations of the
11 Senate;

12 (3) the Committee on Foreign Affairs of the
13 House of Representatives; and

14 (4) the Committee on Appropriations of the
15 House of Representatives.

○