

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**H. R. 2579**

To amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COONS (for  
himself and Mr. McCAIN)

Viz:

1 At the appropriate place, insert the following:

2 **TITLE \_\_ —UNITING AND**  
3 **SECURING AMERICA**

4 **SEC. \_\_01. SHORT TITLES.**

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

1 **Subtitle A—Adjustment of Status**  
2 **for Certain Individuals Who En-**  
3 **tered the United States as Chil-**  
4 **dren**

5 **SEC. 11. DEFINITIONS.**

6 In this subtitle:

7 (1) **IN GENERAL.**—Except as otherwise specifi-  
8 cally provided, any term used in this subtitle that is  
9 used in the immigration laws shall have the meaning  
10 given such term in the immigration laws.

11 (2) **DACA.**—The term “DACA” means de-  
12 ferred action granted to an alien pursuant to the  
13 Deferred Action for Childhood Arrivals program an-  
14 nounced by the Secretary of Homeland Security  
15 through a memorandum issued on June 15, 2012.

16 (3) **DISABILITY.**—The term “disability” has the  
17 meaning given such term in section 3(1) of the  
18 Americans with Disabilities Act of 1990 (42 U.S.C.  
19 12102(1)).

20 (4) **EARLY CHILDHOOD EDUCATION PRO-**  
21 **GRAM.**—The term “early childhood education pro-  
22 gram” has the meaning given such term in section  
23 103 of the Higher Education Act of 1965 (20  
24 U.S.C. 1003).

1           (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-  
2           ONDARY SCHOOL.—The terms “elementary school”,  
3           “high school”, and “secondary school” have the  
4           meanings given such terms in section 8101 of the  
5           Elementary and Secondary Education Act of 1965  
6           (20 U.S.C. 7801).

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

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

13                 (A) except as provided in subparagraph  
14                 (B), has the meaning given such term in section  
15                 102 of the Higher Education Act of 1965 (20  
16                 U.S.C. 1002); and

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

19          (8) PERMANENT RESIDENT STATUS ON A CON-  
20          DITIONAL BASIS.—The term “permanent resident  
21          status on a conditional basis” means status as an  
22          alien lawfully admitted for permanent residence on  
23          a conditional basis under this subtitle.

24          (9) POVERTY LINE.—The term “poverty line”  
25          has the meaning given such term in section 673 of

1 the Community Services Block Grant Act (42 U.S.C.  
2 9902).

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

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

10 **SEC. \_\_12. PERMANENT RESIDENT STATUS ON A CONDI-**  
11 **TIONAL BASIS FOR CERTAIN LONG-TERM**  
12 **RESIDENTS WHO ENTERED THE UNITED**  
13 **STATES AS CHILDREN.**

14 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-  
15 standing any other provision of law, and except as pro-  
16 vided in section \_\_14(c)(2), an alien shall be considered,  
17 at the time of obtaining the status of an alien lawfully  
18 admitted for permanent residence under this section, to  
19 have obtained such status on a conditional basis subject  
20 to the provisions under this subtitle.

21 (b) **REQUIREMENTS.**—

22 (1) **IN GENERAL.**—Notwithstanding any other  
23 provision of law, the Secretary shall cancel the re-  
24 moval of, and adjust to the status of an alien law-  
25 fully admitted for permanent residence on a condi-

1 tional basis, or without such conditional basis as  
2 provided in section \_\_14(e)(2), an alien who is inad-  
3 missible or deportable from the United States or is  
4 in temporary protected status under section 244 of  
5 the Immigration and Nationality Act (8 U.S.C.  
6 1254a) if—

7 (A) the alien has been continuously phys-  
8 ically present in the United States since Decem-  
9 ber 31, 2013;

10 (B) the alien was younger than 18 years of  
11 age on the date on which the alien initially en-  
12 tered the United States;

13 (C) subject to paragraphs (2) and (3), the  
14 alien—

15 (i) is not inadmissible under para-  
16 graph (2), (3), (6)(E), (6)(G), (8),  
17 (10)(A), (10)(C), or (10)(D) of section  
18 212(a) of the Immigration and Nationality  
19 Act (8 U.S.C. 1182(a));

20 (ii) has not ordered, incited, assisted,  
21 or otherwise participated in the persecution  
22 of any person on account of race, religion,  
23 nationality, membership in a particular so-  
24 cial group, or political opinion; and

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

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

10 (II) any combination of offenses  
11 under Federal or State law, for which  
12 the alien was sentenced to imprison-  
13 ment for a total of more than 1 year;  
14 or

15 (III) a crime of domestic violence  
16 (as such term is defined in section  
17 237(a)(2)(E)(i) of the Immigration  
18 and Nationality Act (8 U.S.C.  
19 1227(a)(2)(E)(i))), unless the alien—

20 (aa) has filed an application  
21 under section 101(a)(15)(T),  
22 101(a)(15)(U), 106, or  
23 240A(b)(2) of the Immigration  
24 and Nationality Act (8 U.S.C.  
25 1101(a)(15)(T), 1101(a)(15)(U),

1 1105a, and 1229b(b)(2)) or sec-  
2 tion 244(a)(3) of such Act (as in  
3 effect on March 31, 1997);

4 (bb) is a VAWA self-peti-  
5 tioner (as defined in section  
6 101(a)(51) of the Immigration  
7 and Nationality Act (8 U.S.C.  
8 1101(a)(51));

9 (cc) provides evidence that  
10 the alien's crime of domestic vio-  
11 lence is related to her or his hav-  
12 ing been a victim herself or him-  
13 self of domestic violence, sexual  
14 assault, stalking, child abuse or  
15 neglect, elder abuse or neglect,  
16 human trafficking, having been  
17 battered or subjected to extreme  
18 cruelty, having been a victim of  
19 criminal activity described in sec-  
20 tion 101(a)(15)(U)(iii) of the Im-  
21 migration and Nationality Act (8  
22 U.S.C. 1101(a)(15)(U)(iii)); or

23 (dd) is a witness involved in  
24 a pending criminal or govern-  
25 ment agency investigation or

1 prosecution related to the crime  
2 of domestic violence; and

3 (D) the alien—

4 (i) has been admitted to an institution  
5 of higher education;

6 (ii) has earned a high school diploma  
7 or a commensurate alternative award from  
8 a public or private high school, or has ob-  
9 tained a general education development  
10 certificate recognized under State law or a  
11 high school equivalency diploma in the  
12 United States; or

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

16 (I) obtaining a regular high  
17 school diploma or its recognized equiv-  
18 alent under State law; or

19 (II) in passing a general edu-  
20 cational development exam, a high  
21 school equivalence diploma examina-  
22 tion, or other similar State-authorized  
23 exam.

24 (2) WAIVER.—With respect to any benefit  
25 under this subtitle, the Secretary may waive sub-



1 clauses (I), (II), and (III) of subsection (b)(1)(C)(iii)  
2 and the grounds of inadmissibility under paragraph  
3 (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of  
4 the Immigration and Nationality Act (8 U.S.C.  
5 1182(a)) for humanitarian purposes, family unity, or  
6 if the waiver is otherwise in the public interest.

7 (3) TREATMENT OF EXPUNGED CONVIC-  
8 TIONS.—For purposes of cancellation of removal, ad-  
9 justment to permanent resident status on a condi-  
10 tional basis, or other adjustment of status, the term  
11 “conviction” does not include an adjudication or  
12 judgment of guilt that has been dismissed, ex-  
13 punished, deferred, annulled, invalidated, withheld,  
14 sealed, vacated, pardoned, an order of probation  
15 without entry of judgment, or any similar rehabilita-  
16 tive disposition.

17 (4) DACA RECIPIENTS.—The Secretary shall  
18 cancel the removal of, and adjust to the status of an  
19 alien lawfully admitted for permanent residence on  
20 a conditional basis, an alien who was granted DACA  
21 unless the alien has engaged in conduct since the  
22 alien was granted DACA that would make the alien  
23 ineligible for DACA.

24 (5) APPLICATION FEE.—

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

6           (B) EXEMPTION.—An applicant may be  
7           exempted from paying the fee required under  
8           subparagraph (A) if the alien—

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

10                   (II) received total income, during the  
11                   12-month period immediately preceding the  
12                   date on which the alien files an application  
13                   under this section, that is less than 150  
14                   percent poverty line; and

15                   (III) is in foster care or otherwise  
16                   lacking any parental or other familial sup-  
17                   port;

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

20                   (iii)(I) cannot care for himself or her-  
21                   self because of a serious, chronic disability;  
22                   and

23                   (II) received total income, during the  
24                   12-month period immediately preceding the  
25                   date on which the alien files an application

1 under this section, that is less than 150  
2 percent of the poverty line; or

3 (iv)(I) during the 12-month period im-  
4 mediately preceding the date on which the  
5 alien files an application under this sec-  
6 tion, accumulated \$10,000 or more in debt  
7 as a result of unreimbursed medical ex-  
8 penses incurred by the alien or an imme-  
9 diate family member of the alien; and

10 (II) received total income, during the  
11 12-month period immediately preceding the  
12 date on which the alien files an application  
13 under this section, that is less than 150  
14 percent of the poverty line.

15 (6) SUBMISSION OF BIOMETRIC AND BIO-  
16 GRAPHIC DATA.—The Secretary may not grant an  
17 alien permanent resident status on a conditional  
18 basis under this section unless the alien submits bio-  
19 metric and biographic data, in accordance with pro-  
20 cedures established by the Secretary. The Secretary  
21 shall provide an alternative procedure for aliens who  
22 are unable to provide such biometric or biographic  
23 data because of a physical impairment.

24 (7) BACKGROUND CHECKS.—

1 (A) REQUIREMENT FOR BACKGROUND  
2 CHECKS.—The Secretary shall utilize biometric,  
3 biographic, and other data that the Secretary  
4 determines appropriate—

5 (i) to conduct security and law en-  
6 forcement background checks of an alien  
7 seeking permanent resident status on a  
8 conditional basis under this section; and

9 (ii) to determine whether there is any  
10 criminal, national security, or other factor  
11 that would render the alien ineligible for  
12 such status.

13 (B) COMPLETION OF BACKGROUND  
14 CHECKS.—The security and law enforcement  
15 background checks of an alien required under  
16 subparagraph (A) shall be completed, to the  
17 satisfaction of the Secretary, before the date on  
18 which the Secretary grants such alien perma-  
19 nent resident status on a conditional basis  
20 under this section.

21 (8) MEDICAL EXAMINATION.—

22 (A) REQUIREMENT.—An alien applying for  
23 permanent resident status on a conditional  
24 basis under this section shall undergo a medical  
25 examination.

1                   (B) POLICIES AND PROCEDURES.—The  
2                   Secretary, with the concurrence of the Sec-  
3                   retary of Health and Human Services, shall  
4                   prescribe policies and procedures for the nature  
5                   and timing of the examination required under  
6                   subparagraph (A).

7                   (9) MILITARY SELECTIVE SERVICE.—An alien  
8                   applying for permanent resident status on a condi-  
9                   tional basis under this section shall establish that  
10                  the alien has registered under the Military Selective  
11                  Service Act (50 U.S.C. 3801 et seq.), if the alien is  
12                  subject to registration under such Act.

13                  (c) DETERMINATION OF CONTINUOUS PRESENCE.—

14                   (1) TERMINATION OF CONTINUOUS PERIOD.—  
15                   Any period of continuous physical presence in the  
16                   United States of an alien who applies for permanent  
17                   resident status on a conditional basis under this sec-  
18                   tion shall not terminate when the alien is served a  
19                   notice to appear under section 239(a) of the Immi-  
20                   gration and Nationality Act (8 U.S.C. 1229(a)).

21                   (2) TREATMENT OF CERTAIN BREAKS IN PRES-  
22                   ENCE.—

23                   (A) IN GENERAL.—Except as provided in  
24                   subparagraphs (B) and (C), an alien shall be  
25                   considered to have failed to maintain contin-

1           uous physical presence in the United States  
2           under subsection (b)(1)(A) if the alien has de-  
3           parted from the United States for any period  
4           exceeding 90 days or for any periods, in the ag-  
5           gregate, exceeding 180 days.

6                   (B) EXTENSIONS FOR EXTENUATING CIR-  
7                   CUMSTANCES.—The Secretary may extend the  
8                   time periods described in subparagraph (A) for  
9                   an alien who demonstrates that the failure to  
10                  timely return to the United States was due to  
11                  extenuating circumstances beyond the alien’s  
12                  control, including the serious illness of the  
13                  alien, or death or serious illness of a parent,  
14                  grandparent, sibling, or child of the alien.

15                   (C) TRAVEL AUTHORIZED BY THE SEC-  
16                   RETARY.—Any period of travel outside of the  
17                   United States by an alien that was authorized  
18                   by the Secretary may not be counted toward  
19                   any period of departure from the United States  
20                   under subparagraph (A).

21           (d) LIMITATION ON REMOVAL OF CERTAIN  
22   ALIENS.—

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



1 removal proceedings for an alien described in  
2 subparagraph (A).

3 (C) EMPLOYMENT.—An alien whose re-  
4 moval is stayed pursuant to subparagraph (A)  
5 or who may not be placed in removal pro-  
6 ceedings pursuant to subparagraph (B) shall,  
7 upon application to the Secretary, be granted  
8 an employment authorization document.

9 (D) LIFT OF STAY.—The Secretary or the  
10 Attorney General may not lift the stay granted  
11 to an alien under subparagraph (A) unless the  
12 alien ceases to meet the requirements under  
13 such subparagraph.

14 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—  
15 Nothing in this section or in any other law may be con-  
16 strued to apply a numerical limitation on the number of  
17 aliens who may be granted permanent resident status, on  
18 a conditional basis or otherwise, under this subtitle.

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

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

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

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



1 (b) NOTICE OF REQUIREMENTS.—At the time an  
2 alien obtains permanent resident status on a conditional  
3 basis, the Secretary shall provide notice to the alien re-  
4 garding the provisions of this subtitle and the require-  
5 ments to have the conditional basis of such status re-  
6 moved.

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

10 (1) determines that the alien ceases to meet the  
11 requirements under section \_\_12(b)(1)(C), subject to  
12 paragraphs (2) and (3) of section \_\_12(b); and

13 (2) before the termination, provides the alien  
14 with—

15 (A) notice of the proposed termination;

16 and

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

20 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), an alien whose permanent resident status  
23 on a conditional basis expires under subsection  
24 (a)(1) or is terminated under subsection (c) or  
25 whose application for such status is denied shall re-

1       turn to the immigration status that the alien had  
2       immediately before receiving permanent resident sta-  
3       tus on a conditional basis or applying for such sta-  
4       tus, as appropriate.

5               (2) SPECIAL RULE FOR TEMPORARY PRO-  
6       TECTED STATUS.—An alien whose permanent resi-  
7       dent status on a conditional basis expires under sub-  
8       section (a)(1) or is terminated under subsection (c)  
9       or whose application for such status is denied and  
10      who had temporary protected status under section  
11      244 of the Immigration and Nationality Act (8  
12      U.S.C. 1254a) immediately before receiving or ap-  
13      plying for such permanent resident status on a con-  
14      ditional basis, as appropriate, may not return to  
15      such temporary protected status if—

16               (A) the relevant designation under section  
17               244(b) of the Immigration and Nationality Act  
18               (8 U.S.C. 1254a(b)) has been terminated; or

19               (B) the Secretary determines that the rea-  
20               son for terminating the permanent resident sta-  
21               tus on a conditional basis renders the alien in-  
22               eligible for such temporary protected status.

1 **SEC. \_\_14. REMOVAL OF CONDITIONAL BASIS OF PERMA-**  
2 **NENT RESIDENT STATUS.**

3 (a) **ELIGIBILITY FOR REMOVAL OF CONDITIONAL**  
4 **BASIS.—**

5 (1) **IN GENERAL.—**Subject to paragraph (2),  
6 the Secretary shall remove the conditional basis of  
7 an alien's permanent resident status granted under  
8 this subtitle and grant the alien status as an alien  
9 lawfully admitted for permanent residence if the  
10 alien—

11 (A) is described in section \_\_12(b)(1)(C),  
12 subject to paragraphs (2) and (3) of section  
13 \_\_12(b);

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

16 (C)(i) has acquired a degree from an insti-  
17 tution of higher education or has completed at  
18 least 2 years, in good standing, in a postsec-  
19 ondary vocational program or in a program for  
20 a bachelor's degree or higher degree in the  
21 United States;

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

1           (iii) has been employed for periods totaling  
2           at least 3 years and at least 80 percent of the  
3           time that the alien has had a valid employment  
4           authorization, except that any period during  
5           which the alien is not employed while having a  
6           valid employment authorization and is enrolled  
7           in an institution of higher education, a sec-  
8           ondary school, or an education program de-  
9           scribed in section \_\_12(b)(1)(D)(iii), shall not  
10          count toward the time requirements under this  
11          clause.

12          (2) **HARDSHIP EXCEPTION.**—The Secretary  
13          shall remove the conditional basis of an alien’s per-  
14          manent resident status and grant the alien status as  
15          an alien lawfully admitted for permanent residence  
16          if the alien—

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

19                (B) demonstrates compelling circumstances  
20                for the inability to satisfy the requirements  
21                under paragraph (1)(C); and

22                (C) demonstrates that—

23                    (i) the alien has a disability;

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

1 (iii) the removal of the alien from the  
2 United States would result in extreme  
3 hardship to the alien or the alien's spouse,  
4 parent, or child who is a national of the  
5 United States or is lawfully admitted for  
6 permanent residence.

7 (3) CITIZENSHIP REQUIREMENT.—

8 (A) IN GENERAL.—Except as provided in  
9 subparagraph (B), the conditional basis of an  
10 alien's permanent resident status granted under  
11 this subtitle may not be removed unless the  
12 alien demonstrates that the alien satisfies the  
13 requirements under section 312(a) of the Immi-  
14 gration and Nationality Act (8 U.S.C. 1423(a)).

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

19 (4) APPLICATION FEE.—

20 (A) IN GENERAL.—The Secretary shall re-  
21 quire aliens applying for lawful permanent resi-  
22 dent status under this section to pay a reason-  
23 able fee that is commensurate with the cost of  
24 processing the application.

1 (B) EXEMPTION.—An applicant may be  
2 exempted from paying the fee required under  
3 subparagraph (A) if the alien—

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

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

10 (III) is in foster care or otherwise  
11 lacking any parental or other familial sup-  
12 port;

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

15 (iii)(I) cannot care for himself or her-  
16 self because of a serious, chronic disability;  
17 and

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

23 (iv)(I) during the 12-month period im-  
24 mediately preceding the date on which the  
25 alien files an application under this sec-

1                   tion, the alien accumulated \$10,000 or  
2                   more in debt as a result of unreimbursed  
3                   medical expenses incurred by the alien or  
4                   an immediate family member of the alien;  
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.

11                  (5) SUBMISSION OF BIOMETRIC AND BIO-  
12                  GRAPHIC DATA.—The Secretary may not remove the  
13                  conditional basis of an alien’s permanent resident  
14                  status unless the alien submits biometric and bio-  
15                  graphic data, in accordance with procedures estab-  
16                  lished by the Secretary. The Secretary shall provide  
17                  an alternative procedure for applicants who are un-  
18                  able to provide such biometric data because of a  
19                  physical impairment.

20                  (6) BACKGROUND CHECKS.—

21                  (A) REQUIREMENT FOR BACKGROUND  
22                  CHECKS.—The Secretary shall utilize biometric,  
23                  biographic, and other data that the Secretary  
24                  determines appropriate—

1 (i) to conduct security and law en-  
2 forcement background checks of an alien  
3 applying for removal of the conditional  
4 basis of the alien's permanent resident sta-  
5 tus; and

6 (ii) to determine whether there is any  
7 criminal, national security, or other factor  
8 that would render the alien ineligible for  
9 removal of such conditional basis.

10 (B) COMPLETION OF BACKGROUND  
11 CHECKS.—The security and law enforcement  
12 background checks of an alien required under  
13 subparagraph (A) shall be completed, to the  
14 satisfaction of the Secretary, before the date on  
15 which the Secretary removes the conditional  
16 basis of the alien's permanent resident status.

17 (b) TREATMENT FOR PURPOSES OF NATURALIZA-  
18 TION.—

19 (1) IN GENERAL.—For purposes of title III of  
20 the Immigration and Nationality Act (8 U.S.C. 1401  
21 et seq.), an alien granted permanent resident status  
22 on a conditional basis shall be considered to have  
23 been admitted to the United States, and be present  
24 in the United States, as an alien lawfully admitted  
25 for permanent residence.



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

5           (c) TIMING OF APPROVAL OF LAWFUL PERMANENT  
6           RESIDENCE STATUS.—

7           (1) IN GENERAL.—An alien granted lawful per-  
8           manent residence on a conditional basis under this  
9           subtitle may apply to have such conditional basis re-  
10          moved at any time after such alien has met the eligi-  
11          bility requirements set forth in subsection (a).

12          (2) APPROVAL WITH REGARD TO INITIAL APPLI-  
13          CATIONS.—The Secretary shall provide lawful per-  
14          manent residence status without conditional basis to  
15          any alien who demonstrates eligibility for lawful per-  
16          manent residence status on a conditional basis under  
17          section \_\_12, if such alien has already fulfilled the  
18          requirements of subsection (a) at the time such alien  
19          first submits an application for benefits under this  
20          subtitle.

21 **SEC. \_\_15. DOCUMENTATION REQUIREMENTS.**

22          (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
23          alien's application for permanent resident status on a con-  
24          ditional basis may include, as proof of identity—

1           (1) a passport or national identity document  
2           from the alien's country of origin that includes the  
3           alien's name and the alien's photograph or finger-  
4           print;

5           (2) the alien's birth certificate and an identity  
6           card that includes the alien's name and photograph;

7           (3) a school identification card that includes the  
8           alien's name and photograph, and school records  
9           showing the alien's name and that the alien is or  
10          was enrolled at the school;

11          (4) a Uniformed Services identification card  
12          issued by the Department of Defense;

13          (5) any immigration or other document issued  
14          by the United States Government bearing the alien's  
15          name and photograph; or

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

18          (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-  
19          ICAL PRESENCE IN THE UNITED STATES.—To establish  
20          that an alien has been continuously physically present in  
21          the United States, as required under section  
22          \_\_12(b)(1)(A), or to establish that an alien has not aban-  
23          doned residence in the United States, as required under  
24          section \_\_14(a)(1)(B), the alien may submit documents  
25          to the Secretary, including—

- 1           (1) employment records that include the em-  
2           ployer's name and contact information;
- 3           (2) records from any educational institution the  
4           alien has attended in the United States;
- 5           (3) records of service from the Uniformed Serv-  
6           ices;
- 7           (4) official records from a religious entity con-  
8           firming the alien's participation in a religious cere-  
9           mony;
- 10          (5) passport entries;
- 11          (6) a birth certificate for a child who was born  
12          in the United States;
- 13          (7) automobile license receipts or registration;
- 14          (8) deeds, mortgages, or rental agreement con-  
15          tracts;
- 16          (9) tax receipts;
- 17          (10) insurance policies;
- 18          (11) remittance records;
- 19          (12) rent receipts or utility bills bearing the  
20          alien's name or the name of an immediate family  
21          member of the alien, and the alien's address;
- 22          (13) copies of money order receipts for money  
23          sent in or out of the United States;
- 24          (14) dated bank transactions; or

1           (15) 2 or more sworn affidavits from individ-  
2           uals who are not related to the alien who have direct  
3           knowledge of the alien's continuous physical pres-  
4           ence in the United States, that contain—

5                   (A) the name, address, and telephone num-  
6                   ber of the affiant; and

7                   (B) the nature and duration of the rela-  
8                   tionship between the affiant and the alien.

9           (c) DOCUMENTS ESTABLISHING INITIAL ENTRY  
10 INTO THE UNITED STATES.—To establish under section  
11 \_\_12(b)(1)(B) that an alien was younger than 18 years  
12 of age on the date on which the alien initially entered the  
13 United States, an alien may submit documents to the Sec-  
14 retary, including—

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

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

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

21                   (4) hospital or medical records showing medical  
22                   treatment or hospitalization, the name of the med-  
23                   ical facility or physician, and the date of the treat-  
24                   ment or hospitalization;

1           (5) rent receipts or utility bills bearing the  
2           alien's name or the name of an immediate family  
3           member of the alien, and the alien's address;

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

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

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

11          (9) automobile license receipts or registration;

12          (10) deeds, mortgages, or rental agreement con-  
13          tracts;

14          (11) tax receipts;

15          (12) travel records;

16          (13) copies of money order receipts sent in or  
17          out of the country;

18          (14) dated bank transactions;

19          (15) remittance records; or

20          (16) insurance policies.

21          (d) DOCUMENTS ESTABLISHING ADMISSION TO AN  
22          INSTITUTION OF HIGHER EDUCATION.—To establish that  
23          an alien has been admitted to an institution of higher edu-  
24          cation, the alien shall submit to the Secretary a document

1 from the institution of higher education certifying that the  
2 alien—

3 (1) has been admitted to the institution; or

4 (2) is currently enrolled in the institution as a  
5 student.

6 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-  
7 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—

8 To establish that an alien has acquired a degree from an  
9 institution of higher education in the United States, the  
10 alien shall submit to the Secretary a diploma or other doc-  
11 ument from the institution stating that the alien has re-  
12 ceived such a degree.

13 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH  
14 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-  
15 MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—

16 To establish that an alien has earned a high school di-  
17 ploma or a commensurate alternative award from a public  
18 or private high school, or has obtained a general edu-  
19 cational development certificate recognized under State  
20 law or a high school equivalency diploma in the United  
21 States, the alien shall submit to the Secretary—

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

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

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

4           (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN  
5           EDUCATIONAL PROGRAM.—To establish that an alien is  
6           enrolled in any school or education program described in  
7           section \_\_12(b)(1)(D)(iii), \_\_12(d)(3)(A)(iii), or  
8           \_\_14(a)(1)(C), the alien shall submit school records from  
9           the United States school that the alien is currently attend-  
10          ing that include—

11           (1) the name of the school; and

12           (2) the alien’s name, periods of attendance, and  
13          current grade or educational level.

14          (h) DOCUMENTS ESTABLISHING EXEMPTION FROM  
15          APPLICATION FEES.—To establish that an alien is exempt  
16          from an application fee under section \_\_12(b)(5)(B) or  
17          \_\_14(a)(4)(B), the alien shall submit to the Secretary the  
18          following relevant documents:

19           (1) DOCUMENTS TO ESTABLISH AGE.—To es-  
20          tablish that an alien meets an age requirement, the  
21          alien shall provide proof of identity, as described in  
22          subsection (a), that establishes that the alien is  
23          younger than 18 years of age.

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

1 (A) employment records that have been  
2 maintained by the Social Security Administra-  
3 tion, the Internal Revenue Service, or any other  
4 Federal, State, or local government agency;

5 (B) bank records; or

6 (C) at least 2 sworn affidavits from indi-  
7 viduals who are not related to the alien and  
8 who have direct knowledge of the alien's work  
9 and income that contain—

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

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

15 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,  
16 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR  
17 SERIOUS, CHRONIC DISABILITY.—To establish that  
18 the alien was in foster care, lacks parental or famil-  
19 ial support, is homeless, or has a serious, chronic  
20 disability, the alien shall provide at least 2 sworn af-  
21 fidavits from individuals who are not related to the  
22 alien and who have direct knowledge of the cir-  
23 cumstances that contain—

24 (A) a statement that the alien is in foster  
25 care, otherwise lacks any parental or other fa-



1           miliar support, is homeless, or has a serious,  
2           chronic disability, as appropriate;

3                   (B) the name, address, and telephone num-  
4           ber of the affiant; and

5                   (C) the nature and duration of the rela-  
6           tionship between the affiant and the alien.

7           (4) DOCUMENTS TO ESTABLISH UNPAID MED-  
8           ICAL EXPENSE.—To establish that the alien has debt  
9           as a result of unreimbursed medical expenses, the  
10          alien shall provide receipts or other documentation  
11          from a medical provider that—

12                   (A) bear the provider’s name and address;

13                   (B) bear the name of the individual receiv-  
14          ing treatment; and

15                   (C) document that the alien has accumu-  
16          lated \$10,000 or more in debt in the past 12  
17          months as a result of unreimbursed medical ex-  
18          penses incurred by the alien or an immediate  
19          family member of the alien.

20          (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR  
21          HARDSHIP EXEMPTION.—To establish that an alien satis-  
22          fies 1 of the criteria for the hardship exemption set forth  
23          in section \_\_14(a)(2)(A)(iii), the alien shall submit to the  
24          Secretary at least 2 sworn affidavits from individuals who  
25          are not related to the alien and who have direct knowledge

1 of the circumstances that warrant the exemption, that  
2 contain—

3 (1) the name, address, and telephone number of  
4 the affiant; and

5 (2) the nature and duration of the relationship  
6 between the affiant and the alien.

7 (j) DOCUMENTS ESTABLISHING SERVICE IN THE  
8 UNIFORMED SERVICES.—To establish that an alien has  
9 served in the Uniformed Services for at least the period  
10 for which the alien was obligated to serve on active duty  
11 and, if discharged, received an honorable discharge, the  
12 alien shall submit to the Secretary—

13 (1) a Department of Defense Form DD-214;

14 (2) a National Guard Report of Separation and  
15 Record of Service Form NGB-22;

16 (3) personnel records for such service from the  
17 appropriate Uniformed Service; or

18 (4) health records from the appropriate Uni-  
19 formed Service.

20 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

21 (1) IN GENERAL.—An alien may satisfy the em-  
22 ployment requirement under section  
23 \_\_14(a)(1)(C)(iii) by submitting records that—

24 (A) establish compliance with such employ-  
25 ment requirement; and

1           (B) have been maintained by the Social Se-  
2           curity Administration, the Internal Revenue  
3           Service, or any other Federal, State, or local  
4           government agency.

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

10                   (A) bank records;

11                   (B) business records;

12                   (C) employer records;

13                   (D) records of a labor union, day labor  
14           center, or organization that assists workers in  
15           employment;

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

19                           (i) the name, address, and telephone  
20           number of the affiant; and

21                           (ii) the nature and duration of the re-  
22           lationship between the affiant and the  
23           alien; and

24                   (F) remittance records.

1 (l) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-  
2 UMENTS.—If the Secretary determines, after publication  
3 in the Federal Register and an opportunity for public com-  
4 ment, that any document or class of documents does not  
5 reliably establish identity or that permanent resident sta-  
6 tus on a conditional basis is being obtained fraudulently  
7 to an unacceptable degree, the Secretary may prohibit or  
8 restrict the use of such document or class of documents.

9 **SEC. \_\_16. RULEMAKING.**

10 (a) INITIAL PUBLICATION.—Not later than 90 days  
11 after the date of the enactment of this Act, the Secretary  
12 shall publish regulations implementing this subtitle in the  
13 Federal Register. Such regulations shall allow eligible indi-  
14 viduals to immediately apply affirmatively for the relief  
15 available under section \_\_12 without being placed in re-  
16 moval proceedings.

17 (b) INTERIM REGULATIONS.—Notwithstanding sec-  
18 tion 553 of title 5, United States Code, the regulations  
19 published pursuant to subsection (a) shall be effective, on  
20 an interim basis, immediately upon publication in the Fed-  
21 eral Register, but may be subject to change and revision  
22 after public notice and opportunity for a period of public  
23 comment.

24 (c) FINAL REGULATIONS.—Not later than 180 days  
25 after the date on which interim regulations are published

1 under this section, the Secretary shall publish final regula-  
2 tions implementing this subtitle.

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

7 **SEC. \_17. CONFIDENTIALITY OF INFORMATION.**

8 (a) IN GENERAL.—The Secretary may not disclose  
9 or use information provided in applications filed under this  
10 subtitle or in requests for DACA for the purpose of immi-  
11 gration enforcement.

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

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

23 (1) for assistance in the consideration of an ap-  
24 plication for permanent resident status on a condi-  
25 tional basis;

- 1           (2) to identify or prevent fraudulent claims;  
2           (3) for national security purposes; or  
3           (4) for the investigation or prosecution of any  
4 felony not related to immigration status.

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

8 **SEC. \_\_18. RESTORATION OF STATE OPTION TO DETERMINE**  
9                           **RESIDENCY FOR PURPOSES OF HIGHER EDU-**  
10                           **CATION BENEFITS.**

11           (a) IN GENERAL.—Section 505 of the Illegal Immi-  
12 gration Reform and Immigrant Responsibility Act of 1996  
13 (8 U.S.C. 1623) is repealed.

14           (b) EFFECTIVE DATE.—The repeal under subsection  
15 (a) shall take effect as if included in the original enact-  
16 ment of the Illegal Immigration Reform and Immigrant  
17 Responsibility Act of 1996 (division C of Public Law 104–  
18 208; 110 Stat. 3009–546).

19 **Subtitle B—Secure Miles With All**  
20 **Resources and Technology**

21 **SEC. \_\_21. DEFINITIONS.**

22           In this subtitle:

23           (1) OPERATIONAL CONTROL.—The term “oper-  
24 ational control” has the meaning given such term in

1 section 2(b) of the Secure Fence Act of 2006 (8  
2 U.S.C. 1701 note; Public Law 109–367).

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

5 (3) SITUATIONAL AWARENESS.—The term “sit-  
6 uational awareness” has the meaning given the term  
7 in section 1092(a)(7) of the National Defense Au-  
8 thorization Act for Fiscal Year 2017 (Public Law  
9 114–328).

10 (4) SOUTHERN BORDER.—The term “southern  
11 border” means the international border between the  
12 United States and Mexico.

13 **CHAPTER 1—INFRASTRUCTURE AND**  
14 **EQUIPMENT**

15 **SEC. \_\_22. STRENGTHENING THE REQUIREMENTS FOR BOR-**  
16 **DER SECURITY TECHNOLOGY ALONG THE**  
17 **SOUTHERN BORDER.**

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

21 (1) in subsection (a)—

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

24 (B) by striking “illegal crossings in areas  
25 of high illegal entry into the United States” and

1           inserting “, impede, and detect illegal activity in  
2           high traffic areas”;

3           (2) in subsection (c)(1), by inserting “and, pur-  
4           suant to subsection (d), the installation, operation,  
5           and maintenance of technology” after “barriers and  
6           roads”; and

7           (3) by adding at the end the following:

8           “(d) INSTALLATION, OPERATION, AND MAINTENANCE OF TECHNOLOGY.—Not later than January 20,  
9           2021, the Secretary of Homeland Security, in carrying out  
10          subsection (a), shall deploy the most practical and effective  
11          technology available along the United States border  
12          for achieving situational awareness and operational control  
13          of the border.  
14          of the border.

15          “(e) DEFINITIONS.—In this section:

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

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

21                         “(B) have significant unlawful cross-border  
22                         activity.

23                 “(2) OPERATIONAL CONTROL.—The term ‘operational control’ has the meaning given such term in  
24



1 section 2(b) of the Secure Fence Act of 2006 (8  
2 U.S.C. 1701 note; Public Law 109–367).

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

8 “(4) TECHNOLOGY.—The term ‘technology’ in-  
9 cludes border surveillance and detection technology,  
10 including—

11 “(A) radar surveillance systems;

12 “(B) Vehicle and Dismount Exploitation  
13 Radars (VADER);

14 “(C) 3-dimensional, seismic acoustic detec-  
15 tion and ranging border tunneling detection  
16 technology;

17 “(D) sensors;

18 “(E) unmanned cameras;

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

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

1 **SEC. 23. COMPREHENSIVE SOUTHERN BORDER STRAT-**  
2 **EGY.**

3 (a) REQUIREMENT.—Not later than 1 year after the  
4 date of the enactment of this Act, the Secretary shall sub-  
5 mit a comprehensive southern border strategy to the Com-  
6 mittee on Homeland Security and Governmental Affairs  
7 of the Senate and the Committee on Homeland Security  
8 of the House of Representatives.

9 (b) CONTENTS.—The strategy submitted under sub-  
10 section (a) shall include—

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

15 (2) a projected per mile cost estimate for each  
16 physical barrier, levee, technology, tool, and other  
17 device included on the list required under paragraph  
18 (1);

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

24 (4) an explanation for why such physical bar-  
25 rier, levee, technology, tool, or other device was cho-  
26 sen to achieve and maintain situational awareness

1           and operational control for each linear mile of the  
2           southern border, including—

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

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

10                  (C) the information collected and evaluated  
11                  from—

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

14                           (ii) the Joint Task Force Commander;

15                           (iii) the appropriate State Governor;

16                           (iv) tribal government officials;

17                           (v) border county and city elected offi-  
18                           cials;

19                           (vi) local law enforcement officials;

20                           (vii) private property owners;

21                           (viii) local community groups, includ-  
22                           ing human rights organizations; and

23                           (ix) other affected stakeholders; and

24                  (D) a privacy evaluation conducted by the  
25                  Privacy Officer of the Department of Homeland

1 Security, in accordance with the responsibilities  
2 and authorities under section 222 of the Home-  
3 land Security Act of 2002 (6 U.S.C. 142), for  
4 each such physical barrier, levee, technology,  
5 tool, or other device;

6 (5) a per mile cost calculation for each linear  
7 mile of the southern border given the type of phys-  
8 ical barrier, levee, technology, tool, or other device  
9 chosen to achieve and maintain situational aware-  
10 ness and operational control for each linear mile;  
11 and

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

17 **SEC. 24. CONTROL OR ERADICATION OF CARRIZO CANE**  
18 **AND SALT CEDAR.**

19 Not later than January 20, 2019, the Secretary, after  
20 coordinating with the heads of relevant Federal, State,  
21 and local agencies, shall begin controlling or eradicating,  
22 as appropriate, the carrizo cane plant and any salt cedar  
23 along the Rio Grande River and the Lower Colorado  
24 River.

1 **SEC. 25. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

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

7 (b) UNMANNED AERIAL SYSTEM.—The Secretary  
8 shall ensure that Air and Marine Operations operate un-  
9 manned aerial systems for not less than 24 hours per day  
10 for not fewer than 5 days per week.

11 (c) STUDY AND REPORT.—

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

15 (A) to identify deficiencies and opportuni-  
16 ties for improvement in the capability of Air  
17 and Marine Operations to fulfill air and marine  
18 support requirements for the U.S. Border Pa-  
19 trol and other components of the Department of  
20 Homeland Security, including support in critical  
21 source and transit zones;

22 (B) to assess whether such requirements  
23 could better be fulfilled through the realignment  
24 of Air and Marine Operations as a directorate  
25 of the U.S. Border Patrol; and

1 (C) to identify deficiencies and opportuni-  
2 ties for improvement in the capabilities of the  
3 U.S. Border Patrol and other departmental  
4 components to develop rigorous estimates of  
5 such requirements.

6 (2) REPORT.—Not later than 180 days after  
7 the date of the enactment of this Act, the Secretary  
8 shall submit a report to the Committee on Home-  
9 land Security and Governmental Affairs of the Sen-  
10 ate and the Committee on Homeland Security of the  
11 House of Representatives that contains the results  
12 of the study required under paragraph (1), including  
13 recommendations and time frames for implementing  
14 the recommendations contained in such study.

15 **SEC. 26. PORTS OF ENTRY INFRASTRUCTURE.**

16 (a) ADDITIONAL PORTS OF ENTRY.—

17 (1) AUTHORITY.—The Secretary may construct  
18 new ports of entry along the northern border and  
19 the southern border and determine the location of  
20 any such new ports of entry.

21 (2) CONSULTATION.—

22 (A) REQUIREMENT TO CONSULT.—The  
23 Secretary shall consult with the Secretary of  
24 the Interior, the Secretary of Agriculture, the  
25 Administrator of General Services, and appro-

1            appropriate representatives of State and local govern-  
2            ments, tribal governments, community groups,  
3            and property owners in the United States be-  
4            fore selecting a location for any new port con-  
5            structed pursuant to paragraph (1).

6            (B) CONSIDERATIONS.—The purpose of  
7            the consultations required under subparagraph  
8            (A) shall be to minimize any negative impacts  
9            of any proposed new port on the environment,  
10          culture, commerce, and quality of life of the  
11          communities and residents located near such  
12          new port.

13          (b) EXPANSION AND MODERNIZATION OF HIGH-VOL-  
14          UME SOUTHERN BORDER PORTS OF ENTRY.—Not later  
15          than September 30, 2018, the Secretary shall submit a  
16          plan to the Committee on Homeland Security and Govern-  
17          mental Affairs of the Senate, the Committee on Com-  
18          merce, Science, and Transportation of the Senate, the  
19          Committee on Homeland Security of the House of Rep-  
20          resentatives, and the Committee on Transportation and  
21          Infrastructure of the House of Representatives for ex-  
22          panding the primary and secondary inspection lanes for  
23          vehicle, cargo, and pedestrian inbound and outbound in-  
24          spection lanes at the top 10 high-volume ports of entry  
25          on the southern border, as determined by the Secretary.

1 (c) ESTIMATES OF INSPECTION PROCESSING GOALS  
2 AND WAIT-TIME STANDARDS.—The plan required under  
3 subsection (b) shall be based on estimates by the Secretary  
4 of the number of such inspection lanes required to meet  
5 inspection processing goals and wait-time standards estab-  
6 lished by the Secretary.

7 (d) PORT OF ENTRY PRIORITIZATION.—The Sec-  
8 retary shall complete the expansion and modernization of  
9 ports of entry pursuant to subsection (b), to the extent  
10 practicable, before constructing any new ports of entry  
11 pursuant to subsection (a).

## 12 CHAPTER 2—GRANTS

### 13 SEC. 27. OPERATION STONEGARDEN.

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

#### 17 “SEC. 2009. OPERATION STONEGARDEN.

18 “(a) ESTABLISHMENT.—There is established in the  
19 Department a program, which shall be known as ‘Oper-  
20 ation Stonegarden’, under which the Secretary, acting  
21 through the Administrator, shall make grants to eligible  
22 law enforcement agencies, through the State administra-  
23 tive agency, to enhance border security in accordance with  
24 this section.



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

4               “(1) shall be located in—

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

6               or

7                       “(B) a State or territory with a maritime  
8 border; and

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

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

14               “(1) equipment, including maintenance and  
15 sustainment costs;

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

20               “(3) any other appropriate border security ac-  
21 tivity, as determined by the Administrator, in con-  
22 sultation with the Commissioner of U.S. Customs  
23 and Border Protection.

1       “(d) PERIOD OF PERFORMANCE.—The Secretary  
2 shall award grants under this section to grant recipients  
3 for a period of not less than 3 years.

4       “(e) REPORT.—The Administrator shall submit an  
5 annual report, for each of the fiscal years 2018 through  
6 2022, to the Committee on Homeland Security and Gov-  
7 ernmental Affairs of the Senate and the Committee on  
8 Homeland Security of the House of Representatives that  
9 contains information on the expenditure of grants made  
10 under this section by each grant recipient.

11       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
12 is authorized to be appropriated \$110,000,000 for each  
13 of the fiscal years 2018 through 2022 for grants under  
14 this section.”.

15       (b) CONFORMING AMENDMENT.—Section 2002(a) of  
16 the Homeland Security Act of 2002 (6 U.S.C. 603) is  
17 amended to read as follows:

18       “(a) GRANTS AUTHORIZED.—The Secretary, through  
19 the Administrator, may award grants under sections 2003,  
20 2004, and 2009 to State, local, and tribal governments,  
21 as appropriate.”.

22       (c) CLERICAL AMENDMENT.—The table of contents  
23 in section 1(b) of the Homeland Security Act of 2002 is  
24 amended by inserting after the item relating to section  
25 2008 the following:

“Sec. 2009. Operation Stonegarden.”.

1 **SEC. \_\_28. SOUTHERN BORDER REGION EMERGENCY COM-**  
2 **MUNICATIONS GRANT.**

3 (a) IN GENERAL.—The Secretary, in consultation  
4 with the Governors of the States that are adjacent to the  
5 southern border, shall establish a 2-year grant program  
6 to improve emergency communications in the southern  
7 border region.

8 (b) ELIGIBILITY FOR GRANTS.—An individual is eli-  
9 gible for a grant under this section if the individual—

10 (1) regularly resides or works in a State that is  
11 adjacent to the southern border; and

12 (2) is at greater risk of border violence due to  
13 a lack of cellular and LTE network service at the in-  
14 dividual’s residence or business and the individual’s  
15 proximity to the southern border.

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

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

20 (2) are equipped with receivers for the Global  
21 Positioning System.

22 **Subtitle C—Reducing Significant**  
23 **Delays in Immigration Court**

24 **SEC. \_\_31. ELIMINATE IMMIGRATION COURT BACKLOGS.**

25 (a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—  
26 The Attorney General of the United States shall increase

1 the total number of immigration judges to adjudicate  
2 pending cases and efficiently process future cases by not  
3 fewer than—

4 (1) 55 judges during fiscal year 2018;

5 (2) an additional 55 judges during fiscal year  
6 2019; and

7 (3) an additional 55 judges during fiscal year  
8 2020.

9 (b) QUALIFICATIONS OF IMMIGRATION JUDGES.—

10 The Attorney General shall ensure that all newly hired im-  
11 migration judges—

12 (1) are highly qualified and trained to conduct  
13 fair, impartial hearings consistent with due process;  
14 and

15 (2) represent a diverse pool of individuals that  
16 includes a balance of individuals with nongovern-  
17 mental, private bar, or academic experience in addi-  
18 tion to government experience.

19 (c) NECESSARY SUPPORT STAFF FOR IMMIGRATION

20 JUDGES.—To address the shortage of support staff for  
21 immigration judges, the Attorney General shall ensure  
22 that each immigration judge has sufficient support staff,  
23 adequate technological and security resources, and appro-  
24 priate courtroom facilities.

1 (d) ANNUAL INCREASES IN BOARD OF IMMIGRATION  
2 APPEALS PERSONNEL.—The Attorney General shall in-  
3 crease the number of Board of Immigration Appeals staff  
4 attorneys (including necessary additional support staff) to  
5 efficiently process cases by at least—

6 (1) 23 attorneys during fiscal year 2018;

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

9 (3) an additional 23 attorneys during fiscal  
10 year 2020.

11 (e) GAO REPORT.—The Comptroller General of the  
12 United States shall—

13 (1) conduct a study of the hurdles to efficient  
14 hiring of immigration court judges within the De-  
15 partment of Justice; and

16 (2) propose solutions to Congress for improving  
17 the efficiency of the hiring process.

18 **SEC. 32. IMPROVED TRAINING FOR IMMIGRATION**  
19 **JUDGES AND MEMBERS OF THE BOARD OF**  
20 **IMMIGRATION APPEALS.**

21 (a) IN GENERAL.—To ensure efficient and fair pro-  
22 ceedings, the Director of the Executive Office for Immi-  
23 gration Review shall facilitate robust training programs  
24 for immigration judges and members of the Board of Im-  
25 migration Appeals.

1 (b) MANDATORY TRAINING.—Training facilitated  
2 under subsection (a) shall include—

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

5 (2) continuing education regarding current de-  
6 velopments in immigration law through regularly  
7 available training resources and an annual con-  
8 ference;

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

13 (4) specialized training to handle cases involv-  
14 ing other vulnerable populations including survivors  
15 of domestic violence, sexual assault, or trafficking  
16 and individuals with mental disabilities in partner-  
17 ship with the National Council of Juvenile and Fam-  
18 ily Court Judges; and

19 (5) specialized training in child interviewing,  
20 child psychology, and child trauma in partnership  
21 with the National Council of Juvenile and Family  
22 Court Judges for Immigration Judges.

1 **SEC. \_\_33. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**  
2 **CIENCY.**

3 The Director of the Executive Office for Immigration  
4 Review shall modernize its case management and related  
5 electronic systems, including allowing for electronic filing,  
6 to improve efficiency in the processing of immigration pro-  
7 ceedings.

8 **Subtitle D—Advancing Reforms in**  
9 **Central America to Address the**  
10 **Factors Driving Migration**

11 **SEC. \_\_41. DEFINITIONS.**

12 In this subtitle:

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

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

1 **CHAPTER 1—EFFECTIVELY COORDI-**  
2 **NATING UNITED STATES ENGAGE-**  
3 **MENT IN CENTRAL AMERICA**

4 **SEC. 42. UNITED STATES COORDINATOR FOR ENGAGE-**  
5 **MENT IN CENTRAL AMERICA.**

6 (a) DESIGNATION.—Not later than 30 days after the  
7 date of the enactment of this Act, the President shall des-  
8 ignate a senior official (referred to in this section as the  
9 “Coordinator”)—

10 (1) to coordinate the efforts of the Federal Gov-  
11 ernment under this subtitle; and

12 (2) to coordinate the efforts of international  
13 partners—

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

17 (B) to protect vulnerable populations in  
18 the region.

19 (b) SUPERVISION.—The Coordinator shall report di-  
20 rectly to the President.

21 (c) DUTIES.—The Coordinator shall coordinate the  
22 efforts, activities, and programs related to United States  
23 engagement in Central America under this subtitle, in-  
24 cluding—



1           (1) coordinating with the Department of State,  
2           the Department of Justice (including the Federal  
3           Bureau of Investigation), the Department of Home-  
4           land Security, the intelligence community, and inter-  
5           national partners regarding United States efforts to  
6           confront armed criminal gangs, illicit trafficking net-  
7           works, and organized crime responsible for high lev-  
8           els of violence, extortion, and corruption in Central  
9           America;

10           (2) coordinating with the Department of State,  
11           the United States Agency for International Develop-  
12           ment, and international partners regarding United  
13           States efforts to prevent and mitigate the effects of  
14           violent criminal gangs and transnational criminal or-  
15           ganizations on vulnerable Central American popu-  
16           lations, including women and children;

17           (3) coordinating with the Department of State,  
18           the Department of Homeland Security, and inter-  
19           national partners regarding United States efforts to  
20           counter human smugglers illegally transporting Cen-  
21           tral American migrants to the United States;

22           (4) coordinating with the Department of State,  
23           the Department of Homeland Security, the United  
24           States Agency for International Development, and  
25           international partners, including the United Nations

1 High Commissioner for Refugees, to increase protec-  
2 tions for vulnerable Central American populations,  
3 improve refugee processing, and strengthen asylum  
4 systems throughout the region;

5 (5) coordinating with the Department of State,  
6 the Department of Defense, the Department of Jus-  
7 tice (including the Drug Enforcement Administra-  
8 tion), the Department of the Treasury, the intel-  
9 ligence community, and international partners re-  
10 garding United States efforts to combat illicit nar-  
11 cotics traffickers, interdict transshipments of illicit  
12 narcotics, and disrupt the financing of the illicit nar-  
13 cotics trade;

14 (6) coordinating with the Department of State,  
15 the Department of the Treasury, the Department of  
16 Justice, the intelligence community, the United  
17 States Agency for International Development, and  
18 international partners regarding United States ef-  
19 forts to combat corruption, money laundering, and  
20 illicit financial networks;

21 (7) coordinating with the Department of State,  
22 the Department of Justice, the United States Agen-  
23 cy for International Development, and international  
24 partners regarding United States efforts to strength-

1 en the rule of law, democratic governance, and  
2 human rights protections; and

3 (8) coordinating with the Department of State,  
4 the Department of Agriculture, the United States  
5 Agency for International Development, the Overseas  
6 Private Investment Corporation, the United States  
7 Trade and Development Agency, the Department of  
8 Labor, and international partners, including the  
9 Inter-American Development Bank, to strengthen  
10 the foundation for inclusive economic growth and  
11 improve food security, investment climate, and pro-  
12 tections for labor rights.

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

17 **CHAPTER 2—TARGETING ASSISTANCE TO**  
18 **APPROPRIATE COMMUNITIES IN THE**  
19 **NORTHERN TRIANGLE**

20 **SEC. 43. TARGETING ASSISTANCE TO APPROPRIATE COM-**  
21 **MUNITIES.**

22 Not later than 1 year after the date of the enactment  
23 of this Act and annually thereafter for each of the 5 suc-  
24 ceeding years, the Comptroller General of the United  
25 States shall submit a report to the Committee on Foreign

1 Relations of the Senate, the Committee on Appropriations  
 2 of the Senate, the Committee on Foreign Affairs of the  
 3 House of Representatives, and the Committee on Appro-  
 4 priations of the House of Representatives that contains—

5 (1) raw data on the number of children migrat-  
 6 ing to the United States from each community or  
 7 geographic area in the Northern Triangle;

8 (2) an assessment of whether United States for-  
 9 eign assistance to the Northern Triangle is effec-  
 10 tively reaching the communities and geographic  
 11 areas from which children are migrating; and

12 (3) an assessment of the extent to which the  
 13 Department of State and the United States Agency  
 14 for International Development are adjusting pro-  
 15 gramming in the Northern Triangle as migration  
 16 patterns shift.

17 **CHAPTER 3—REGIONAL MILLENNIUM**

18 **CHALLENGE CORPORATION COMPACTS**

19 **SEC. \_44. MILLENNIUM CHALLENGE CORPORATION COM-**  
 20 **PACTS.**

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

24 (1) in subsection (a), by adding at the end the  
 25 following: “The Board may enter into a Compact

1 with more than 1 eligible country in a region if the  
2 Board determines that a regional development strat-  
3 egy would further regional development objectives.”;

4 (2) in subsection (k)—

5 (A) by striking the first sentence; and

6 (B) by striking “the existing” and insert-  
7 ing “an existing”; and

8 (3) by adding at the end the following:

9 “(l) CONCURRENT COMPACTS.—In accordance with  
10 the requirements under this Act, an eligible country and  
11 the United States may enter into and have in effect more  
12 than 1 Compact at any given time, including a concurrent  
13 Compact for purposes of regional economic integration or  
14 cross-border collaborations, only if the Board determines  
15 that such country is making considerable and demon-  
16 strable progress in implementing the terms of the existing  
17 Compact and any supplementary agreements to such Com-  
18 pact.”.

19 (b) CONFORMING AMENDMENTS.—The Millennium  
20 Challenge Act of 2003 (22 U.S.C. 7701 et seq.; title VI  
21 of Public Law 108–199) is amended—

22 (1) in section 609(b) (22 U.S.C. 7708(b))—

23 (A) in paragraph (1)—

24 (i) in the matter preceding subpara-  
25 graph (A), by striking “the national devel-

1           opment strategy of the eligible country”  
2           and inserting “the national or regional de-  
3           velopment strategy of the country or coun-  
4           tries”; and

5                   (ii) in subparagraphs (A), (B), (E),  
6           and (J), by inserting “or countries” after  
7           “country” each place such term appears;  
8           and

9           (B) in paragraph (3)—

10                   (i) by inserting “or regional develop-  
11           ment strategy” after “national develop-  
12           ment strategy”; and

13                   (ii) by inserting “or governments of  
14           the countries in the case of regional invest-  
15           ments” after “government of the country”;  
16           and

17                   (2) in section 613(b)(2)(A) (22 U.S.C.  
18           7712(b)(2)(A)) by striking “the Compact” and in-  
19           serting “any Compact”.

1 **CHAPTER 4—UNITED STATES LEADER-**  
2 **SHIP FOR ENGAGING INTERNATIONAL**  
3 **DONORS AND PARTNERS**

4 **SEC. 45. REQUIREMENT FOR STRATEGY TO SECURE SUP-**  
5 **PORT OF INTERNATIONAL DONORS AND**  
6 **PARTNERS.**

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

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

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

19 (3) identifies the financial and technical assist-  
20 ance to be provided by multilateral institutions, in-  
21 cluding the Inter-American Development Bank, the  
22 World Bank, the International Monetary Fund, the  
23 Andean Development Corporation—Development  
24 Bank of Latin America, and the Organization of

1 American States, and a description of such assist-  
2 ance.

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

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

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

13 (c) REPORT.—Not later than 1 year after submitting  
14 the strategy required under subsection (a), the Secretary  
15 of State shall submit a report to the appropriate congres-  
16 sional committees that describes—

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

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

23 (d) BRIEFINGS.—Upon a request from any of the ap-  
24 propriate congressional committees, the Secretary of State  
25 shall provide a briefing to such committee that describes



1 the progress made in implementing the strategy required  
2 under subsection (a).

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

5 (1) the Committee on Foreign Relations of the  
6 Senate;

7 (2) the Committee on Appropriations of the  
8 Senate;

9 (3) the Committee on Foreign Affairs of the  
10 House of Representatives; and

11 (4) the Committee on Appropriations of the  
12 House of Representatives.