

115TH CONGRESS
1ST SESSION

S. _____

To strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY (for himself, Mr. CORNYN, Mr. TILLIS, Mr. LANKFORD, Mr. COTTON, and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To strengthen border security, increase resources for enforcement of immigration laws, 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 “Security, Enforcement, and Compassion United in Re-
6 form Efforts Act” or the “SECURE Act of 2017”.

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—BUILDING AMERICA’S TRUST ACT

2

Sec. 1001. Short title.

Subtitle A—Border Security

Sec. 1101. Short title.

Sec. 1102. Definitions.

CHAPTER 1—INFRASTRUCTURE AND EQUIPMENT

Sec. 1111. Strengthening the requirements for barriers along the southern border.

Sec. 1112. Land use or acquisition.

Sec. 1113. Air and Marine Operations flight hours.

Sec. 1114. Capability deployment to specific sectors and transit zone.

Sec. 1115. Deployment of assets.

Sec. 1116. U.S. Border Patrol activities.

Sec. 1117. Border security technology program management.

Sec. 1118. National Guard support to secure the southern border and reimbursement of States for deployment of the National Guard at the southern border.

Sec. 1119. Operation Phalanx.

Sec. 1120. Merida Initiative.

Sec. 1121. Prohibitions on actions that impede border security on certain Federal land.

Sec. 1122. Landowner and rancher security enhancement.

Sec. 1123. Limitation on land owner's liability.

Sec. 1124. Eradication of carrizo cane and salt cedar.

Sec. 1125. Prevention, detection, control, and eradication of diseases and pests.

Sec. 1126. Transnational criminal organization illicit spotter prevention and detection.

Sec. 1127. Southern border threat analysis.

Sec. 1128. Amendments to U.S. Customs and Border Protection.

Sec. 1129. Agent and officer technology use.

Sec. 1130. Integrated Border Enforcement Teams.

Sec. 1131. Tunnel Task Forces.

CHAPTER 2—PERSONNEL

Sec. 1141. Additional U.S. Customs and Border Protection agents and officers.

Sec. 1142. U.S. Customs and Border Protection retention incentives.

Sec. 1143. Anti-Border Corruption Reauthorization Act.

Sec. 1144. Training for officers and agents of U.S. Customs and Border Protection.

Sec. 1145. Additional U.S. Immigration and Customs Enforcement personnel.

Sec. 1146. Other immigration and law enforcement personnel.

Sec. 1147. Judicial resources for border security.

Sec. 1148. Reimbursement to State and local prosecutors for federally initiated, immigration-related criminal cases.

CHAPTER 3—GRANTS

Sec. 1151. State Criminal Alien Assistance Program.

Sec. 1152. Southern border security assistance grants.

Sec. 1153. Operation Stonegarden.

Sec. 1154. Grants for identification of victims of cross-border human smuggling.

Sec. 1155. Grant accountability.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS

Sec. 1161. Authorization of appropriations.

Subtitle B—Emergency Port of Entry Personnel and Infrastructure Funding

- Sec. 1201. Definitions.
- Sec. 1202. Ports of entry infrastructure.
- Sec. 1203. Secure communications.
- Sec. 1204. Border security deployment program.
- Sec. 1205. Pilot and upgrade of license plate readers at ports of entry.
- Sec. 1206. Biometric technology.
- Sec. 1207. Nonintrusive inspection operational demonstration project.
- Sec. 1208. Biometric exit data system.
- Sec. 1209. Sense of Congress on cooperation between agencies.
- Sec. 1210. Authorization of appropriations.

Subtitle C—Domestic Security and Interior Enforcement

CHAPTER 1—GENERAL MATTERS

- Sec. 1301. Ending catch and release for repeat immigration violators and criminals aliens.
- Sec. 1302. Deterring visa overstays.
- Sec. 1303. Increase in immigration detention capacity.
- Sec. 1304. Collection of DNA from criminal and detained aliens.
- Sec. 1305. Collection, use, and storage of biometric data.
- Sec. 1306. Pilot program for electronic field processing.
- Sec. 1307. Ending abuse of parole authority.
- Sec. 1308. Reports to Congress on parole.
- Sec. 1309. Stop Dangerous Sanctuary Cities Act.
- Sec. 1310. Reinstatement of the Secure Communities Program.

CHAPTER 2—PROTECTION AND DUE PROCESS FOR UNACCOMPANIED ALIEN CHILDREN

- Sec. 1320. Short title.
- Sec. 1321. Repatriation of unaccompanied alien children.
- Sec. 1322. Expedited due process and screening for unaccompanied alien children.
- Sec. 1323. Child welfare and law enforcement information sharing.
- Sec. 1324. Accountability for children and taxpayers.
- Sec. 1325. Custody of unaccompanied alien children in formal removal proceeding.
- Sec. 1326. Fraud in connection with the transfer of custody of unaccompanied alien children.
- Sec. 1327. Notification of States and foreign governments, reporting, and monitoring.
- Sec. 1328. Emergency immigration judge resources.
- Sec. 1329. Reports to Congress.

Subtitle D—Penalties for Smuggling, Drug Trafficking, Human Trafficking, Terrorism, and Illegal Entry and Reentry; Bars to Readmission of Removed Aliens

- Sec. 1401. Dangerous human smuggling, human trafficking, and human rights violations.

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- Sec. 1402. Putting the Brakes on Human Smuggling Act.
- Sec. 1403. Drug trafficking and crimes of violence committed by illegal aliens.
- Sec. 1404. Establishing inadmissibility and deportability.
- Sec. 1405. Penalties for illegal entry; enhanced penalties for entering with intent to aid, abet, or commit terrorism.
- Sec. 1406. Penalties for reentry of removed aliens.
- Sec. 1407. Laundering of monetary instruments.
- Sec. 1408. Freezing bank accounts of international criminal organizations and money launderers.
- Sec. 1409. Criminal proceeds laundered through prepaid access devices, digital currencies, or other similar instruments.
- Sec. 1410. Closing the loophole on drug cartel associates engaged in money laundering.

Subtitle E—Protecting National Security and Public Safety

CHAPTER 1—GENERAL MATTERS

- Sec. 1501. Definitions of engage in terrorist activity and terrorist organization.
- Sec. 1502. Terrorist grounds of inadmissibility.
- Sec. 1503. Expedited removal for aliens inadmissible on criminal or security grounds.
- Sec. 1504. Detention of removable aliens.
- Sec. 1505. GAO study on deaths in custody.
- Sec. 1506. GAO study on migrant deaths.
- Sec. 1507. Statute of limitations for visa, naturalization, and other fraud offenses involving war crimes or human rights violations.
- Sec. 1508. Criminal detention of aliens to protect public safety.
- Sec. 1509. Recruitment of persons to participate in terrorism.
- Sec. 1510. Barring and removing persecutors, war criminals, and participants in crimes against humanity from the United States.
- Sec. 1511. Gang membership, removal, and increased criminal penalties related to gang violence.
- Sec. 1512. Barring aliens with convictions for driving under the influence or while intoxicated.
- Sec. 1513. Barring aggravated felons, border checkpoint runners, and sex offenders from admission to the United States.
- Sec. 1514. Protecting immigrants from convicted sex offenders.
- Sec. 1515. Enhanced criminal penalties for high speed flight.
- Sec. 1516. Prohibition on asylum and cancellation of removal for terrorists.
- Sec. 1517. Aggravated felonies.
- Sec. 1518. Convictions.
- Sec. 1519. Failure to obey removal orders.
- Sec. 1520. Sanctions for countries that delay or prevent repatriation of their nationals.
- Sec. 1521. Enhanced penalties for construction and use of border tunnels.
- Sec. 1522. Enhanced penalties for fraud and misuse of visas, permits, and other documents.
- Sec. 1523. Expansion of criminal alien repatriation programs.

CHAPTER 2—STRONG VISA INTEGRITY SECURES AMERICA ACT

- Sec. 1531. Short title.
- Sec. 1532. Visa security.
- Sec. 1533. Electronic passport screening and biometric matching.
- Sec. 1534. Reporting visa overstays.

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- Sec. 1535. Student and exchange visitor information system verification.
- Sec. 1536. Social media review of visa applicants.

CHAPTER 3—VISA CANCELLATION AND REVOCATION

- Sec. 1541. Cancellation of additional visas.
- Sec. 1542. Visa information sharing.
- Sec. 1543. Visa interviews.
- Sec. 1544. Judicial review of visa revocation.

CHAPTER 4—SECURE VISAS ACT

- Sec. 1551. Short title.
- Sec. 1552. Authority of the Secretary of Homeland Security and the Secretary of State.

CHAPTER 5—VISA FRAUD AND SECURITY IMPROVEMENT ACT OF 2017

- Sec. 1561. Short title.
- Sec. 1562. Expanded usage of fraud prevention and detection fees.
- Sec. 1563. Visa information sharing.
- Sec. 1564. Inadmissibility of spouses and children of traffickers.
- Sec. 1565. DNA testing.
- Sec. 1566. Access to NCIC criminal history database for diplomatic visas.
- Sec. 1567. Elimination of signed photograph requirement for visa applications.

CHAPTER 6—OTHER MATTERS

- Sec. 1571. Requirement for completion of background checks.
- Sec. 1572. Withholding of adjudication.
- Sec. 1573. Access to the National Crime Information Center Interstate Identification Index.
- Sec. 1574. Appropriate remedies for immigration litigation.
- Sec. 1575. Use of 1986 IRCA legalization information for national security purposes.
- Sec. 1576. Uniform statute of limitations for certain immigration, naturalization, and peonage offenses.
- Sec. 1577. Conforming amendment to the definition of racketeering activity.
- Sec. 1578. Validity of electronic signatures.

Subtitle F—Prohibition on Terrorists Obtaining Lawful Status in the United States

CHAPTER 1—PROHIBITION ON ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS

- Sec. 1601. Lawful permanent residents as applicants for admission.
- Sec. 1602. Date of admission for purposes of adjustment of status.
- Sec. 1603. Precluding asylee and refugee adjustment of status for certain grounds of inadmissibility and deportability.
- Sec. 1604. Revocation of lawful permanent resident status for human rights violators.
- Sec. 1605. Removal of condition on lawful permanent resident status prior to naturalization.
- Sec. 1606. Prohibition on terrorists and aliens who pose a threat to national security or public safety from receiving an adjustment of status.

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- Sec. 1607. Treatment of applications for adjustment of status during pending denaturalization proceedings.
- Sec. 1608. Extension of time limit to permit rescission of permanent resident status.
- Sec. 1609. Barring persecutors and terrorists from registry.

CHAPTER 2—PROHIBITION ON NATURALIZATION AND UNITED STATES
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- Sec. 1621. Barring terrorists from becoming naturalized United States citizens.
- Sec. 1622. Terrorist bar to good moral character.
- Sec. 1623. Prohibition on judicial review of naturalization applications for aliens in removal proceedings.
- Sec. 1624. Limitation on judicial review when agency has not made decision on naturalization application and on denials.
- Sec. 1625. Clarification of denaturalization authority.
- Sec. 1626. Denaturalization of terrorists.
- Sec. 1627. Treatment of pending applications during denaturalization proceedings.
- Sec. 1628. Naturalization document retention.

CHAPTER 3—FORFEITURE OF PROCEEDS FROM PASSPORT AND VISA
OFFENSES, AND PASSPORT REVOCATION.

- Sec. 1631. Forfeiture of proceeds from passport and visa offenses.
- Sec. 1632. Passport Revocation Act.

TITLE II—ASYLUM REFORM AND BORDER PROTECTION ACT OF
2017

- Sec. 2001. Short title.
- Sec. 2002. Clarification of intent regarding taxpayer-provided counsel.
- Sec. 2003. Unaccompanied alien child defined.
- Sec. 2004. Modifications to preferential availability for asylum for unaccompanied alien minors.
- Sec. 2005. Information sharing between the Department of Health and Human Services and the Department of Homeland Security.
- Sec. 2006. Reports.
- Sec. 2007. Termination of asylum status pursuant to return to home country.
- Sec. 2008. Asylum cases for home schoolers.
- Sec. 2009. Notice concerning frivolous asylum applications.
- Sec. 2010. Termination of asylum status.
- Sec. 2011. Time limits for applying for asylum.
- Sec. 2012. Limits on continuances in removal proceedings.

TITLE III—E-VERIFY

- Sec. 3001. Permanent reauthorization.
- Sec. 3002. Preemption; liability.
- Sec. 3003. Information sharing.
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- Sec. 3006. Identity authentication employment eligibility verification pilot programs.

TITLE IV—BRIDGE ACT

- Sec. 4001. Short title.
 Sec. 4002. Provisional protected presence for young individuals.

TITLE V—REFORMING AMERICAN IMMIGRATION FOR A STRONG
 ECONOMY ACT

- Sec. 5001. Short title.
 Sec. 5002. Family-Sponsored immigration priorities.

TITLE VI—OTHER MATTERS

- Sec. 6001. Other Immigration and Nationality Act amendments.
 Sec. 6002. Exemption from the Administrative Procedure Act.
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 in United States territories.
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TITLE VII—TECHNICAL AMENDMENTS

- Sec. 7001. References to the Immigration and Nationality Act.
 Sec. 7002. Technical amendments to title I of the Immigration and Nationality
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 ality Act.
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 ality Act.
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 Act.
 Sec. 7007. Other amendments.
 Sec. 7008. Repeals; rule of construction.
 Sec. 7009. Miscellaneous technical correction.

1 **TITLE I—BUILDING AMERICA’S**
 2 **TRUST ACT**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “Building America’s
 5 Trust Act”.

6 **Subtitle A—Border Security**

7 **SEC. 1101. SHORT TITLE.**

8 This subtitle may be cited as the “Border Security
 9 for America Act of 2017”.

1 **SEC. 1102. DEFINITIONS.**

2 In this subtitle:

3 (1) **ADVANCED UNATTENDED SURVEILLANCE**
4 **SENSORS.**—The term “advanced unattended surveil-
5 lance sensors” means sensors that utilize an onboard
6 computer to analyze detections in an effort to dis-
7 cern between vehicles, humans, and animals, and ul-
8 timately filter false positives prior to transmission.

9 (2) **APPROPRIATE CONGRESSIONAL COM-**
10 **MITTEE.**—The term “appropriate congressional com-
11 mittee” has the meaning given the term in section
12 2(2) of the Homeland Security Act of 2002 (6
13 U.S.C. 101(2)).

14 (3) **COMMISSIONER.**—The term “Commis-
15 sioner” means the Commissioner of U.S. Customs
16 and Border Protection.

17 (4) **HIGH TRAFFIC AREAS.**—The term “high
18 traffic areas” has the meaning given the term in sec-
19 tion 102(e)(1) of the Illegal Immigration Reform
20 and Immigrant Responsibility Act of 1996, as
21 amended by section 1111 of this Act.

22 (5) **OPERATIONAL CONTROL.**—The term “oper-
23 ational control” has the meaning given the term in
24 section 2(b) of the Secure Fence Act of 2006 (Public
25 Law 109–367; 8 U.S.C. 1701 note).

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

3 (7) SITUATIONAL AWARENESS.—The term “sit-
4 uational awareness” has the meaning given the term
5 in section 1092(a)(7) of the National Defense Au-
6 thorization Act for Fiscal Year 2017 (Public Law
7 114–328; 6 U.S.C. 223(a)(7)).

8 (8) TRANSIT ZONE.—The term “transit zone”
9 has the meaning given the term in section
10 1092(a)(8) of the National Defense Authorization
11 Act for Fiscal Year 2017 (Public Law 114–328; 6
12 U.S.C. 223(a)(7)).

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

15 **SEC. 1111. STRENGTHENING THE REQUIREMENTS FOR BAR-**
16 **RIERS ALONG THE SOUTHERN BORDER.**

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

20 (1) by amending subsection (a) to read as fol-
21 lows:

22 “(a) IN GENERAL.—The Secretary of Homeland Se-
23 curity shall take such actions as may be necessary (includ-
24 ing the removal of obstacles to detection of illegal en-
25 trants) to construct, install, deploy, operate, and maintain

1 tactical infrastructure and technology in the vicinity of the
2 United States border to achieve situational awareness and
3 operational control of the border and deter, impede, and
4 detect illegal activity in high traffic areas.”;

5 (2) in subsection (b)—

6 (A) in the subsection heading, by striking
7 “FENCING” and inserting “PHYSICAL BAR-
8 RIERS”;

9 (B) in paragraph (1)—

10 (i) in subparagraph (A), by inserting
11 “situational awareness and” before “oper-
12 ational control”; and

13 (ii) by amending subparagraph (B) to
14 read as follows:

15 “(B) TACTICAL INFRASTRUCTURE.—

16 “(i) IN GENERAL.—Not later than
17 January 20, 2021, the Secretary of Home-
18 land Security, in carrying out subsection
19 (a), shall deploy along the United States
20 border the most practical and effective tac-
21 tical infrastructure available for achieving
22 situational awareness and operational con-
23 trol of the border.

24 “(ii) EXCEPTION FOR CERTAIN TAC-
25 TICAL INFRASTRUCTURE.—The deployment

1 of tactical infrastructure under this sub-
2 paragraph shall not apply in areas along
3 the border where natural terrain features,
4 natural barriers, or the remoteness of such
5 area would make deployment ineffective, as
6 determined by the Secretary, for the pur-
7 poses of gaining situational awareness or
8 operational control of such areas.”; and

9 (iii) in subparagraph (C)—

10 (I) by amending clause (i) to
11 read as follows:

12 “(i) IN GENERAL.—In carrying out
13 this section, the Secretary of Homeland
14 Security, before deploying tactical infra-
15 structure in a specific area or region, shall
16 consult with the Secretary of the Interior,
17 the Secretary of Agriculture, the Governors
18 of each State on the southern land border
19 or the northern land border, other States,
20 local governments, Indian tribes, represent-
21 atives of U.S. Border Patrol and U.S. Cus-
22 toms and Border Protection, relevant Fed-
23 eral, State, local, and tribal agencies that
24 have jurisdiction on the southern land bor-
25 der or in the maritime environment along

1 the southern border, and private property
2 owners in the United States to minimize
3 the impact on the environment, culture,
4 commerce, quality of life for the commu-
5 nities and residents located near the sites
6 at which physical barriers, tactical infra-
7 structure, and technology are to be con-
8 structed.”;

9 (II) by redesignating clause (ii)
10 as clause (iii); and

11 (III) by inserting after clause (i),
12 as amended, the following:

13 “(ii) NOTIFICATION.—Not later than
14 60 days after the completion of the con-
15 sultation required under clause (i), the
16 Secretary of Homeland Security shall no-
17 tify the Committee on Homeland Security
18 of the House of Representatives and the
19 Committee on Homeland Security and
20 Governmental Affairs of the Senate of the
21 type of tactical infrastructure and tech-
22 nology that the Secretary has determined
23 is most practical and effective to achieve
24 operational control and situational aware-
25 ness in a specific area and the other alter-

1 natives the Secretary considered before
2 making such a determination.”;

3 (C) in paragraph (2)—

4 (i) by striking “Attorney General”
5 and inserting “Secretary of Homeland Se-
6 curity”; and

7 (ii) by striking “construction of
8 fences” and inserting “the construction of
9 physical barriers”; and

10 (D) by amending paragraph (3) to read as
11 follows:

12 “(3) AGENT SAFETY.—In carrying out this sec-
13 tion, the Secretary of Homeland Security, when con-
14 structing tactical infrastructure, shall incorporate
15 such safety features into the design of such tactical
16 infrastructure that the Secretary determines, in the
17 Secretary’s sole discretion, are necessary to maxi-
18 mize the safety and effectiveness of officers or
19 agents of the Department of Homeland Security or
20 of any other Federal agency.”;

21 (3) in subsection (c), by amending paragraph
22 (1) to read as follows:

23 “(1) IN GENERAL.—Notwithstanding any other
24 provision of law, the Secretary of Homeland Security
25 is authorized to waive all legal requirements that the

1 Secretary, in the Secretary’s sole discretion, deter-
2 mines necessary to ensure the expeditious construc-
3 tion, installation, operation, and maintenance of the
4 tactical infrastructure and technology under this sec-
5 tion. Any such decision by the Secretary shall be ef-
6 fective upon publication in the Federal Register.”;
7 and

8 (4) by adding after subsection (d) the following:

9 “(e) CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF TECHNOLOGY.—Not later than January 20,
10 2021, the Secretary of Homeland Security, in carrying out
11 subsection (a), shall deploy along the United States border
12 the most practical and effective technology available for
13 achieving situational awareness and operational control of
14 the border.
15

16 “(f) DEFINITIONS.—In this section:

17 “(1) HIGH TRAFFIC AREAS.—The term ‘high
18 traffic areas’ means areas in the vicinity of the
19 United States border that—

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

22 “(B) have significant unlawful cross-border
23 activity, as determined by the Secretary of
24 Homeland Security.

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

5 “(3) SITUATIONAL AWARENESS DEFINED.—The
6 term ‘situational awareness’ has the meaning given
7 the term in section 1092(a)(7) of the National De-
8 fense Authorization Act for Fiscal Year 2017 (Pub-
9 lic Law 114–328; 6 U.S.C. 223(a)(7)).

10 “(4) TACTICAL INFRASTRUCTURE.—The term
11 ‘tactical infrastructure’ means—

12 “(A) boat ramps, access gates, check-
13 points, lighting, and roads; and

14 “(B) physical barriers (including fencing,
15 border wall system, and levee walls).

16 “(5) TECHNOLOGY.—The term ‘technology’
17 means border surveillance and detection technology,
18 including—

19 “(A) tower-based surveillance technology;

20 “(B) deployable, lighter-than-air ground
21 surveillance equipment;

22 “(C) Vehicle and Dismount Exploitation
23 Radars (VADER);

1 “(D) 3-dimensional, seismic acoustic detec-
2 tion and ranging border tunneling detection
3 technology;

4 “(E) advanced unattended surveillance
5 sensors;

6 “(F) mobile vehicle-mounted and man-
7 portable surveillance capabilities;

8 “(G) unmanned aerial vehicles; and

9 “(H) predator-type unmanned aircraft sys-
10 tems.”.

11 **SEC. 1112. LAND USE OR ACQUISITION.**

12 Section 103(b) of the Immigration and Nationality
13 Act (8 U.S.C. 1103 note) is amended to read as follows:

14 “(b)(1) The Secretary may lease, contract for, or buy
15 any interest in land, including temporary use rights, adja-
16 cent to or in the vicinity of an international land border
17 when the Secretary determines that such land is essential
18 to control and guard the boundaries and borders of the
19 United States against any violation of this Act.

20 “(2) The Secretary may lease, contract for, or buy
21 any interest in land described in paragraph (1) when—

22 “(A) the lawful owner of that interest fixes a
23 price for leasing, contracting, or buying such inter-
24 est; and

1 “(B) the Secretary considers the price referred
2 to in subparagraph (A) to be reasonable.

3 “(3) If the Secretary and the lawful owner of an in-
4 terest in land described in paragraph (1) are unable to
5 agree to lease, contract for, or buy such interest at a rea-
6 sonable price for such lease, contract, or purchase, the
7 Secretary may commence condemnation proceedings pur-
8 suant to the Act of August 1, 1888 (Chapter 728; 25 Stat.
9 357).”.

10 **SEC. 1113. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

11 (a) INCREASED FLIGHT HOURS.—The Secretary
12 shall ensure that not fewer than 95,000 annual flight
13 hours are carried out by Air and Marine Operations of
14 U.S. Customs and Border Protection.

15 (b) UNMANNED AERIAL SYSTEM.—The Secretary
16 shall ensure that Air and Marine Operations operate un-
17 manned aerial systems on the southern border of the
18 United States for not fewer than 24 hours per day for
19 5 days per week.

20 (c) CONTRACT AIR SUPPORT AUTHORIZATION.—The
21 Commissioner shall contract for any additional aviation
22 services needed to fulfill identified air support mission
23 critical hours, as identified by the Chief of the U.S. Border
24 Patrol.

1 (d) PRIMARY MISSION.—The Commissioner shall en-
2 sure that—

3 (1) the primary missions for Air and Marine
4 Operations are to directly support U.S. Border Pa-
5 trol activities along the southern border of the
6 United States and Joint Interagency Task Force
7 South operations in the transit zone; and

8 (2) the Executive Assistant Commissioner of
9 Air and Marine Operations assigns the greatest pri-
10 ority to support missions established by the Commis-
11 sioner to carry out the requirements under this Act.

12 (e) HIGH-DEMAND FLIGHT HOUR REQUIREMENTS.—
13 In accordance with subsection (d), the Commissioner shall
14 ensure that U.S. Border Patrol Sector Chiefs—

15 (1) identify critical flight hour requirements;
16 and

17 (2) direct Air and Marine Operations to sup-
18 port requests from Sector Chiefs as their primary
19 mission.

20 (f) SMALL UNMANNED AERIAL VEHICLES.—

21 (1) IN GENERAL.—The Chief of the U.S. Bor-
22 der Patrol shall be the operational lead for U.S.
23 Customs and Border Protection’s use of small, un-
24 manned aerial vehicles for the purpose of meeting
25 the U.S. Border Patrol’s unmet flight hour oper-

1 ational requirements and to achieve situational
2 awareness and operational control.

3 (2) COORDINATION.—In carrying out para-
4 graph (1), the Chief of the U.S. Border Patrol shall
5 coordinate with the Executive Assistant Commis-
6 sioner for Air and Marine Operations of U.S. Cus-
7 toms and Border Protection to ensure the safety of
8 other aircraft flying in the vicinity of small, un-
9 manned aerial vehicles operated by U.S. Border Pa-
10 trol.

11 (3) DEFINED TERM.—In this subsection, the
12 term “small, unmanned aerial vehicle” means any
13 unmanned aerial vehicle operated by U.S. Customs
14 and Border Protection weighing less than 55
15 pounds.

16 (4) CONFORMING AMENDMENT.—Section
17 411(e)(3) of the Homeland Security Act of 2002 (6
18 U.S.C. 211(e)(3)) is amended—

19 (A) in subparagraph (B), by striking
20 “and” at the end;

21 (B) by redesignating subparagraph (C) as
22 subparagraph (D); and

23 (C) by inserting after subparagraph (B)
24 the following:

1 “(C) carry out the small unmanned aerial
2 vehicle requirements under section 1112(f) of
3 the Border Security for America Act of 2017;
4 and”.

5 **SEC. 1114. CAPABILITY DEPLOYMENT TO SPECIFIC SEC-**
6 **TORS AND TRANSIT ZONE.**

7 (a) IN GENERAL.—Not later than January 20, 2021,
8 the Secretary, in implementing section 102 of the Illegal
9 Immigration Reform and Immigrant Responsibility Act of
10 1996 (as amended by section 1111 of this Act), and acting
11 through the appropriate component of the Department of
12 Homeland Security, shall deploy to each sector or region
13 of the southern border and the northern border, in a
14 prioritized manner to achieve situational awareness and
15 operational control of such borders, the following addi-
16 tional capabilities:

17 (1) SAN DIEGO SECTOR.—For the San Diego
18 sector, the following:

19 (A) Tower-based surveillance technology.

20 (B) Subterranean surveillance and detec-
21 tion technologies.

22 (C) To increase coastal maritime domain
23 awareness, the following:

24 (i) Deployable, lighter-than-air surface
25 surveillance equipment.

1 (ii) Unmanned aerial vehicles with
2 maritime surveillance capability.

3 (iii) U.S. Customs and Border Protec-
4 tion maritime patrol aircraft.

5 (iv) Coastal radar surveillance sys-
6 tems.

7 (v) Maritime signals intelligence capa-
8 bilities.

9 (D) Ultralight aircraft detection capabili-
10 ties.

11 (E) Advanced unattended surveillance sen-
12 sors.

13 (F) A rapid reaction capability supported
14 by aviation assets.

15 (G) Mobile vehicle-mounted and man-port-
16 able surveillance capabilities.

17 (H) Man-portable unmanned aerial vehi-
18 cles.

19 (I) Improved agent communications capa-
20 bilities.

21 (2) EL CENTRO SECTOR.—For the El Centro
22 sector, the following:

23 (A) Tower-based surveillance technology.

24 (B) Deployable, lighter-than-air ground
25 surveillance equipment.

1 (C) Man-portable unmanned aerial vehi-
2 cles.

3 (D) Ultralight aircraft detection capabili-
4 ties.

5 (E) Advanced unattended surveillance sen-
6 sors.

7 (F) A rapid reaction capability supported
8 by aviation assets.

9 (G) Man-portable unmanned aerial vehi-
10 cles.

11 (H) Improved agent communications capa-
12 bilities.

13 (3) YUMA SECTOR.—For the Yuma sector, the
14 following:

15 (A) Tower-based surveillance technology.

16 (B) Deployable, lighter-than-air ground
17 surveillance equipment.

18 (C) Ultralight aircraft detection capabili-
19 ties.

20 (D) Advanced unattended surveillance sen-
21 sors.

22 (E) A rapid reaction capability supported
23 by aviation assets.

24 (F) Mobile vehicle-mounted and man-port-
25 able surveillance systems.

1 (G) Man-portable unmanned aerial vehi-
2 cles.

3 (H) Improved agent communications capa-
4 bilities.

5 (4) TUCSON SECTOR.—For the Tucson sector,
6 the following:

7 (A) Tower-based surveillance technology.

8 (B) Increased flight hours for aerial detec-
9 tion, interdiction, and monitoring operations ca-
10 pability.

11 (C) Deployable, lighter-than-air ground
12 surveillance equipment.

13 (D) Ultralight aircraft detection capabili-
14 ties.

15 (E) Advanced unattended surveillance sen-
16 sors.

17 (F) A rapid reaction capability supported
18 by aviation assets.

19 (G) Man-portable unmanned aerial vehi-
20 cles.

21 (H) Improved agent communications capa-
22 bilities.

23 (5) EL PASO SECTOR.—For the El Paso sector,
24 the following:

25 (A) Tower-based surveillance technology.

1 (B) Deployable, lighter-than-air ground
2 surveillance equipment.

3 (C) Ultralight aircraft detection capabili-
4 ties.

5 (D) Advanced unattended surveillance sen-
6 sors.

7 (E) Mobile vehicle-mounted and man-port-
8 able surveillance systems.

9 (F) A rapid reaction capability supported
10 by aviation assets.

11 (G) Mobile vehicle-mounted and man-port-
12 able surveillance capabilities.

13 (H) Man-portable unmanned aerial vehi-
14 cles.

15 (I) Improved agent communications capa-
16 bilities.

17 (6) BIG BEND SECTOR.—For the Big Bend sec-
18 tor, the following:

19 (A) Tower-based surveillance technology.

20 (B) Deployable, lighter-than-air ground
21 surveillance equipment.

22 (C) Improved agent communications capa-
23 bilities.

24 (D) Ultralight aircraft detection capabili-
25 ties.

1 (E) Advanced unattended surveillance sen-
2 sors.

3 (F) A rapid reaction capability supported
4 by aviation assets.

5 (G) Mobile vehicle-mounted and man-port-
6 able surveillance capabilities.

7 (H) Man-portable unmanned aerial vehi-
8 cles.

9 (I) Improved agent communications capa-
10 bilities.

11 (7) DEL RIO SECTOR.—For the Del Rio sector,
12 the following:

13 (A) Tower-based surveillance technology.

14 (B) Increased monitoring for cross-river
15 dams, culverts, and footpaths.

16 (C) Improved agent communications capa-
17 bilities.

18 (D) Improved maritime capabilities in the
19 Amistad National Recreation Area.

20 (E) Advanced unattended surveillance sen-
21 sors.

22 (F) A rapid reaction capability supported
23 by aviation assets.

24 (G) Mobile vehicle-mounted and man-port-
25 able surveillance capabilities.

1 (H) Man-portable unmanned aerial vehi-
2 cles.

3 (I) Improved agent communications capa-
4 bilities.

5 (8) LAREDO SECTOR.—For the Laredo sector,
6 the following:

7 (A) Tower-based surveillance technology.

8 (B) Maritime detection resources for the
9 Falcon Lake region.

10 (C) Increased flight hours for aerial detec-
11 tion, interdiction, and monitoring operations ca-
12 pability.

13 (D) Increased monitoring for cross-river
14 dams, culverts, and footpaths.

15 (E) Ultralight aircraft detection capability.

16 (F) Advanced unattended surveillance sen-
17 sors.

18 (G) A rapid reaction capability supported
19 by aviation assets.

20 (H) Man-portable unmanned aerial vehi-
21 cles.

22 (I) Improved agent communications capa-
23 bilities.

24 (9) RIO GRANDE VALLEY SECTOR.—For the Rio
25 Grande Valley sector, the following:

- 1 (A) Tower-based surveillance technology.
- 2 (B) Deployable, lighter-than-air ground
3 surveillance equipment.
- 4 (C) Increased flight hours for aerial detec-
5 tion, interdiction, and monitoring operations ca-
6 pability.
- 7 (D) Ultralight aircraft detection capability.
- 8 (E) Advanced unattended surveillance sen-
9 sors.
- 10 (F) Increased monitoring for cross-river
11 dams, culverts, footpaths.
- 12 (G) A rapid reaction capability supported
13 by aviation assets.
- 14 (H) Increased maritime interdiction capa-
15 bilities.
- 16 (I) Mobile vehicle-mounted and man-port-
17 able surveillance capabilities.
- 18 (J) Man-portable unmanned aerial vehi-
19 cles.
- 20 (K) Improved agent communications capa-
21 bilities.
- 22 (10) BLAINE SECTOR.—For the Blaine sector,
23 the following:

1 (A) Increased flight hours for aerial detec-
2 tion, interdiction, and monitoring operations ca-
3 pability.

4 (B) Coastal radar surveillance systems.

5 (C) Increased maritime interdiction capa-
6 bilities.

7 (D) Mobile vehicle-mounted and man-port-
8 able surveillance capabilities.

9 (E) Advanced unattended surveillance sen-
10 sors.

11 (F) Ultralight aircraft detection capabili-
12 ties.

13 (G) Man-portable unmanned aerial vehi-
14 cles.

15 (H) Improved agent communications capa-
16 bilities.

17 (11) SPOKANE SECTOR.—For the Spokane sec-
18 tor, the following:

19 (A) Increased flight hours for aerial detec-
20 tion, interdiction, and monitoring operations ca-
21 pability.

22 (B) Increased maritime interdiction capa-
23 bilities.

24 (C) Mobile vehicle-mounted and man-port-
25 able surveillance capabilities.

1 (D) Advanced unattended surveillance sen-
2 sors.

3 (E) Ultralight aircraft detection capabili-
4 ties.

5 (F) Completion of six miles of the Bog
6 Creek road.

7 (G) Man-portable unmanned aerial vehi-
8 cles.

9 (H) Improved agent communications sys-
10 tems.

11 (12) HAVRE SECTOR.—For the Havre sector,
12 the following:

13 (A) Increased flight hours for aerial detec-
14 tion, interdiction, and monitoring operations ca-
15 pability.

16 (B) Mobile vehicle-mounted and man-port-
17 able surveillance capabilities.

18 (C) Advanced unattended surveillance sen-
19 sors.

20 (D) Ultralight aircraft detection capabili-
21 ties.

22 (E) Man-portable unmanned aerial vehi-
23 cles.

24 (F) Improved agent communications sys-
25 tems.

1 (13) GRAND FORKS SECTOR.—For the Grand
2 Forks sector, the following:

3 (A) Increased flight hours for aerial detec-
4 tion, interdiction, and monitoring operations ca-
5 pability.

6 (B) Mobile vehicle-mounted and man-port-
7 able surveillance capabilities.

8 (C) Advanced unattended surveillance sen-
9 sors.

10 (D) Ultralight aircraft detection capabili-
11 ties.

12 (E) Man-portable unmanned aerial vehi-
13 cles.

14 (F) Improved agent communications sys-
15 tems.

16 (14) DETROIT SECTOR.—For the Detroit sec-
17 tor, the following:

18 (A) Increased flight hours for aerial detec-
19 tion, interdiction, and monitoring operations ca-
20 pability.

21 (B) Coastal radar surveillance systems.

22 (C) Increased maritime interdiction capa-
23 bilities.

24 (D) Mobile vehicle-mounted and man-port-
25 able surveillance capabilities.

1 (E) Advanced unattended surveillance sen-
2 sors.

3 (F) Ultralight aircraft detection capabili-
4 ties.

5 (G) Man-portable unmanned aerial vehi-
6 cles.

7 (H) Improved agent communications sys-
8 tems.

9 (15) BUFFALO SECTOR.—For the Buffalo sec-
10 tor, the following:

11 (A) Increased flight hours for aerial detec-
12 tion, interdiction, and monitoring operations ca-
13 pability.

14 (B) Coastal radar surveillance systems.

15 (C) Increased maritime interdiction capa-
16 bilities.

17 (D) Mobile vehicle-mounted and man-port-
18 able surveillance capabilities.

19 (E) Advanced unattended surveillance sen-
20 sors.

21 (F) Ultralight aircraft detection capabili-
22 ties.

23 (G) Man-portable unmanned aerial vehi-
24 cles.

1 (H) Improved agent communications sys-
2 tems.

3 (16) SWANTON SECTOR.—For the Swanton sec-
4 tor, the following:

5 (A) Increased flight hours for aerial detec-
6 tion, interdiction, and monitoring operations ca-
7 pability.

8 (B) Mobile vehicle-mounted and man-port-
9 able surveillance capabilities.

10 (C) Advanced unattended surveillance sen-
11 sors.

12 (D) Ultralight aircraft detection capabili-
13 ties.

14 (E) Man-portable unmanned aerial vehi-
15 cles.

16 (F) Improved agent communications sys-
17 tems.

18 (17) HOULTON SECTOR.—For the Houlton sec-
19 tor, the following:

20 (A) Increased flight hours for aerial detec-
21 tion, interdiction, and monitoring operations ca-
22 pability.

23 (B) Mobile vehicle-mounted and man-port-
24 able surveillance capabilities.

1 (C) Advanced unattended surveillance sen-
2 sors.

3 (D) Ultralight aircraft detection capabili-
4 ties.

5 (E) Man-portable unmanned aerial vehi-
6 cles.

7 (F) Improved agent communications sys-
8 tems.

9 (18) TRANSIT ZONE.—For the transit zone, the
10 following:

11 (A) Not later than 2 years after the date
12 of the enactment of this Act, an increase in the
13 number of overall cutter, boat, and aircraft
14 hours spent conducting interdiction operations
15 over the average number of such hours during
16 the preceding 3 fiscal years.

17 (B) Increased maritime signals intelligence
18 capabilities.

19 (C) To increase maritime domain aware-
20 ness—

21 (i) unmanned aerial vehicles with
22 maritime surveillance capability; and

23 (ii) increased maritime aviation patrol
24 hours.

1 (D) Increased operational hours for mari-
2 time security components dedicated to joint
3 counter-smuggling and interdiction efforts with
4 other Federal agencies, including the
5 Deployable Specialized Forces of the Coast
6 Guard.

7 (E) Coastal radar surveillance systems
8 with long range day and night cameras capable
9 of providing full maritime domain awareness of
10 the United States territorial waters surrounding
11 Puerto Rico, Mona Island, Desecheo Island,
12 Vieques Island, Culebra Island, Saint Thomas,
13 Saint John, and Saint Croix.

14 (b) REIMBURSEMENT RELATED TO THE LOWER RIO
15 GRANDE VALLEY FLOOD CONTROL PROJECT.—The
16 International Boundary and Water Commission is author-
17 ized to reimburse State and local governments for any ex-
18 penses incurred before, on, or after the date of the enact-
19 ment of this Act by such governments in designing, con-
20 structing, and rehabilitating the Lower Rio Grande Valley
21 Flood Control Project of the Commission.

22 (c) TACTICAL FLEXIBILITY.—

23 (1) SOUTHERN AND NORTHERN LAND BOR-
24 DERS.—

1 (A) IN GENERAL.—Beginning on January
2 20, 2020, or after the Secretary has deployed at
3 least 25 percent of the capabilities required in
4 each sector specified in subsection (a), which-
5 ever comes later, the Secretary may deviate
6 from such capability deployments if the Sec-
7 retary determines that such deviation is re-
8 quired to achieve situational awareness or oper-
9 ational control.

10 (B) NOTIFICATION.—If the Secretary exer-
11 cises the authority described in subparagraph
12 (A), the Secretary shall, not later than 90 days
13 after such exercise, notify the Committee on
14 Homeland Security and Governmental Affairs
15 of the Senate and the Committee on Homeland
16 Security of the House of Representatives re-
17 garding the deviation under such subparagraph
18 that is the subject of such exercise. Not later
19 than 90 days after the Secretary makes any
20 changes to such deviation, the Secretary shall
21 notify such committees regarding such change.

22 (2) TRANSIT ZONE.—

23 (A) NOTIFICATION.—The Secretary shall
24 notify the Committee on Homeland Security
25 and Governmental Affairs of the Senate, the

1 subparagraph regarding such alteration,
2 including information relating to—

3 (I) the number and types of as-
4 sets and personnel deployed pursuant
5 to such alteration; and

6 (II) the impact such alteration
7 has on the capability of the Coast
8 Guard to conduct its mission in the
9 transit zone referred to in subsection
10 (a)(18).

11 (d) EXIGENT CIRCUMSTANCES.—

12 (1) IN GENERAL.—Notwithstanding subsection
13 (b), the Secretary may deploy the capabilities re-
14 ferred to in subsection (a) in a manner that is incon-
15 sistent with the requirements specified in such sub-
16 section if, after the Secretary has deployed at least
17 25 percent of such capabilities, the Secretary deter-
18 mines that exigent circumstances demand such an
19 inconsistent deployment or that such an inconsistent
20 deployment is vital to the national security interests
21 of the United States.

22 (2) NOTIFICATION.—Not later than 30 days
23 after making a determination under paragraph (1),
24 the Secretary shall notify the Committee on Home-
25 land Security of the House of Representatives and

1 the Committee on Homeland Security and Govern-
2 mental Affairs of the Senate of such determination
3 and provide a detailed justification for such deter-
4 mination.

5 **SEC. 1115. DEPLOYMENT OF ASSETS.**

6 (a) JOINT BRIEFING.—Not later than March 1 of
7 each year, the Secretary (or the Secretary’s designees)
8 shall conduct a joint, comprehensive briefing for all Mem-
9 bers of the appropriate congressional committees on the
10 deployment of Department of Homeland Security per-
11 sonnel and assets along the borders of the United States.

12 (b) CONTENT.—Each briefing conducted pursuant to
13 shall include—

14 (1) the number and types of assets and per-
15 sonnel to be deployed in each sector and district;

16 (2) the cause for any change in deployments of
17 assets and personnel in each sector and district; and

18 (3) the anticipated impact that such deploy-
19 ments or change in deployments are to have in
20 terms of the capacity of the Department of Home-
21 land Security to conduct its mission in each sector
22 or district.

23 **SEC. 1116. U.S. BORDER PATROL ACTIVITIES.**

24 The Chief of the U.S. Border Patrol shall prioritize
25 the deployment of U.S. Border Patrol agents to as close

1 to the physical land border as possible, consistent with
2 border security enforcement priorities and accessibility to
3 such areas.

4 **SEC. 1117. BORDER SECURITY TECHNOLOGY PROGRAM**
5 **MANAGEMENT.**

6 (a) IN GENERAL.—Subtitle C of title IV of the
7 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.)
8 is amended by adding at the end the following:

9 **“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM**
10 **MANAGEMENT.**

11 “(a) MAJOR ACQUISITION PROGRAM DEFINED.—In
12 this section, the term ‘major acquisition program’ means
13 an acquisition program of the Department that is esti-
14 mated by the Secretary to require an eventual total ex-
15 penditure of at least \$300,000,000 (based on fiscal year
16 2017 constant dollars) over its life cycle cost.

17 “(b) PLANNING DOCUMENTATION.—For each border
18 security technology acquisition program of the Depart-
19 ment that is determined to be a major acquisition pro-
20 gram, the Secretary shall—

21 “(1) ensure that each such program has a writ-
22 ten acquisition program baseline approved by the
23 relevant acquisition decision authority;

24 “(2) document that each such program is meet-
25 ing cost, schedule, and performance thresholds as

1 specified in such baseline, in compliance with rel-
2 evant departmental acquisition policies and the Fed-
3 eral Acquisition Regulation; and

4 “(3) have a plan for meeting program imple-
5 mentation objectives by managing contractor per-
6 formance.

7 “(c) ADHERENCE TO STANDARDS.—The Secretary,
8 acting through the Under Secretary for Management and
9 the Commissioner of U.S. Customs and Border Protection,
10 shall ensure border security technology acquisition pro-
11 gram managers who are responsible for carrying out this
12 section adhere to relevant internal control standards iden-
13 tified by the Comptroller General of the United States.
14 The Commissioner shall provide information, as needed,
15 to assist the Under Secretary in monitoring management
16 of border security technology acquisition programs under
17 this section.

18 “(d) PLAN.—The Secretary, acting through the
19 Under Secretary for Management, in coordination with
20 the Under Secretary for Science and Technology and the
21 Commissioner of U.S. Customs and Border Protection,
22 shall submit to the appropriate congressional committees
23 a plan for testing, evaluating, and using independent
24 verification and validation resources for border security
25 technology. Under the plan, new border security tech-

1 nologies shall be evaluated through a series of assess-
2 ments, processes, and audits to ensure—

3 “(1) compliance with relevant departmental ac-
4 quisition policies and the Federal Acquisition Regu-
5 lation; and

6 “(2) the effective use of taxpayer dollars.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) of the Homeland Security Act of 2002 is
9 amended by inserting after the item relating to section
10 433 the following:

“Sec. 434. Border security technology program management.”.

11 (c) PROHIBITION ON ADDITIONAL AUTHORIZATION
12 OF APPROPRIATIONS.—No additional funds are author-
13 ized to be appropriated to carry out section 434 of the
14 Homeland Security Act of 2002, as added by subsection
15 (a). Such section shall be carried out using amounts other-
16 wise authorized for such purposes.

17 **SEC. 1118. NATIONAL GUARD SUPPORT TO SECURE THE**
18 **SOUTHERN BORDER AND REIMBURSEMENT**
19 **OF STATES FOR DEPLOYMENT OF THE NA-**
20 **TIONAL GUARD AT THE SOUTHERN BORDER.**

21 (a) IN GENERAL.—With the approval of the Sec-
22 retary and the Secretary of Defense, the Governor of a
23 State may order any units or personnel of the National
24 Guard of such State to perform operations and missions
25 under section 502(f) of title 32, United States Code, along

1 the southern border for the purposes of assisting U.S.
2 Customs and Border Protection to achieve situational
3 awareness and operational control of the border.

4 (b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

5 (1) IN GENERAL.—National Guard units and
6 personnel deployed under subsection (a) may be as-
7 signed such operations and missions specified in sub-
8 section (c) as may be necessary to secure the south-
9 ern border.

10 (2) NATURE OF DUTY.—The duty of National
11 Guard personnel performing operations and missions
12 described in paragraph (1) shall be full-time duty
13 under title 32, United States Code.

14 (c) RANGE OF OPERATIONS AND MISSIONS.—The op-
15 erations and missions assigned under subsection (b) shall
16 include the temporary authority to—

17 (1) construct reinforced fencing or other phys-
18 ical barriers;

19 (2) operate ground-based surveillance systems;

20 (3) operate unmanned and manned aircraft;

21 (4) provide radio communications interoper-
22 ability between U.S. Customs and Border Protection
23 and State, local, and tribal law enforcement agen-
24 cies;

1 (5) construct checkpoints along the Southern
2 border to bridge the gap to long-term permanent
3 checkpoints; and

4 (6) provide intelligence support.

5 (d) MATERIEL AND LOGISTICAL SUPPORT.—The
6 Secretary of Defense shall deploy such materiel, equip-
7 ment, and logistical support as may be necessary to ensure
8 success of the operations and missions conducted by the
9 National Guard under this section.

10 (e) EXCLUSION FROM NATIONAL GUARD PER-
11 SONNEL STRENGTH LIMITATIONS.—National Guard per-
12 sonnel deployed under subsection (a) shall not be included
13 in—

14 (1) the calculation to determine compliance
15 with limits on end strength for National Guard per-
16 sonnel; or

17 (2) limits on the number of National Guard
18 personnel that may be placed on active duty for
19 operational support under section 115 of title 10,
20 United States Code.

21 (f) REIMBURSEMENT REQUIRED.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall reimburse States for the cost of the deployment
24 of any units or personnel of the National Guard to
25 perform operations and missions in full-time State

1 Active Duty in support of a southern border mission.
2 The Secretary of Defense may not seek reimburse-
3 ment from the Secretary for any reimbursements
4 paid to States for the costs of such deployments.

5 (2) LIMITATION.—The total amount of reim-
6 bursements under this section may not exceed
7 \$35,000,000 in any fiscal year.

8 **SEC. 1119. OPERATION PHALANX.**

9 (a) IN GENERAL.—The Secretary of Defense, with
10 the concurrence of the Secretary, shall provide assistance
11 to U.S. Customs and Border Protection for purposes of
12 increasing ongoing efforts to secure the southern border.

13 (b) TYPES OF ASSISTANCE AUTHORIZED.—The as-
14 sistance provided under subsection (a) may include—

15 (1) deployment of manned aircraft, unmanned
16 aerial surveillance systems, and ground-based sur-
17 veillance systems to support continuous surveillance
18 of the southern border; and

19 (2) intelligence analysis support.

20 (c) MATERIEL AND LOGISTICAL SUPPORT.—The Sec-
21 retary of Defense may deploy such materiel, equipment,
22 and logistics support as may be necessary to ensure the
23 effectiveness of the assistance provided under subsection
24 (a).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for the Department of
3 Defense \$75,000,000 to provide assistance under this sec-
4 tion. The Secretary of Defense may not seek reimburse-
5 ment from the Secretary for any assistance provided under
6 this section.

7 (e) REPORTS.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of the enactment of this Act and annually
10 thereafter, the Secretary of Defense shall submit a
11 report to the appropriate congressional defense com-
12 mittees (as defined in section 101(a)(16) of title 10,
13 United States Code) regarding any assistance pro-
14 vided under subsection (a) during the period speci-
15 fied in paragraph (3).

16 (2) ELEMENTS.—Each report under paragraph
17 (1) shall include, for the period specified in para-
18 graph (3), a description of—

19 (A) the assistance provided;

20 (B) the sources and amounts of funds used
21 to provide such assistance; and

22 (C) the amounts obligated to provide such
23 assistance.

24 (3) PERIOD SPECIFIED.—The period specified
25 in this paragraph is—

1 (A) in the case of the first report required
2 under paragraph (1), the 90-day period begin-
3 ning on the date of the enactment of this Act;
4 and

5 (B) in the case of any subsequent report
6 submitted under paragraph (1), the calendar
7 year for which the report is submitted.

8 **SEC. 1120. MERIDA INITIATIVE.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that assistance to Mexico, including assistance from
11 the Department of State and the Department of Defense
12 and any aid related to the Merida Initiative should—

13 (1) be focused on providing enhanced border se-
14 curity at Mexico’s northern and southern borders,
15 judicial reform, and support for Mexico’s anti-drug
16 efforts; and

17 (2) return to its original focus and prioritize se-
18 curity, training, and acquisition of equipment for
19 Mexican security forces involved in anti-drug efforts
20 as well as be used to train prosecutors in ongoing
21 justice reform efforts.

22 (b) ASSISTANCE FOR MEXICO.—The Secretary of
23 State, in coordination with the Secretary and the Sec-
24 retary of Defense, shall provide level and consistent assist-
25 ance to Mexico—

1 (1) to combat drug production and trafficking
2 and related violence, transnational organized crimi-
3 nal organizations, and corruption;

4 (2) to build a secure, modern border security
5 system capable of preventing illegal migration;

6 (3) to support border security and cooperation
7 with United States military, intelligence, and law en-
8 forcement agencies on border incursions;

9 (4) to support judicial reform, institution build-
10 ing, and rule of law activities to build judicial capac-
11 ity, address corruption and impunity, and support
12 human rights; and

13 (5) to provide for training and equipment for
14 Mexican security forces involved in efforts to eradi-
15 cate and interdict drugs.

16 (c) ALLOCATION OF FUNDS; REPORT.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, 50 percent of any assistance appro-
19 priated in any appropriations Act to implement this
20 section shall be withheld until after the Secretary of
21 State submits a written report to the congressional
22 committees specified in paragraph (3) certifying that
23 the Government of Mexico is—

24 (A) significantly reducing illegal migration,
25 drug trafficking, and cross-border criminal ac-

1 activities on Mexico’s northern and southern bor-
2 ders;

3 (B) taking significant action to address
4 corruption, impunity, and human rights abuses;
5 and

6 (C) improving the transparency and ac-
7 countability of Mexican Federal police forces
8 and working with Mexican State and municipal
9 authorities to improve the transparency and ac-
10 countability of Mexican State and municipal po-
11 lice forces.

12 (2) MATTERS TO INCLUDE.—The report re-
13 quired under paragraph (1) shall include a descrip-
14 tion of—

15 (A) actions taken by the Government of
16 Mexico to address the matters described in such
17 paragraph;

18 (B) any relevant assessments by civil soci-
19 ety and non-government organizations in Mex-
20 ico relating to such matters; and

21 (C) any instances in which the Secretary
22 determines that the actions taken by the Gov-
23 ernment of Mexico are inadequate to address
24 such matters.

1 (3) CONGRESSIONAL COMMITTEES SPECI-
2 FIED.—The congressional committees specified in
3 this paragraph are—

4 (A) the Committee on Appropriations of
5 the Senate;

6 (B) the Committee on Homeland Security
7 and Governmental Affairs of the Senate;

8 (C) the Committee on the Judiciary of the
9 Senate;

10 (D) the Committee on Foreign Relations of
11 the Senate;

12 (E) the Committee on Appropriations of
13 the House of Representatives;

14 (F) the Committee on Homeland Security
15 of the House of Representatives;

16 (G) the Committee on the Judiciary of the
17 House of Representatives; and

18 (H) the Committee on Foreign Affairs of
19 the House of Representatives.

20 (d) NOTIFICATIONS.—Any assistance made available
21 by the Secretary of State under this section shall be sub-
22 ject to—

23 (1) the notification procedures set forth in sec-
24 tion 634A of the Foreign Assistance Act of 1961 (22
25 U.S.C. 2394–1); and

1 (2) the notification requirements of—

2 (A) the Committee on Homeland Security
3 and Governmental Affairs of the Senate;

4 (B) the Committee on the Judiciary of the
5 Senate;

6 (C) the Committee on Foreign Relations of
7 the Senate;

8 (D) the Committee on Homeland Security
9 of the House of Representatives;

10 (E) the Committee on the Judiciary of the
11 House of Representatives; and

12 (F) the Committee on Foreign Affairs of
13 the House of Representatives.

14 (e) SPENDING PLAN.—Not later than 45 days after
15 the date of the enactment of this Act, the Secretary of
16 State shall submit to the congressional committees speci-
17 fied in subsection (c)(3) a detailed spending plan for as-
18 sistance to Mexico under this section, which shall include
19 a strategy, developed after consulting with relevant au-
20 thorities of the Government of Mexico, for—

21 (1) combating drug trafficking and related vio-
22 lence and organized crime; and

23 (2) anti-corruption and rule of law activities,
24 which shall include concrete goals, actions to be

1 taken, budget proposals, and a description of antici-
2 pated results.

3 **SEC. 1121. PROHIBITIONS ON ACTIONS THAT IMPEDE BOR-**
4 **DER SECURITY ON CERTAIN FEDERAL LAND.**

5 (a) PROHIBITION ON INTERFERENCE WITH U.S.
6 CUSTOMS AND BORDER PROTECTION.—

7 (1) IN GENERAL.—The Secretary concerned
8 shall not impede, prohibit, or restrict activities of
9 U.S. Customs and Border Protection on covered
10 Federal land to execute search and rescue operations
11 or to prevent all unlawful entries into the United
12 States, including entries by terrorists, other unlawful
13 aliens, instruments of terrorism, narcotics, and other
14 contraband through the southern border or the
15 northern border.

16 (2) APPLICABILITY.—The authority of U.S.
17 Customs and Border Protection to conduct activities
18 described in paragraph (1) on covered Federal land
19 applies without regard to whether a state of emer-
20 gency exists.

21 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
22 BORDER PROTECTION.—

23 (1) IN GENERAL.—U.S. Customs and Border
24 Protection shall have immediate access to covered
25 Federal land to conduct the activities described in

1 paragraph (2) on such land to prevent all unlawful
2 entries into the United States, including entries by
3 terrorists, other unlawful aliens, instruments of ter-
4 rorism, narcotics, and other contraband through the
5 southern border or the northern border.

6 (2) ACTIVITIES DESCRIBED.—The activities de-
7 scribed in this paragraph are—

8 (A) the use of motorized vehicles, foot pa-
9 trols, and horseback to patrol the border area,
10 apprehend illegal entrants, and rescue individ-
11 uals; and

12 (B) the construction, installation, oper-
13 ation and maintenance of tactical infrastructure
14 and border technology described in section 102
15 of the Illegal Immigration Reform and Immig-
16 rant Responsibility Act of 1996, as amended
17 by section 1111 of this Act.

18 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-
19 ITY.—

20 (1) IN GENERAL.—The activities of U.S. Cus-
21 toms and Border Protection described in subsection
22 (b)(2) may be carried out without regard to the pro-
23 visions of law specified in paragraph (2).

24 (2) PROVISIONS OF LAW SPECIFIED.—The pro-
25 visions of law specified in this section are all Fed-

1 eral, State, or other laws, regulations, and legal re-
2 quirements of, deriving from, or related to the sub-
3 ject of, the following laws:

4 (A) The National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.).

6 (B) The Endangered Species Act of 1973
7 (16 U.S.C. 1531 et seq.).

8 (C) The Federal Water Pollution Control
9 Act (33 U.S.C. 1251 et seq.) (commonly re-
10 ferred to as the “Clean Water Act”).

11 (D) Division A of subtitle III of title 54,
12 United States Code (54 U.S.C. 300301 et seq.)
13 (formerly known as the “National Historic
14 Preservation Act”).

15 (E) The Migratory Bird Treaty Act (16
16 U.S.C. 703 et seq.).

17 (F) The Clean Air Act (42 U.S.C. 7401 et
18 seq.).

19 (G) The Archaeological Resources Protec-
20 tion Act of 1979 (16 U.S.C. 470aa et seq.).

21 (H) The Safe Drinking Water Act (42
22 U.S.C. 300f et seq.).

23 (I) The Noise Control Act of 1972 (42
24 U.S.C. 4901 et seq.).

1 (J) The Solid Waste Disposal Act (42
2 U.S.C. 6901 et seq.).

3 (K) The Comprehensive Environmental
4 Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9601 et seq.).

6 (L) Chapter 3125 of title 54, United
7 States Code (formerly known as the “Archeo-
8 logical and Historic Preservation Act”).

9 (M) The Antiquities Act (16 U.S.C. 431 et
10 seq.).

11 (N) Chapter 3203 of title 54, United
12 States Code (formerly known as the “Historic
13 Sites, Buildings, and Antiquities Act”).

14 (O) The Wild and Scenic Rivers Act (16
15 U.S.C. 1271 et seq.).

16 (P) The Farmland Protection Policy Act
17 (7 U.S.C. 4201 et seq.).

18 (Q) The Coastal Zone Management Act of
19 1972 (16 U.S.C. 1451 et seq.).

20 (R) The Wilderness Act (16 U.S.C. 1131
21 et seq.).

22 (S) The Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1701 et seq.).

1 (T) The National Wildlife Refuge System
2 Administration Act of 1966 (16 U.S.C. 668dd
3 et seq.).

4 (U) The Fish and Wildlife Act of 1956 (16
5 U.S.C. 742a et seq.).

6 (V) The Fish and Wildlife Coordination
7 Act (16 U.S.C. 661 et seq.).

8 (W) Subchapter II of chapter 5, and chap-
9 ter 7, of title 5, United States Code (commonly
10 known as the “Administrative Procedure Act”).

11 (X) The Otay Mountain Wilderness Act of
12 1999 (Public Law 106–145).

13 (Y) Sections 102(29) and 103 of the Cali-
14 fornia Desert Protection Act of 1994 (Public
15 Law 103–433).

16 (Z) Division A of subtitle I of title 54,
17 United States Code (formerly known as the
18 “National Park Service Organic Act”).

19 (AA) The National Park Service General
20 Authorities Act (Public Law 91–383, 16 U.S.C.
21 1a–1 et seq.).

22 (BB) Sections 401(7), 403, and 404 of the
23 National Parks and Recreation Act of 1978
24 (Public Law 95–625).

1 (CC) Sections 301(a) through (f) of the
2 Arizona Desert Wilderness Act (Public Law
3 101–628).

4 (DD) The Rivers and Harbors Act of 1899
5 (33 U.S.C. 403).

6 (EE) The Eagle Protection Act (16 U.S.C.
7 668 et seq.).

8 (FF) The Native American Graves Protec-
9 tion and Repatriation Act (25 U.S.C. 3001 et
10 seq.).

11 (GG) The American Indian Religious Free-
12 dom Act (42 U.S.C. 1996).

13 (HH) The Religious Freedom Restoration
14 Act (42 U.S.C. 2000bb).

15 (II) The National Forest Management Act
16 of 1976 (16 U.S.C. 1600 et seq.).

17 (JJ) The Multiple Use and Sustained
18 Yield Act of 1960 (16 U.S.C. 528 et seq.).

19 (3) APPLICABILITY OF WAIVER TO SUCCESSOR
20 LAWS.—If a provision of law specified in paragraph
21 (2) was repealed and incorporated into title 54,
22 United States Code, after April 1, 2008, and before
23 the date of the enactment of this Act, the waiver de-
24 scribed in paragraph (1) shall apply to the provision
25 of such title that corresponds to the provision of law

1 specified in paragraph (2) to the same extent the
2 waiver applied to that provision of law.

3 (4) SAVINGS CLAUSE.—The waiver authority
4 under this subsection may not be construed as af-
5 fecting, negating, or diminishing in any manner the
6 applicability of section 552 of title 5, United States
7 Code (commonly referred to as the “Freedom of In-
8 formation Act”), in any relevant matter.

9 (d) PROTECTION OF LEGAL USES.—This section may
10 not be construed to provide—

11 (1) authority to restrict legal uses, such as
12 grazing, hunting, mining, or recreation or the use of
13 backcountry airstrips, on land under the jurisdiction
14 of the Secretary of the Interior or the Secretary of
15 Agriculture; or

16 (2) any additional authority to restrict legal ac-
17 cess to such land.

18 (e) EFFECT ON STATE AND PRIVATE LAND.—This
19 section—

20 (1) shall have no force or effect on State lands
21 or private lands; and

22 (2) shall not provide authority on or access to
23 State lands or private lands.

24 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
25 may be construed to supersede, replace, negate, or dimin-

1 ish treaties or other agreements between the United States
2 and Indian tribes.

3 (g) MEMORANDA OF UNDERSTANDING.—The re-
4 quirements of this section shall not apply to the extent
5 that such requirements are incompatible with any memo-
6 randum of understanding or similar agreement entered
7 into between the Commissioner of U.S. Customs and Bor-
8 der Protection and a National Park Unit before, on, or
9 after the date of the enactment of this Act.

10 (h) DEFINITIONS.—In this section:

11 (1) COVERED FEDERAL LAND.—The term “cov-
12 ered Federal land” includes all land under the con-
13 trol of the Secretary concerned that is located within
14 100 miles of the southern border or the northern
15 border.

16 (2) SECRETARY CONCERNED.—The term “Sec-
17 retary concerned” means—

18 (A) with respect to land under the jurisdic-
19 tion of the Department of Agriculture, the Sec-
20 retary of Agriculture; and

21 (B) with respect to land under the jurisdic-
22 tion of the Department of the Interior, the Sec-
23 retary of the Interior.

1 **SEC. 1122. LANDOWNER AND RANCHER SECURITY EN-**
2 **HANCEMENT.**

3 (a) ESTABLISHMENT OF NATIONAL BORDER SECUR-
4 RITY ADVISORY COMMITTEE.—The Secretary shall estab-
5 lish a National Border Security Advisory Committee,
6 which—

7 (1) may advise, consult with, report to, and
8 make recommendations to the Secretary on matters
9 relating to border security matters, including—

10 (A) verifying security claims and the bor-
11 der security metrics established by the Depart-
12 ment of Homeland Security under section 1092
13 of the National Defense Authorization Act for
14 Fiscal Year 2017 (Public Law 114–328; 6
15 U.S.C. 223); and

16 (B) discussing ways to improve the secu-
17 rity of high traffic areas along the northern
18 border and the southern border; and

19 (2) may provide, through the Secretary, rec-
20 ommendations to Congress.

21 (b) CONSIDERATION OF VIEWS.—The Secretary shall
22 consider the information, advice, and recommendations of
23 the National Border Security Advisory Committee in for-
24 mulating policy regarding matters affecting border secu-
25 rity.

1 (c) MEMBERSHIP.—The National Border Security
2 Advisory Committee shall consist of at least 1 member
3 from each State who—

4 (1) has at least 5 years practical experience in
5 border security operations; or

6 (2) lives and works in the United States within
7 80 miles from the southern border or the northern
8 border.

9 (d) NONAPPLICABILITY OF FEDERAL ADVISORY
10 COMMITTEE ACT.—The Federal Advisory Committee Act
11 (5 U.S.C. App.) shall not apply to the National Border
12 Security Advisory Committee.

13 **SEC. 1123. LIMITATION ON LAND OWNER'S LIABILITY.**

14 Section 287 of the Immigration and Nationality Act
15 (8 U.S.C. 1357) is amended by adding at the end the fol-
16 lowing:

17 “(h) INDEMNITY FOR ACTIONS OF LAW ENFORCE-
18 MENT OFFICERS.—

19 “(1) DEFINITIONS.—In this subsection—

20 “(A) the term ‘land’ includes roads, water,
21 watercourses, and private ways, and buildings,
22 structures, machinery, and equipment that is
23 attached to real property; and

24 “(B) the term ‘owner’ includes the pos-
25 sessor of a fee interest, a tenant, a lessee, an

1 occupant, the possessor of any other interest in
2 land, and any person having a right to grant
3 permission to use the land.

4 “(2) REIMBURSEMENT AUTHORIZED.—Notwith-
5 standing any other provision of law, and subject to
6 the availability of appropriations, any owner of land
7 located in the United States within 150 miles of the
8 southern border of the United States may seek reim-
9 bursement from the Department and the Secretary
10 shall pay for any adverse final tort judgment for
11 negligence (excluding attorneys’ fees and costs) au-
12 thorized under Federal or State tort law, arising di-
13 rectly from any border patrol action, such as appre-
14 hensions, tracking, and detention of aliens, that is
15 conducted on privately-owned land if—

16 “(A) such land owner has been found neg-
17 ligent by a Federal or State court in any tort
18 litigation;

19 “(B) such land owner has not already been
20 reimbursed for the final tort judgment, includ-
21 ing outstanding attorneys’ fees and costs;

22 “(C) such land owner did not have or does
23 not have sufficient property insurance to cover
24 the judgment and has had an insurance claim
25 for such coverage denied; and

1 “(D) such tort action was brought against
2 such land owner as a direct result of activity of
3 law enforcement officers of the Department of
4 Homeland Security, acting in their official ca-
5 pacity, on the owner’s land.

6 “(3) EXCEPTIONS.—Nothing in this subsection
7 may be construed to require the Secretary to reim-
8 burse, under paragraph (2), a land owner for any
9 adverse final tort judgment for negligence or to limit
10 land owner liability which would otherwise exist
11 for—

12 “(A) willful or malicious failure to guard
13 or warn against a known dangerous condition,
14 use, structure, or activity likely to cause harm;

15 “(B) maintaining an attractive nuisance;

16 “(C) gross negligence; or

17 “(D) direct interference with, or hindrance
18 of, any agent or officer of the Federal Govern-
19 ment who is authorized to enforce the immigra-
20 tion laws during—

21 “(i) a patrol of such landowner’s land;

22 or

23 “(ii) any action taken to apprehend or
24 detain any alien attempting to enter the
25 United States illegally or to evade execu-

1 tion of an arrest warrant for a violation of
2 any immigration law.

3 “(4) SAVINGS PROVISION.—Nothing in this sub-
4 section may be construed to affect any right or reme-
5 dy available pursuant to chapter 171 of title 28,
6 United States Code (commonly known as the ‘Fed-
7 eral Tort Claims Act’).”.

8 **SEC. 1124. ERADICATION OF CARRIZO CANE AND SALT**
9 **CEDAR.**

10 Not later than January 20, 2021, the Secretary, after
11 coordinating with the heads of the relevant Federal, State,
12 and local agencies, shall begin eradicating the carrizo cane
13 plant and any salt cedar along the Rio Grande River.

14 **SEC. 1125. PREVENTION, DETECTION, CONTROL, AND**
15 **ERADICATION OF DISEASES AND PESTS.**

16 (a) DEFINITIONS.—In this section:

17 (1) ANIMAL.—The term “animal” means any
18 member of the animal kingdom (except a human).

19 (2) ARTICLE.—The term “article” means any
20 pest or disease or any material or tangible object
21 that could harbor a pest or disease.

22 (3) DISEASE.—The term “disease” has the
23 meaning given such term by the Secretary of Agri-
24 culture.

1 (4) LIVESTOCK.—The term “livestock” means
2 all farm-raised animals.

3 (5) MEANS OF CONVEYANCE.—The term
4 “means of conveyance” means any personal property
5 used for, or intended for use for, the movement of
6 any other personal property.

7 (6) PEST.—The term “pest” means any of the
8 following that can directly or indirectly injure, cause
9 damage to, or cause disease in human livestock, a
10 plant, or a plant part:

11 (A) A protozoan.

12 (B) A plant or plant part.

13 (C) An animal.

14 (D) A bacterium.

15 (E) A fungus.

16 (F) A virus or viroid.

17 (G) An infectious agent or other pathogen.

18 (H) An arthropod.

19 (I) A parasite or parasitic plant.

20 (J) A prion.

21 (K) A vector.

22 (L) Any organism similar to or allied with
23 any of the organisms described in this para-
24 graph.

1 (7) PLANT.—The term “plant” means any
2 plant (including any plant part) capable of propaga-
3 tion, including a tree, a tissue culture, a plantlet cul-
4 ture, pollen, a shrub, a vine, a cutting, a graft, a
5 scion, a bud, a bulb, a root, and a seed.

6 (8) STATE.—The term “State” means any of
7 the several States, the District of Columbia, the
8 Commonwealth of Puerto Rico, Guam, the Common-
9 wealth of the Northern Mariana Islands, the Virgin
10 Islands of the United States, and any territory or
11 possession of the United States.

12 (b) DETECTION, CONTROL, AND ERADICATION OF
13 THE SPREAD OF DISEASES AND PESTS.—

14 (1) IN GENERAL.—The Secretary of Agriculture
15 may carry out operations and measures to prevent,
16 detect, control, or eradicate the spread of any pest
17 or disease of livestock or plant that threatens any
18 segment of agriculture.

19 (2) COMPENSATION.—

20 (A) IN GENERAL.—The Secretary of Agri-
21 culture may pay a claim arising out of—

22 (i) the destruction of any animal,
23 plant, plant part, article, or means of con-
24 veyance consistent with the purposes of
25 this section; and

1 (ii) implementing measures to pre-
2 vent, detect, control, or eradicate the
3 spread of any pest disease of livestock or
4 plant that threatens any segment of agri-
5 culture.

6 (B) SPECIFIC COOPERATIVE PROGRAMS.—
7 The Secretary of Agriculture shall compensate
8 industry participants and State agencies that
9 cooperate with the Secretary of Agriculture in
10 carrying out operations and measures under
11 this subsection for up to 100 percent of eligible
12 costs relating to—

13 (i) cooperative programs involving
14 Federal, State, or industry participants to
15 control diseases of low or high pathoge-
16 nicity and pests in accordance with regula-
17 tions issued by the Secretary of Agri-
18 culture; and

19 (ii) the construction and operation of
20 research laboratories, quarantine stations,
21 and other buildings and facilities for spe-
22 cial purposes.

23 (C) REVIEWABILITY.—The action of any
24 officer, employee, or agent of the Secretary of
25 Agriculture under paragraph (1) shall not be

1 subject to review by any officer or employee of
2 the Federal Government other than the Sec-
3 retary of Agriculture or a designee of the Sec-
4 retary of Agriculture.

5 (c) COOPERATION.—

6 (1) IN GENERAL.—In carrying out this section,
7 the Secretary of Agriculture may cooperate with
8 other Federal agencies, States, State agencies, polit-
9 ical subdivisions of States, national and local govern-
10 ments of foreign countries, domestic and inter-
11 national organizations and associations, domestic
12 nonprofit corporations, Indian tribes, and other per-
13 sons.

14 (2) RESPONSIBILITY.—The person or other en-
15 tity cooperating with the Secretary of Agriculture
16 shall be responsible for the authority necessary to
17 carry out operations or measures—

18 (A) on all land and property within a for-
19 eign country or State, or under the jurisdiction
20 of an Indian tribe, other than on land and
21 property owned or controlled by the United
22 States; and

23 (B) using other facilities and means, as de-
24 termined by the Secretary of Agriculture.

1 (d) FUNDING.—For fiscal year 2018, and for each
2 subsequent fiscal year, the Secretary of Agriculture shall
3 use such funds from the Commodity Credit Cooperation
4 as may be necessary to carry out operations and measures
5 to prevent, detect, control, or eradicate the spread of any
6 pest or disease of livestock or plant that threatens any
7 segment of agriculture.

8 (e) REIMBURSEMENT.—The Secretary of Agriculture
9 shall reimburse any Federal agency, State, State agency,
10 political subdivision of a State, national or local govern-
11 ment of a foreign country, domestic or international orga-
12 nization or association, domestic nonprofit corporation,
13 Indian tribe, or other person for specified costs, as pre-
14 scribed by the Secretary of Agriculture, in the discretion
15 of the Secretary of Agriculture, that result from coopera-
16 tion with the Secretary of Agriculture in carrying out op-
17 erations and measures under this section.

18 **SEC. 1126. TRANSNATIONAL CRIMINAL ORGANIZATION IL-**
19 **LICIT SPOTTER PREVENTION AND DETEC-**
20 **TION.**

21 (a) UNLAWFULLY HINDERING IMMIGRATION, BOR-
22 DER, AND CUSTOMS CONTROLS.—

23 (1) ENHANCED PENALTIES.—Chapter 9 of title
24 II of the Immigration and Nationality Act (8 U.S.C.

1 1351 et seq.) is amended by adding at the end the
2 following:

3 **“SEC. 295. UNLAWFULLY HINDERING IMMIGRATION, BOR-**
4 **DER, AND CUSTOMS CONTROLS.**

5 “(a) **ILLICIT SPOTTING.**—Any person who knowingly
6 transmits, by any means, to another person the location,
7 movement, or activities of any Federal, State, local, or
8 tribal law enforcement agency with the intent to further
9 a Federal crime relating to United States immigration,
10 customs, controlled substances, agriculture, monetary in-
11 struments, or other border controls shall be fined under
12 title 18, imprisoned not more than 10 years, or both.

13 “(b) **DESTRUCTION OF UNITED STATES BORDER**
14 **CONTROLS.**—Any person who knowingly and without law-
15 ful authorization destroys, alters, or damages any fence,
16 barrier, sensor, camera, or other physical or electronic de-
17 vice deployed by the Federal Government to control the
18 border or a port of entry or otherwise seeks to construct,
19 excavate, or make any structure intended to defeat, cir-
20 cumvent, or evade any such fence, barrier, sensor camera,
21 or other physical or electronic device deployed by the Fed-
22 eral Government to control the border or a port of entry—

23 “(1) shall be fined under title 18, imprisoned
24 not more than 10 years, or both; and

1 “(2) if, at the time of the offense, the person
2 uses or carries a firearm or who, in furtherance of
3 any such crime, possesses a firearm, shall be fined
4 under title 18, imprisoned not more than 20 years,
5 or both.

6 “(c) CONSPIRACY AND ATTEMPT.—Any person who
7 attempts or conspires to violate subsection (a) or (b) shall
8 be punished in the same manner as a person who com-
9 pletes a violation of such subsection.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents in the first section of the Immigration and Na-
12 tionality Act is amended by inserting after the item
13 relating to section 294 the following:

“Sec. 295. Unlawfully hindering immigration, border, and customs controls.”.

14 (b) CARRYING OR USING A FIREARM DURING AND
15 IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section
16 924(c) of title 18, United States Code, is amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (A), by inserting “,
19 alien smuggling crime,” after “crime of vio-
20 lence” each place that term appears; and

21 (B) in subparagraph (D)(ii), by inserting
22 “, alien smuggling crime,” after “crime of vio-
23 lence”;

24 (2) by striking paragraphs (2) through (4);

1 (3) by redesignating paragraph (5) as para-
2 graph (2); and

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

4 “(3) For purposes of this subsection—

5 “(A) the term ‘alien smuggling crime’ means
6 any felony punishable under section 274(a), 277, or
7 278 of the Immigration and Nationality Act (8
8 U.S.C. 1324(a), 1327, and 1328);

9 “(B) the term ‘brandish’ means, with respect to
10 a firearm, to display all or part of the firearm, or
11 otherwise make the presence of the firearm known
12 to another person, in order to intimidate that per-
13 son, regardless of whether the firearm is directly
14 visible to that person;

15 “(C) the term ‘crime of violence’ means a felony
16 offense that—

17 “(i) has as an element the use, attempted
18 use, or threatened use of physical force against
19 the person or property of another; or

20 “(ii) by its nature, involves a substantial
21 risk that physical force against the person or
22 property of another may be used in the course
23 of committing the offense; and

24 “(D) the term ‘drug trafficking crime’ means
25 any felony punishable under the Controlled Sub-

1 stances Act (21 U.S.C. 801 et seq.), the Controlled
2 Substances Import and Export Act (21 U.S.C. 951
3 et seq.), or chapter 705 of title 46.”.

4 (c) STATUTE OF LIMITATIONS.—Section 3298 of title
5 18, United States Code, is amended by inserting “, or
6 295” after “274(a)”.

7 **SEC. 1127. SOUTHERN BORDER THREAT ANALYSIS.**

8 (a) THREAT ANALYSIS.—

9 (1) REQUIREMENT.—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary shall submit to the Committee on Homeland
12 Security and Governmental Affairs of the Senate
13 and the Committee on Homeland Security of the
14 House of Representatives a southern border threat
15 analysis.

16 (2) CONTENTS.—The analysis submitted under
17 paragraph (1) shall include an assessment of—

18 (A) current and potential terrorism and
19 criminal threats posed by individuals and orga-
20 nized groups seeking—

21 (i) to unlawfully enter the United
22 States through the southern border; or

23 (ii) to exploit security vulnerabilities
24 along the southern border;

1 (B) improvements needed at and between
2 ports of entry along the southern border to pre-
3 vent terrorists and instruments of terror from
4 entering the United States;

5 (C) gaps in law, policy, and coordination
6 between State, local, or tribal law enforcement,
7 international agreements, or tribal agreements
8 that hinder effective and efficient border secu-
9 rity, counterterrorism, and anti-human smug-
10 gling and trafficking efforts;

11 (D) the current percentage of situational
12 awareness achieved by the Department of
13 Homeland Security along the southern border;

14 (E) the current percentage of operational
15 control achieved by the Department of Home-
16 land Security along the southern border; and

17 (F) traveler crossing times and any poten-
18 tial security vulnerability associated with pro-
19 longed wait times.

20 (3) ANALYSIS REQUIREMENTS.—In compiling
21 the southern border threat analysis under this sub-
22 section, the Secretary shall consider and examine—

23 (A) the technology needs and challenges,
24 including such needs and challenges identified
25 as a result of previous investments that have

1 not fully realized the security and operational
2 benefits that were sought;

3 (B) the personnel needs and challenges, in-
4 cluding such needs and challenges associated
5 with recruitment and hiring;

6 (C) the infrastructure needs and chal-
7 lenges;

8 (D) the roles and authorities of State,
9 local, and tribal law enforcement in general bor-
10 der security activities;

11 (E) the status of coordination among Fed-
12 eral, State, local, tribal, and Mexican law en-
13 forcement entities relating to border security;

14 (F) the terrain, population density, and cli-
15 mate along the southern border; and

16 (G) the international agreements between
17 the United States and Mexico related to border
18 security.

19 (4) CLASSIFIED FORM.—To the extent possible,
20 the Secretary shall submit the southern border
21 threat analysis required under this subsection in un-
22 classified form, but may submit a portion of the
23 threat analysis in classified form if the Secretary de-
24 termines such action is appropriate.

25 (b) U.S. BORDER PATROL STRATEGIC PLAN.—

1 (1) IN GENERAL.—Not later than the later of
2 180 days after the submission of the threat analysis
3 required under subsection (a) or June 30, 2018, and
4 every 5 years thereafter, the Secretary, acting
5 through the Chief of the U.S. Border Patrol, and in
6 consultation with the Officer for Civil Rights and
7 Civil Liberties of the Department of Homeland Se-
8 curity, shall issue a Border Patrol Strategic Plan.

9 (2) CONTENTS.—The Border Patrol Strategic
10 Plan required under this subsection shall include a
11 consideration of—

12 (A) the southern border threat analysis re-
13 quired under subsection (a), with an emphasis
14 on efforts to mitigate threats identified in such
15 threat analysis;

16 (B) efforts to analyze and disseminate bor-
17 der security and border threat information be-
18 tween border security components of the De-
19 partment of Homeland Security and other ap-
20 propriate Federal departments and agencies
21 with missions associated with the southern bor-
22 der;

23 (C) efforts to increase situational aware-
24 ness, including—

1 (i) surveillance capabilities, including
2 capabilities developed or utilized by the
3 Department of Defense, and any appro-
4 priate technology determined to be excess
5 by the Department of Defense; and

6 (ii) the use of manned aircraft and
7 unmanned aerial systems, including cam-
8 era and sensor technology deployed on
9 such assets;

10 (D) efforts to detect and prevent terrorists
11 and instruments of terrorism from entering the
12 United States;

13 (E) efforts to detect, interdict, and disrupt
14 aliens and illicit drugs at the earliest possible
15 point;

16 (F) efforts to focus intelligence collection
17 to disrupt transnational criminal organizations
18 outside of the international and maritime bor-
19 ders of the United States;

20 (G) efforts to ensure that any new border
21 security technology can be operationally inte-
22 grated with existing technologies in use by the
23 Department of Homeland Security;

24 (H) any technology required to maintain,
25 support, and enhance security and facilitate

1 trade at ports of entry, including nonintrusive
2 detection equipment, radiation detection equip-
3 ment, biometric technology, surveillance sys-
4 tems, and other sensors and technology that the
5 Secretary determines to be necessary;

6 (I) operational coordination unity of effort
7 initiatives of the border security components of
8 the Department of Homeland Security, includ-
9 ing any relevant task forces of the Department
10 of Homeland Security;

11 (J) lessons learned from Operation
12 Jumpstart and Operation Phalanx;

13 (K) cooperative agreements and informa-
14 tion sharing with State, local, tribal, territorial,
15 and other Federal law enforcement agencies
16 that have jurisdiction on the northern border or
17 the southern border;

18 (L) border security information received
19 from consultation with State, local, tribal, terri-
20 torial, and Federal law enforcement agencies
21 that have jurisdiction on the northern border or
22 the southern border, or in the maritime envi-
23 ronment, and from border community stake-
24 holders (including through public meetings with
25 such stakeholders), including representatives

1 from border agricultural and ranching organiza-
2 tions and representatives from business and
3 civic organizations along the northern border or
4 the southern border;

5 (M) staffing requirements for all depart-
6 mental border security functions;

7 (N) a prioritized list of departmental re-
8 search and development objectives to enhance
9 the security of the southern border;

10 (O) an assessment of training programs,
11 including training programs for—

12 (i) identifying and detecting fraudu-
13 lent documents;

14 (ii) understanding the scope of en-
15 forcement authorities and the use of force
16 policies; and

17 (iii) screening, identifying, and ad-
18 dressing vulnerable populations, such as
19 children and victims of human trafficking;
20 and

21 (P) an assessment of how border security
22 operations affect border crossing times.

1 **SEC. 1128. AMENDMENTS TO U.S. CUSTOMS AND BORDER**
2 **PROTECTION.**

3 (a) DUTIES.—Section 411(c) of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 211(c)) is amended—

5 (1) in paragraph (18), by striking “and” at the
6 end;

7 (2) by redesignating paragraph (19) as para-
8 graph (21); and

9 (3) by inserting after paragraph (18) the fol-
10 lowing:

11 “(19) administer the U.S. Customs and Border
12 Protection public private partnerships under subtitle
13 G;

14 “(20) administer preclearance operations under
15 the Preclearance Authorization Act of 2015 (19
16 U.S.C. 4431 et seq.); and”.

17 (b) OFFICE OF FIELD OPERATIONS STAFFING.—Sec-
18 tion 411(g)(5)(A) of the Homeland Security Act of 2002
19 (6 U.S.C. 211(g)(5)(A)) is amended by striking the period
20 at the end and inserting the following: “compared to the
21 number indicated by the current fiscal year work flow
22 staffing model.”.

23 (c) IMPLEMENTATION PLAN.—Section 814(e)(1)(B)
24 of the Preclearance Authorization Act of 2015 (19 U.S.C.
25 4433(e)(1)(B)) is amended to read as follows:

1 “(B) a port of entry vacancy rate which
2 compares the number of officers identified in
3 subparagraph (A) with the number of officers
4 at the port at which such officer is currently as-
5 signed.”.

6 **SEC. 1129. AGENT AND OFFICER TECHNOLOGY USE.**

7 In carrying out section 102 of the Illegal Immigration
8 Reform and Immigrant Responsibility Act of 1996 (as
9 amended by section 1111 of this Act) and section 1113
10 of this Act, the Secretary, to the greatest extent prac-
11 ticable, shall ensure that technology deployed to gain situ-
12 ational awareness and operational control of the border
13 be provided to front-line officers and agents of the Depart-
14 ment of Homeland Security.

15 **SEC. 1130. INTEGRATED BORDER ENFORCEMENT TEAMS.**

16 (a) IN GENERAL.—Subtitle C of title IV of the
17 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.),
18 as amended by section 1117 of this Act, is further amend-
19 ed by adding at the end the following:

20 **“SEC. 435. INTEGRATED BORDER ENFORCEMENT TEAMS.**

21 “(a) ESTABLISHMENT.—The Secretary shall estab-
22 lish within the Department a program, which shall be
23 known as the Integrated Border Enforcement Team pro-
24 gram (referred to in this section as the ‘IBET program’).

1 “(b) PURPOSE.—The Secretary shall administer the
2 IBET program in a manner that results in a cooperative
3 approach between the United States and Canada to—

4 “(1) strengthen security between designated
5 ports of entry;

6 “(2) detect, prevent, investigate, and respond to
7 terrorism and violations of law related to border se-
8 curity;

9 “(3) facilitate collaboration among components
10 and offices within the Department and international
11 partners;

12 “(4) execute coordinated activities in further-
13 ance of border security and homeland security; and

14 “(5) enhance information-sharing, including the
15 dissemination of homeland security information
16 among such components and offices.

17 “(c) COMPOSITION AND LOCATION OF IBETs.—

18 “(1) COMPOSITION.—IBETs shall be led by the
19 U.S. Border Patrol and may be comprised of per-
20 sonnel from—

21 “(A) other subcomponents of U.S. Cus-
22 toms and Border Protection;

23 “(B) U.S. Immigration and Customs En-
24 forcement, led by Homeland Security Investiga-
25 tions;

1 “(C) the Coast Guard, for the purpose of
2 securing the maritime borders of the United
3 States;

4 “(D) other Department personnel, as ap-
5 propriate;

6 “(E) other Federal departments and agen-
7 cies, as appropriate;

8 “(F) appropriate State law enforcement
9 agencies;

10 “(G) foreign law enforcement partners;

11 “(H) local law enforcement agencies from
12 affected border cities and communities; and

13 “(I) appropriate tribal law enforcement
14 agencies.

15 “(2) LOCATION.—The Secretary is authorized
16 to establish IBETs in regions in which such teams
17 can contribute to IBET missions, as appropriate.
18 When establishing an IBET, the Secretary shall con-
19 sider—

20 “(A) whether the region in which the
21 IBET would be established is significantly im-
22 pacted by cross-border threats;

23 “(B) the availability of Federal, State,
24 local, tribal, and foreign law enforcement re-
25 sources to participate in an IBET; and

1 “(C) whether other joint cross-border ini-
2 tiatives already take place within the region in
3 which the IBET would be established, including
4 other Department cross-border programs such
5 as the Integrated Cross-Border Maritime Law
6 Enforcement Operation Program established
7 under section 711 of the Coast Guard and Mar-
8 itime Transportation Act of 2012 (46 U.S.C.
9 70101 note) or the Border Enforcement Secu-
10 rity Task Force established under section 432.

11 “(3) DUPLICATION OF EFFORTS.—In deter-
12 mining whether to establish a new IBET or to ex-
13 pand an existing IBET in a given region, the Sec-
14 retary shall ensure that the IBET under consider-
15 ation does not duplicate the efforts of other existing
16 interagency task forces or centers within such re-
17 gion, including the Integrated Cross-Border Mari-
18 time Law Enforcement Operation Program estab-
19 lished under section 711 of the Coast Guard and
20 Maritime Transportation Act of 2012 (46 U.S.C.
21 70101 note) or the Border Enforcement Security
22 Task Force established under section 432.

23 “(d) OPERATION.—

1 “(1) IN GENERAL.—After determining the re-
2 gions in which to establish IBETs, the Secretary
3 may—

4 “(A) direct the assignment of Federal per-
5 sonnel to such IBETs; and

6 “(B) take other actions to assist Federal,
7 State, local, and tribal entities to participate in
8 such IBETs, including providing financial as-
9 sistance, as appropriate, for operational, admin-
10 istrative, and technological costs associated with
11 such participation.

12 “(2) LIMITATION.—Coast Guard personnel as-
13 signed under paragraph (1) may be assigned only
14 for the purposes of securing the maritime borders of
15 the United States, in accordance with subsection
16 (c)(1)(C).

17 “(e) COORDINATION.—The Secretary shall coordinate
18 the IBET program with other similar border security and
19 antiterrorism programs within the Department in accord-
20 ance with the strategic objectives of the Cross-Border Law
21 Enforcement Advisory Committee.

22 “(f) MEMORANDA OF UNDERSTANDING.—The Sec-
23 retary may enter into memoranda of understanding with
24 appropriate representatives of the entities specified in sub-
25 section (e)(1) necessary to carry out the IBET program.

1 “(g) REPORT.—Not later than 180 days after the
2 date on which an IBET is established, and biannually
3 thereafter for the following 6 years, the Secretary shall
4 submit a report to the appropriate congressional commit-
5 tees, including the Committee on Homeland Security and
6 Governmental Affairs of the Senate and the Committee
7 on Homeland Security of the House of Representatives,
8 and in the case of Coast Guard personnel used to secure
9 the maritime borders of the United States, to the Com-
10 mittee on Transportation and Infrastructure of the House
11 of Representatives. The report required under this sub-
12 section shall—

13 “(1) describe the effectiveness of IBETs in ful-
14 filling the purposes specified in subsection (b);

15 “(2) assess the impact of certain challenges on
16 the sustainment of cross-border IBET operations,
17 including challenges faced by international partners;

18 “(3) address ways to support joint training for
19 IBET stakeholder agencies and radio interoper-
20 ability to allow for secure cross-border radio commu-
21 nications; and

22 “(4) assess how IBETs, Border Enforcement
23 Security Task Forces, and the Integrated Cross-Bor-
24 der Maritime Law Enforcement Operation Program

1 can better align operations, including interdiction
2 and investigation activities.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by adding after the item relating to section 434,
6 as added by section 1117(b), the following:

“Sec. 435. Integrated Border Enforcement Teams.”.

7 **SEC. 1131. TUNNEL TASK FORCES.**

8 The Secretary is authorized to establish Tunnel Task
9 Forces for the purposes of detecting and remediating tun-
10 nels that breach the international borders of the United
11 States.

12 **CHAPTER 2—PERSONNEL**

13 **SEC. 1141. ADDITIONAL U.S. CUSTOMS AND BORDER PRO-**
14 **TECTION AGENTS AND OFFICERS.**

15 (a) BORDER PATROL AGENTS.—Not later than Sep-
16 tember 30, 2021, the Commissioner of U.S. Customs and
17 Border Protection shall hire, train, and assign sufficient
18 agents to maintain an active duty presence of not fewer
19 than 26,370 full-time equivalent agents.

20 (b) CBP OFFICERS.—In addition to positions author-
21 ized before the date of the enactment of this Act and any
22 existing officer vacancies within U.S. Customs and Border
23 Protection as of such date, the Commissioner shall hire,
24 train, and assign to duty, not later than September 30,
25 2021—

1 (1) sufficient U.S. Customs and Border Protec-
2 tion officers to maintain an active duty presence of
3 not fewer than 27,725 full-time equivalent officers;
4 and

5 (2) 350 full-time support staff distributed
6 among all United States ports of entry.

7 (c) AIR AND MARINE OPERATIONS.—Not later than
8 September 30, 2021, the Commissioner of U.S. Customs
9 and Border Protection shall hire, train, and assign suffi-
10 cient agents for Air and Marine Operations of U.S. Cus-
11 toms and Border Protection to maintain not fewer than
12 1,675 full-time equivalent agents and not fewer than 264
13 Marine and Air Interdiction Agents for southern border
14 air and maritime operations.

15 (d) U.S. CUSTOMS AND BORDER PROTECTION K–9
16 UNITS AND HANDLERS.—

17 (1) K–9 UNITS.—Not later than September 30,
18 2021, the Commissioner shall deploy not fewer than
19 300 new K–9 units, with supporting officers of U.S.
20 Customs and Border Protection and other required
21 staff, at land ports of entry and checkpoints, on the
22 southern border and the northern border.

23 (2) USE OF CANINES.—The Commissioner shall
24 prioritize the use of canines at the primary inspec-
25 tion lanes at land ports of entry and checkpoints.

1 (e) U.S. CUSTOMS AND BORDER PROTECTION
2 HORSEBACK UNITS.—

3 (1) INCREASE.—Not later than September 30,
4 2021, the Commissioner shall increase the number
5 of horseback units, with supporting officers of U.S.
6 Customs and Border Protection and other required
7 staff, by not fewer than 100 officers and 50 horses
8 for security patrol along the Southern border.

9 (2) HORSE UNIT SUPPORT.—The Commissioner
10 of U.S. Customs and Border Protection shall con-
11 struct new stables, maintain and improve existing
12 stables, and provide other resources needed to main-
13 tain the health and well-being of the horses that
14 serve in the horseback units.

15 (f) U.S. CUSTOMS AND BORDER PROTECTION
16 SEARCH TRAUMA AND RESCUE TEAMS.—Not later than
17 September 30, 2021, the Commissioner shall increase by
18 not fewer than 50 the number of officers engaged in
19 search and rescue activities along the southern border.

20 (g) U.S. CUSTOMS AND BORDER PROTECTION TUN-
21 NEL DETECTION AND TECHNOLOGY PROGRAM.—Not
22 later than September 30, 2021, the Commissioner shall
23 increase by not fewer than 50 the number of officers as-
24 sisting task forces and activities related to deployment and
25 operation of border tunnel detection technology and appre-

1 hensions of individuals using such tunnels for crossing
2 into the United States, drug trafficking, or human smug-
3 gling.

4 (h) AGRICULTURAL SPECIALISTS.—Not later than
5 September 30, 2021, the Secretary shall hire, train, and
6 assign to duty, in addition to the officers and agents au-
7 thorized under subsections (a) through (g), 631 U.S. Cus-
8 toms and Border Protection agricultural specialists to
9 ports of entry along the southern border and the northern
10 border.

11 (i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—
12 Not later than September 30, 2021, the Commissioner
13 shall hire, train, and assign sufficient Office of Profes-
14 sional Responsibility special agents to maintain an active
15 duty presence of not fewer than 550 full-time equivalent
16 special agents.

17 (j) GAO REPORT.—If the staffing levels required
18 under this section are not achieved by September 30,
19 2021, the Comptroller General of the United States shall
20 conduct a review of the reasons why such levels were not
21 achieved.

22 **SEC. 1142. U.S. CUSTOMS AND BORDER PROTECTION RE-**
23 **TENTION INCENTIVES.**

24 (a) DEFINITIONS.—In this section:

1 (1) COVERED AREA.—The term “covered area”
2 means a geographic area that the Secretary deter-
3 mines is in a remote location or is an area for which
4 it is difficult to find full-time permanent covered
5 CBP employees, as compared to other ports of entry
6 or Border Patrol sectors.

7 (2) COVERED CBP EMPLOYEE.—The term “cov-
8 ered CBP employee” means an employee of U.S.
9 Customs and Border Protection performing activities
10 that are critical to border security or customs en-
11 forcement, as determined by the Commissioner.

12 (3) RATE OF BASIC PAY.—The term “rate of
13 basic pay”—

14 (A) means the rate of pay fixed by law or
15 administrative action for the position to which
16 an employee is appointed before deductions and
17 including any special rate under subpart C of
18 part 530 of title 5, Code of Federal Regula-
19 tions, or similar payment under other legal au-
20 thority, and any locality-based comparability
21 payment under subpart F of part 531 of title
22 5, Code of Federal Regulations, or similar pay-
23 ment under other legal authority, but excluding
24 additional pay of any other kind; and

1 (B) does not include additional pay, such
2 as night shift differentials under section
3 5343(f) of title 5, United States Code, or envi-
4 ronmental differentials under section
5 5343(c)(4) of such title.

6 (4) SPECIAL RATE OF PAY.—The term “special
7 rate of pay” means a higher than normal rate of pay
8 that exceeds the otherwise applicable rate of basic
9 pay for a similar covered CBP employee at a land
10 port of entry.

11 (b) HIRING INCENTIVES.—

12 (1) IN GENERAL.—To the extent necessary for
13 U.S. Customs and Border Protection to hire, train,
14 and deploy qualified officers and employees, and to
15 the extent necessary to meet the requirements set
16 forth in section 1141, the Commissioner, with the
17 approval of the Secretary, may pay a hiring bonus
18 of \$10,000 to a covered CBP employee, after the
19 covered CBP completes initial basic training and
20 executes a written agreement required under para-
21 graph (2).

22 (2) WRITTEN AGREEMENT.—The payment of a
23 hiring bonus to a covered CBP employee under
24 paragraph (1) is contingent upon the covered CBP
25 employee entering into a written agreement with

1 U.S. Customs and Border Protection to complete
2 more than 2 years of employment with U.S. Cus-
3 toms and Border Protection beginning on the date
4 on which the agreement is signed. Such agreement
5 shall include—

6 (A) the amount of the hiring bonus;

7 (B) the conditions under which the agree-
8 ment may be terminated before the required pe-
9 riod of service is completed and the effect of
10 such termination;

11 (C) the length of the required service pe-
12 riod; and

13 (D) any other terms and conditions under
14 which the hiring bonus is payable, subject to
15 the requirements under this section.

16 (3) FORM OF PAYMENT.—A signing bonus paid
17 to a covered CBP employee under paragraph (1)
18 shall be paid in a single payment after the covered
19 CBP employee completes initial basic training and
20 enters on duty and executed the agreement under
21 paragraph (2).

22 (4) EXCLUSION OF SIGNING BONUS FROM RATE
23 OF PAY.—A signing bonus paid to a covered CBP
24 employee under paragraph (1) shall not be consid-

1 ered part of the rate of basic pay of the covered
2 CBP employee for any purpose.

3 (5) EFFECTIVE DATE AND SUNSET.—This sub-
4 section shall take effect on the date of the enactment
5 of this Act and shall remain in effect until the ear-
6 lier of—

7 (A) September 30, 2021; or

8 (B) the date on which U.S. Customs and
9 Border Protection has met the requirements
10 under subsections (a) and (b) of section 1141.

11 (c) RETENTION INCENTIVES.—

12 (1) IN GENERAL.—To the extent necessary for
13 U.S. Customs and Border Protection to retain quali-
14 fied employees, and to the extent necessary to meet
15 the requirements set forth in section 1141, the Com-
16 missioner, with the approval of the Secretary, may
17 pay a retention incentive to a covered CBP employee
18 who has been employed with U.S. Customs and Bor-
19 der Protection for a period exceeding 2 consecutive
20 years, and the Commissioner determines that, in the
21 absence of the retention incentive, the covered CBP
22 employee would likely—

23 (A) leave the Federal service; or

1 (B) transfer to, or be hired into, a dif-
2 ferent position within the Department (other
3 than another position in CBP).

4 (2) WRITTEN AGREEMENT.—The payment of a
5 retention incentive to a covered CBP employee under
6 paragraph (1) is contingent upon the covered CBP
7 employee entering into a written agreement with
8 U.S. Customs and Border Protection to complete
9 more than 2 years of employment with U.S. Cus-
10 toms and Border Protection beginning on the date
11 on which the CBP employee enters on duty and the
12 agreement is signed. Such agreement shall include—

13 (A) the amount of the retention incentive;

14 (B) the conditions under which the agree-
15 ment may be terminated before the required pe-
16 riod of service is completed and the effect of
17 such termination;

18 (C) the length of the required service pe-
19 riod; and

20 (D) any other terms and conditions under
21 which the retention incentive is payable, subject
22 to the requirements under this section.

23 (3) CRITERIA.—When determining the amount
24 of a retention incentive payable to a covered CBP

1 employee under paragraph (1), the Commissioner
2 shall consider—

3 (A) the length of the Federal service and
4 experience of the covered CBP employee;

5 (B) the salaries for law enforcement offi-
6 cers in other Federal agencies; and

7 (C) the costs of replacing the covered CBP
8 employee, including the costs of training a new
9 employee.

10 (4) AMOUNT OF RETENTION INCENTIVE.—A re-
11 tention incentive paid to a covered CBP employee
12 under paragraph (1)—

13 (A) shall be approved by the Secretary and
14 the Commissioner;

15 (B) shall be stated as a percentage of the
16 employee's rate of basic pay for the service pe-
17 riod associated with the incentive; and

18 (C) may not exceed \$25,000 for each year
19 of the written agreement.

20 (5) FORM OF PAYMENT.—A retention incentive
21 paid to a covered CBP employee under paragraph
22 (1) shall be paid as a single payment at the end of
23 the fiscal year in which the covered CBP employee
24 entered into an agreement under paragraph (2), or

1 in equal installments during the life of the service
2 agreement, as determined by the Commissioner.

3 (6) EXCLUSION OF RETENTION INCENTIVE
4 FROM RATE OF PAY.—A retention incentive paid to
5 a covered CBP employee under paragraph (1) shall
6 not be considered part of the rate of basic pay of the
7 covered CBP employee for any purpose.

8 (d) PILOT PROGRAM ON SPECIAL RATES OF PAY IN
9 COVERED AREAS.—

10 (1) IN GENERAL.—The Commissioner may es-
11 tablish a pilot program to assess the feasibility and
12 advisability of using special rates of pay for covered
13 CBP employees in covered areas, as designated on
14 the date of the enactment of this Act, to help meet
15 the requirements under section 1141.

16 (2) MAXIMUM AMOUNT.—The rate of basic pay
17 of a covered CBP employee paid a special rate of
18 pay under the pilot program may not exceed 125
19 percent of the otherwise applicable rate of basic pay
20 of the covered CBP employee.

21 (3) TERMINATION.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), the pilot program shall ter-
24minate on the date that is 2 years after the
25 date of the enactment of this Act.

1 (B) EXTENSION.—If the Secretary deter-
2 mines that the pilot program is performing sat-
3 isfactorily and there are metrics that prove its
4 success in meeting the requirements set forth in
5 section 1141, the Secretary may extend the
6 pilot program until the date that is 4 years
7 after the date of the enactment of this Act.

8 (4) REPORT TO CONGRESS.—Shortly after the
9 termination of the pilot program under paragraph
10 (3), the Commissioner shall submit a report to the
11 Committee on Homeland Security and Governmental
12 Affairs of the Senate, the Committee on the Judici-
13 ary of the Senate, the Committee on Homeland Se-
14 curity of the House of Representatives, and the
15 Committee on the Judiciary of the House of Rep-
16 resentatives that details—

17 (A) the total amount paid to covered CBP
18 employees under the pilot program; and

19 (B) the covered areas in which the pilot
20 program was implemented.

21 (e) SALARIES.—

22 (1) IN GENERAL.—Section 101(b) of the En-
23 hanced Border Security and Visa Entry Reform Act
24 of 2002 (8 U.S.C. 1711(b)) is amended to read as
25 follows:

1 “(b) AUTHORIZATION OF APPROPRIATIONS FOR CBP
2 EMPLOYEES.—There are authorized to be appropriated to
3 U.S. Customs and Border Protection such sums as may
4 be necessary to increase, effective January 1, 2018, the
5 annual rate of basic pay for U.S. Customs and Border
6 Protection employees who have completed at least 1 year
7 of service—

8 “(1) to the annual rate of basic pay payable for
9 positions at GS–12, step 1 of the General Schedule
10 under subchapter III of chapter 53 of title 5, United
11 States Code, for officers and agents who are receiv-
12 ing the annual rate of basic pay payable for a posi-
13 tion at GS–5, GS–6, GS–7, GS–8, or GS–9 of the
14 General Schedule;

15 “(2) to the annual rate of basic pay payable for
16 positions at GS–12, step 10 of the General Schedule
17 under such subchapter for supervisory CBP officers
18 and supervisory agents who are receiving the annual
19 rate of pay payable for a position at GS–10 of the
20 General Schedule;

21 “(3) to the annual rate of basic pay payable for
22 positions at GS–14, step 1 of the General Schedule
23 under such subchapter for supervisory CBP officers
24 and supervisory agents who are receiving the annual

1 rate of pay payable for a position at GS–11 of the
2 General Schedule;

3 “(4) to the annual rate of basic pay payable for
4 positions at GS–12, step 10 of the General Schedule
5 under such subchapter for supervisory CBP officers
6 and supervisory Border Patrol agents who are re-
7 ceiving the annual rate of pay payable for a position
8 at GS–12 or GS–13 of the General Schedule; and

9 “(5) to the annual rate of basic pay payable for
10 positions at GS–8, GS–9, or GS–10 of the General
11 Schedule for assistants who are receiving an annual
12 rate of pay payable for positions at GS–5, GS–6, or
13 GS–7 of the General Schedule, respectively.”.

14 (2) HARDSHIP DUTY PAY.—In addition to com-
15 pensation to which Border Patrol agents are other-
16 wise entitled, Border Patrol agents who are assigned
17 to rural areas shall be entitled to receive hardship
18 duty pay, in lieu of a retention incentive under sub-
19 section (b), in an amount determined by the Com-
20 missioner, which may not exceed the rate of special
21 pay to which members of a uniformed service are en-
22 titled under section 310 of title 37, United States
23 Code.

24 (3) OVERTIME LIMITATION.—Section 5(c)(1) of
25 the Act of February 13, 1911 (19 U.S.C. 267(c)(1))

1 is amended by striking “\$25,000” and inserting
2 “\$45,000”.

3 **SEC. 1143. ANTI-BORDER CORRUPTION REAUTHORIZATION**
4 **ACT.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Building America’s Trust Act”.

7 (b) **HIRING FLEXIBILITY.**—Section 3 of the Anti-
8 Border Corruption Act of 2010 (6 U.S.C. 221) is amended
9 by striking subsection (b) and inserting the following:

10 “(b) **WAIVER AUTHORITY.**—The Commissioner of
11 U.S. Customs and Border Protection may waive the appli-
12 cation of subsection (a)(1)—

13 “(1) to a current, full-time law enforcement of-
14 ficer employed by a State or local law enforcement
15 agency who—

16 “(A) has continuously served as a law en-
17 forcement officer for not fewer than 3 years;

18 “(B) is authorized by law to engage in or
19 supervise the prevention, detection, investiga-
20 tion, or prosecution of, or the incarceration of
21 any person for, any violation of law, and has
22 statutory powers for arrest or apprehension;

23 “(C) is not currently under investigation,
24 has not been found to have engaged in criminal
25 activity or serious misconduct, has not resigned

1 from a law enforcement officer position under
2 investigation or in lieu of termination, and has
3 not been dismissed from a law enforcement offi-
4 cer position; and

5 “(D) has, during the past 10 years, suc-
6 cessfully completed a polygraph examination as
7 a condition of employment with such officer’s
8 current law enforcement agency;

9 “(2) to a current, full-time Federal law enforce-
10 ment officer who—

11 “(A) has continuously served as a law en-
12 forcement officer for not fewer than 3 years;

13 “(B) is authorized to make arrests, con-
14 duct investigations, conduct searches, make sei-
15 zures, carry firearms, and serve orders, war-
16 rants, and other processes;

17 “(C) is not currently under investigation,
18 has not been found to have engaged in criminal
19 activity or serious misconduct, has not resigned
20 from a law enforcement officer position under
21 investigation or in lieu of termination, and has
22 not been dismissed from a law enforcement offi-
23 cer position; and

1 “(D) holds a current Tier 4 background
2 investigation or current Tier 5 background in-
3 vestigation; and

4 “(3) to a member of the Armed Forces (or a re-
5 serve component thereof) or a veteran, if such indi-
6 vidual—

7 “(A) has served in the Armed Forces for
8 not fewer than 3 years;

9 “(B) holds, or has held within the past five
10 years, a Secret, Top Secret, or Top Secret/Sen-
11 sitive Compartmented Information clearance;

12 “(C) holds, or has undergone within the
13 past 5 years, a current Tier 4 background in-
14 vestigation or current Tier 5 background inves-
15 tigation;

16 “(D) received, or is eligible to receive, an
17 honorable discharge from service in the Armed
18 Forces and has not engaged in criminal activity
19 or committed a serious military or civil offense
20 under the Uniform Code of Military Justice;
21 and

22 “(E) was not granted any waivers to ob-
23 tain the clearance referred to subparagraph
24 (B).

1 “(c) TERMINATION OF WAIVER AUTHORITY.—The
2 authority to issue a waiver under subsection (b) shall ter-
3minate on the date that is 4 years after the date of the
4 enactment of the Building America’s Trust Act.”.

5 (c) SUPPLEMENTAL COMMISSIONER AUTHORITY AND
6 DEFINITIONS.—

7 (1) SUPPLEMENTAL COMMISSIONER AUTHOR-
8 ITY.—Section 4 of the Anti-Border Corruption Act
9 of 2010 (Public Law 111–376) is amended to read
10 as follows:

11 **“SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.**

12 “(a) NONEXEMPTION.—An individual who receives a
13 waiver under section 3(b) is not exempt from other hiring
14 requirements relating to suitability for employment and
15 eligibility to hold a national security designated position,
16 as determined by the Commissioner of U.S. Customs and
17 Border Protection.

18 “(b) BACKGROUND INVESTIGATIONS.—Any indi-
19 vidual who receives a waiver under section 3(b) and holds
20 a current Tier 4 background investigation shall be subject
21 to a Tier 5 background investigation.

22 “(c) ADMINISTRATION OF POLYGRAPH EXAMINA-
23 TION.—The Commissioner of U.S. Customs and Border
24 Protection is authorized to administer a polygraph exam-
25 ination to an applicant or employee who is eligible for, or

1 receives a waiver under, section 3(b) if information is dis-
2 covered before the completion of a background investiga-
3 tion that results in a determination that a polygraph ex-
4 amination is necessary to make a final determination re-
5 garding suitability for employment or continued employ-
6 ment, as the case may be.”.

7 (2) REPORT.—The Anti-Border Corruption Act
8 of 2010, as amended by paragraph (1), is further
9 amended by adding at the end the following:

10 **“SEC. 5. REPORTING.**

11 “(a) ANNUAL REPORT.—Not later than 1 year after
12 the date of the enactment of the Building America’s Trust
13 Act, and annually thereafter while the waiver authority
14 under section 3(b) is in effect, the Commissioner of U.S.
15 Customs and Border Protection shall submit a report to
16 Congress that includes, with respect to each such report-
17 ing period—

18 “(1) the number of waivers requested, granted,
19 and denied under section 3(b);

20 “(2) the reasons for any denials of such waiver;

21 “(3) the percentage of applicants who were
22 hired after receiving a waiver;

23 “(4) the number of instances that a polygraph
24 was administered to an applicant who initially re-
25 ceived a waiver and the results of such polygraph;

1 “(5) an assessment of the current impact of the
2 polygraph waiver program on filling law enforcement
3 positions at U.S. Customs and Border Protection;
4 and

5 “(6) additional authorities needed by U.S. Cus-
6 toms and Border Protection to better utilize the
7 polygraph waiver program for its intended goals.

8 “(b) ADDITIONAL INFORMATION.—The first report
9 submitted under subsection (a) shall include—

10 “(1) an analysis of other methods of employ-
11 ment suitability tests that detect deception and could
12 be used in conjunction with traditional background
13 investigations to evaluate potential employees for
14 suitability; and

15 “(2) a recommendation regarding whether a
16 test referred to in paragraph (1) should be adopted
17 by U.S. Customs and Border Protection when the
18 polygraph examination requirement is waived pursu-
19 ant to section 3(b).”.

20 (3) DEFINITIONS.—The Anti-Border Corrup-
21 tion Act of 2010, as amended by paragraphs (1) and
22 (2), is further amended by adding at the end the fol-
23 lowing:

24 **“SEC. 6. DEFINITIONS.**

25 “**In this Act:**

1 “(1) FEDERAL LAW ENFORCEMENT OFFICER.—

2 The term ‘Federal law enforcement officer’ has the
3 meaning given the term ‘law enforcement officer’ in
4 sections 8331(20) and 8401(17) of title 5, United
5 States Code.

6 “(2) SERIOUS MILITARY OR CIVIL OFFENSE.—

7 The term ‘serious military or civil offense’ means an
8 offense for which—

9 “(A) a member of the Armed Forces may
10 be discharged or separated from service in the
11 Armed Forces; and

12 “(B) a punitive discharge is, or would be,
13 authorized for the same or a closely related of-
14 fense under the Manual for Court-Martial, as
15 pursuant to Army Regulation 635-200 chapter
16 14–12.

17 “(3) TIER 4; TIER 5.—The terms ‘Tier 4’ and
18 ‘Tier 5’ with respect to background investigations
19 have the meaning given such terms under the Fed-
20 eral Investigative Standards prescribed by the Office
21 of Personnel Management and the Office of the Di-
22 rector of National Intelligence in December 2012.

23 “(4) VETERAN.—The term ‘veteran’ has the
24 meaning given such term in section 101(2) of title
25 38, United States Code.”.

1 (d) POLYGRAPH EXAMINERS.—Not later than Sep-
2 tember 30, 2021, the Secretary shall increase to not fewer
3 than 150 the number of trained full-time equivalent poly-
4 graph examiners for administering polygraphs under the
5 Anti-Border Corruption Act of 2010, as amended by this
6 section.

7 **SEC. 1144. TRAINING FOR OFFICERS AND AGENTS OF U.S.**

8 **CUSTOMS AND BORDER PROTECTION.**

9 (a) IN GENERAL.—Section 411(l) of the Homeland
10 Security Act of 2002 (6 U.S.C. 211(l)) is amended to read
11 as follows:

12 “(l) TRAINING AND CONTINUING EDUCATION.—

13 “(1) MANDATORY TRAINING AND CONTINUING
14 EDUCATION.—The Commissioner shall ensure that
15 every agent and officer of U.S. Customs and Border
16 Protection receives at least 21 weeks of training that
17 is directly related to the mission of the U.S. Border
18 Patrol, Air and Marine, and the Office of Field Op-
19 erations before the initial assignment of such agents
20 and officers.

21 “(2) FLETC.—The Commissioner shall work
22 in consultation with the Director of the Federal Law
23 Enforcement Training Centers to establish guide-
24 lines and curriculum for the training of agents and

1 officers of U.S. Customs and Border Protection
2 under subsection (a).

3 “(3) CONTINUING EDUCATION.—The Commis-
4 sioner shall require all agents and officers of U.S.
5 Customs and Border Protection who are required to
6 undergo training under subsection (a) to participate
7 in not fewer than 8 hours of continuing education
8 annually to maintain and update understanding of
9 Federal legal rulings, court decisions, and Depart-
10 ment policies, procedures, and guidelines related to
11 relevant subject matters.

12 “(4) LEADERSHIP TRAINING.—Not later than 1
13 year after the date of the enactment of this sub-
14 section, the Commissioner shall develop and require
15 training courses geared towards the development of
16 leadership skills for mid- and senior-level career em-
17 ployees not later than 1 year after such employees
18 assume duties in supervisory roles.”.

19 (b) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, the Commissioner shall sub-
21 mit a report to the Committee on Finance of the Senate,
22 the Committee on Homeland Security and Governmental
23 Affairs of the Senate, the Committee on Homeland Secu-
24 rity of the House of Representatives, and the Committee
25 on Ways and Means of the House of Representatives that

1 identifies the guidelines and curriculum established to
2 carry out section 411(l) of the Homeland Security Act of
3 2002, as amended by subsection (a) of this section.

4 (c) ASSESSMENT.—Not later than four years after
5 the date of the enactment of this Act, the Comptroller
6 General of the United States shall submit to the Com-
7 mittee on Homeland Security of the House of Representa-
8 tives and the Committee on Homeland Security and Gov-
9 ernmental Affairs of the Senate a report that assesses the
10 training and education, including continuing education,
11 required under subsection (l) of section 411 of the Home-
12 land Security Act of 2002, as amended by subsection (a).

13 **SEC. 1145. ADDITIONAL U.S. IMMIGRATION AND CUSTOMS**
14 **ENFORCEMENT PERSONNEL.**

15 (a) ENFORCEMENT AND REMOVAL OFFICERS.—By
16 not later than September 30, 2021, the Director of U.S.
17 Immigration and Customs Enforcement shall increase the
18 number of trained, full-time, active duty U.S. Immigration
19 and Customs Enforcement Enforcement and Removal Op-
20 erations law enforcement officers performing interior im-
21 migration enforcement functions to not fewer than 8,500.

22 (b) HOMELAND SECURITY INVESTIGATIONS SPECIAL
23 AGENTS.—By not later than September 30, 2021, the Di-
24 rector of U.S. Immigration and Customs Enforcement
25 shall increase the number of trained, full-time, active duty

1 Homeland Security Investigations special agents by not
2 fewer than 1,500.

3 (c) BORDER ENFORCEMENT SECURITY TASK
4 FORCE.—By not later than September 30, 2021, the Di-
5 rector of U.S. Immigration and Customs Enforcement
6 shall assign not fewer than 100 Homeland Security Inves-
7 tigation special agents to the Border Enforcement Secu-
8 rity Task Force Program established under section 432
9 of the Homeland Security Act of 2002 (6 U.S.C. 240).

10 **SEC. 1146. OTHER IMMIGRATION AND LAW ENFORCEMENT**
11 **PERSONNEL.**

12 (a) DEPARTMENT OF JUSTICE.—

13 (1) UNITED STATES ATTORNEYS.—By not later
14 than September 30, 2021, in addition to positions
15 authorized before the date of the enactment of this
16 Act and any existing attorney vacancies within the
17 Department of Justice on such date of enactment,
18 the Attorney General shall—

19 (A) increase by not fewer than 100 the
20 number of Assistant United States Attorneys,
21 and

22 (B) increase by not fewer than 50 the
23 number of Special Assistant United States At-
24 torneys in the United States Attorneys' office to

1 litigate denaturalization and other immigration
2 cases in the Federal courts.

3 (2) IMMIGRATION JUDGES.—

4 (A) ADDITIONAL IMMIGRATION JUDGES.—

5 By not later than September 30, 2021, in addi-
6 tion to positions authorized before the date of
7 the enactment of this Act and any existing va-
8 cancies within the Department of Justice on
9 such date of enactment, and subject to the
10 availability of appropriations, the Attorney Gen-
11 eral shall increase by 200 the number of trained
12 full-time immigration judges.

13 (B) FACILITIES AND SUPPORT PER-

14 SONNEL.—The Attorney General is authorized
15 to procure space, temporary facilities, and sup-
16 port staff, on an expedited basis, to accommo-
17 date the additional immigration judges author-
18 ized under subparagraph (A).

19 (3) BOARD OF IMMIGRATION APPEALS.—

20 (A) BOARD MEMBERS.—By not later than

21 September 30, 2021, the Attorney General shall
22 increase the number of Board Members author-
23 ized to serve on the Board of Immigration Ap-
24 peals to 25.

1 (B) STAFF ATTORNEYS.—By not later
2 than September 30, 2021, in addition to posi-
3 tions authorized before the date of the enact-
4 ment of this Act and any existing staff attorney
5 vacancies within the Department of Justice on
6 such date of enactment, and subject to the
7 availability of appropriations, the Attorney Gen-
8 eral shall increase the number of staff attorneys
9 assigned to support the Board of Immigration
10 Appeals by not fewer than 50.

11 (C) FACILITIES AND SUPPORT PER-
12 SONNEL.—The Attorney General is authorized
13 to procure space, temporary facilities, and re-
14 quired administrative support staff, on an expe-
15 dited basis, to accommodate the additional
16 Board Members authorized under subparagraph
17 (A).

18 (4) OFFICE OF IMMIGRATION LITIGATION.—By
19 not later than September 30, 2021, in addition to
20 positions authorized before the date of the enact-
21 ment of this Act and any existing vacancies within
22 the Department of Justice on such date of enact-
23 ment, and subject to the availability of appropria-
24 tions, the Attorney General shall increase by not

1 fewer than 100 the number of attorneys for the Of-
2 fice of Immigration Litigation.

3 (b) DEPARTMENT OF HOMELAND SECURITY.—

4 (1) FRAUD DETECTION AND NATIONAL SECUR-
5 RITY OFFICERS.—By not later than September 30,
6 2021, in addition to positions authorized before the
7 date of the enactment of this Act and any existing
8 officer vacancies within the Department of Home-
9 land Security on such date of enactment, and sub-
10 ject to the availability of appropriations, the Direc-
11 tor of U.S. Citizenship and Immigration Services
12 shall increase by not fewer than 100 the number of
13 trained full-time active duty Fraud Detection and
14 National Security (FDNS) officers.

15 (2) ICE HOMELAND SECURITY INVESTIGATIONS
16 FORENSIC DOCUMENT LABORATORY PERSONNEL.—
17 By not later than September 30, 2021, in addition
18 to positions authorized before the date of the enact-
19 ment of this Act and any existing officer vacancies
20 within the Department of Homeland Security on
21 such date of enactment, the Director of U.S. Immi-
22 gration and Customs Enforcement shall increase—

23 (A) the number of trained, full-time Foren-
24 sic Document Laboratory Examiners by 15;

1 (B) the number of trained, full-time Fin-
2 gerprint Specialists by 15;

3 (C) the number of trained, full-time Intel-
4 ligence Officers by 10; and

5 (D) the number of trained, full-time ad-
6 ministrative staff by 3.

7 (3) IMMIGRATION ATTORNEYS.—

8 (A) OFFICE OF THE PRINCIPAL LEGAL AD-
9 VISOR ATTORNEYS.—By not later than Sep-
10 tember 30, 2021, in addition to positions au-
11 thorized before the date of the enactment of
12 this Act and any existing attorney vacancies
13 within the Department of Homeland Security
14 on such date of enactment, the Director of U.S.
15 Immigration and Customs Enforcement shall
16 increase the number of trained, full-time, active
17 duty Office of Principal Legal Advisor attorneys
18 by not fewer than 1,200. The majority of such
19 attorneys shall perform duties related to litiga-
20 tion of removal proceedings and representing
21 the Department of Homeland Security in immi-
22 gration matters before the immigration courts
23 within the Department of Justice, the Executive
24 Office for Immigration Review, and enforce-
25 ment of U.S. customs and trade laws. At least

1 50 of these additional attorney positions shall
2 be by the Attorney General to increase the
3 number of U.S. Immigration and Customs En-
4 forcement attorneys serving as Special Assist-
5 ant U.S. Attorneys, on detail to the Depart-
6 ment of Justice, Offices of the U.S. Attorneys,
7 to assist with immigration-related litigation.

8 (B) USCIS IMMIGRATION ATTORNEYS.—

9 By not later than September 30, 2021, in addi-
10 tion to positions authorized before the date of
11 the enactment of this Act and any existing at-
12 torney vacancies within the Department of
13 Homeland Security on such date of enactment,
14 the Director of U.S. Citizenship and Immigra-
15 tion Services shall increase the number of
16 trained, full-time, active duty Office of Chief
17 Counsel attorneys by not fewer than 250. Such
18 attorneys shall primarily handle national secu-
19 rity and public safety cases, denaturalization
20 cases, and legal sufficiency reviews of immigra-
21 tion benefit decisions. At least 50 of these addi-
22 tional attorney positions shall be used by the
23 Attorney General to increase the number of
24 U.S. Citizenship and Immigration Service attor-
25 neys serving as Special Assistant U.S. Attor-

1 neys, on detail to the Department of Justice,
2 Offices of the U.S. Attorneys, to assist with im-
3 migration-related litigation.

4 (C) FACILITIES AND SUPPORT PER-
5 SONNEL.—The Attorney General and Secretary
6 are authorized to procure space, temporary fa-
7 cilities, and to hire the required administrative
8 and legal support staff, on an expedited basis,
9 to accommodate the additional positions author-
10 ized under this paragraph.

11 (4) AUTHORIZATION OF APPROPRIATIONS.—
12 There are authorized to be appropriated, for each of
13 the fiscal years 2018 through 2021, such sums as
14 may be necessary to carry out this subsection.

15 (c) DEPARTMENT OF STATE.—

16 (1) VISA SPECIALISTS.—By not later than Sep-
17 tember 30, 2021, in addition to positions authorized
18 before the date of the enactment of this Act and any
19 existing attorney vacancies within the Department
20 on such date of enactment, the Assistant Secretary
21 of State for Consular Affairs shall increase the num-
22 ber of trained, full-time analysts within the Bureau
23 of Consular Affairs by not fewer than 50. Such ana-
24 lysts primarily should handle and advise on cases
25 and matters involving the potential for visa denial on

1 the basis of national security and public safety con-
2 cerns.

3 (2) IMMIGRATION ATTORNEYS.—By not later
4 than September 30, 2021, in addition to positions
5 authorized before the date of the enactment of this
6 Act and any existing attorney vacancies within the
7 Department on such date of enactment, the Assist-
8 ant Secretary of State for Consular Affairs shall in-
9 crease the number of trained, full-time, active attor-
10 neys adviser within the Bureau of Consular Affairs
11 by not fewer than 25. Such attorneys primarily
12 should handle and advise on cases and matters in-
13 volving the potential for visa denial on the basis of
14 national security and public safety concerns.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated, for each of
17 the fiscal years 2018 through 2021, \$15,000,000 to
18 carry out this section.

19 **SEC. 1147. JUDICIAL RESOURCES FOR BORDER SECURITY.**

20 (a) BORDER CROSSING PROSECUTIONS; CRIMINAL
21 CONSEQUENCE INITIATIVE.—

22 (1) IN GENERAL.—Amounts appropriated pur-
23 suant to paragraph (3) shall be used—

24 (A) to increase the number of criminal
25 prosecutions for unlawful border crossing in

1 each and every sector of the southern border by
2 not less than 80 percent per day, as compared
3 to the average number of such prosecutions per
4 day during the 12-month period preceding the
5 date of the enactment of this Act, by increasing
6 funding for—

7 (i) attorneys and administrative sup-
8 port staff in offices of United States attor-
9 neys;

10 (ii) support staff and interpreters in
11 court clerks' offices;

12 (iii) pre-trial services;

13 (iv) activities of the Office of the Fed-
14 eral Public Defender, including payments
15 to retain appointed counsel under section
16 3006A of title 18, United States Code; and

17 (v) additional personnel, including
18 deputy United States marshals in the
19 United States Marshals Service, to perform
20 intake, coordination, transportation, and
21 court security; and

22 (B) to reimburse Federal, State, local, and
23 tribal law enforcement agencies for any deten-
24 tion costs related to the increased border cross-

1 ing prosecutions carried out pursuant to sub-
2 paragraph (A).

3 (2) ADDITIONAL MAGISTRATE JUDGES TO AS-
4 SIST WITH INCREASED CASELOAD.—The chief judge
5 of each judicial district located within a sector of the
6 southern border is authorized to appoint additional
7 full-time magistrate judges, who, consistent with the
8 Constitution and laws of the United States, shall
9 have the authority to hear cases and controversies in
10 the judicial district in which the magistrate judges
11 are appointed.

12 (3) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated, for each of
14 the fiscal years 2018 through 2021, such sums as
15 may be necessary to carry out this subsection.

16 (b) ADDITIONAL PERMANENT DISTRICT COURT
17 JUDGESHIPS IN SOUTHERN BORDER STATES.—

18 (1) IN GENERAL.—The President shall appoint,
19 by and with the advice and consent of the Senate—

20 (A) 4 additional district judges for the Dis-
21 trict of Arizona;

22 (B) 2 additional district judges for the
23 Southern District of California;

24 (C) 4 additional district judges for the
25 Western District of Texas; and

1 (D) 2 additional district judges for the
2 Southern District of Texas.

3 (2) CONVERSIONS OF TEMPORARY DISTRICT
4 COURT JUDGESHIPS.—The judgeships for the Dis-
5 trict of Arizona and the Central District of Cali-
6 fornia authorized under section 312(c) of the 21st
7 Century Department of Justice Appropriations Au-
8 thorization Act (28 U.S.C. 133 note), in existence on
9 the day before the date of the enactment of this Act,
10 shall be authorized under section 133 of title 28,
11 United States Code, and the individuals holding
12 such judgeships on such day shall hold office under
13 section 133 of title 28, United States Code, as
14 amended by paragraph (3).

15 (3) TECHNICAL AND CONFORMING AMEND-
16 MENTS.—The table contained in section 133(a) of
17 title 28, United States Code, is amended—

18 (A) by striking the item relating to the dis-
19 trict of Arizona and inserting the following:

“Arizona 17”;

20 (B) by striking the items relating to Cali-
21 fornia and inserting the following :

“California:
Northern 19
Eastern 12
Central 28
Southern 15”; and

1 (C) by striking the items relating to Texas
2 and inserting the following :

“Texas:	
Northern	12
Southern	21
Eastern	7
Western	17”.

3 (c) INCREASE IN FILING FEES.—

4 (1) IN GENERAL.—Section 1914(a) of title 28,
5 United States Code, is amended—

6 (A) by striking “\$350” and inserting
7 “\$375”; and

8 (B) by striking “\$5” and inserting “\$7”.

9 (2) EXPENDITURE LIMITATION.—Incremental
10 amounts collected pursuant to the amendments
11 made by paragraph (1) shall be deposited as offset-
12 ting receipts in the special fund of the Treasury es-
13 tablished under section 1931 of title 28, United
14 States Code. Such amounts shall be available solely
15 for the purpose of facilitating the processing of civil
16 cases, but only to the extent specifically appro-
17 priated by an Act of Congress enacted after the date
18 of the enactment of this Act.

19 **SEC. 1148. REIMBURSEMENT TO STATE AND LOCAL PROS-**
20 **ECUTORS FOR FEDERALLY INITIATED, IMMIGRATION-**
21 **RELATED CRIMINAL CASES.**

22 (a) IN GENERAL.—The Attorney General shall reim-
23 burse State, county, tribal, and municipal governments for

1 costs associated with the prosecution of federally initiated
2 criminal cases declined to be prosecuted by local offices
3 of the United States attorneys, including costs relating to
4 pre-trial services, detention, clerical support, and public
5 defenders' services associated to such prosecution.

6 (b) EXCEPTION.—Reimbursement under subsection
7 (a) shall not be available, at the discretion of the Attorney
8 General, if the Attorney General determines that there is
9 reason to believe that the jurisdiction seeking reimburse-
10 ment has engaged in unlawful conduct in connection with
11 immigration-related apprehensions.

12 **CHAPTER 3—GRANTS**

13 **SEC. 1151. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.**

14 Section 241(i) of the Immigration and Nationality
15 Act (8 U.S.C. 1231(i)) is amended—

16 (1) in paragraph (1)—

17 (A) by inserting “AUTHORIZATION.—” be-
18 fore “If the chief”; and

19 (B) by inserting “or an alien with an un-
20 known status” after “undocumented criminal
21 alien” each place that term appears;

22 (2) by striking paragraphs (2) and (3) and in-
23 serting the following:

24 “(2) COMPENSATION.—

1 “(A) CALCULATION OF COMPENSATION.—
2 Compensation under paragraph (1)(A) shall be
3 the average cost of incarceration of a prisoner
4 in the relevant State, as determined by the At-
5 torney General.

6 “(B) COMPENSATION OF STATE FOR IN-
7 CARCERATION.—The Attorney General shall
8 compensate the State or political subdivision of
9 the State, in accordance with subparagraph
10 (A), for the incarceration of an alien—

11 “(i) whose immigration status cannot
12 be verified by the Secretary; and

13 “(ii) who would otherwise be an un-
14 documented criminal alien if the alien is
15 unlawfully present in the United States.

16 “(3) DEFINITIONS.—In this subsection:

17 “(A) ALIEN WITH AN UNKNOWN STA-
18 TUS.—The term ‘alien with an unknown status’
19 means an individual—

20 “(i) who has been incarcerated by a
21 Federal, State, or local law enforcement
22 entity; and

23 “(ii) whose immigration status cannot
24 be definitively identified.

1 “(B) UNDOCUMENTED CRIMINAL ALIEN.—

2 The term ‘undocumented criminal alien’ means
3 an alien who—

4 “(i) has been charged with or con-
5 victed of a felony or any misdemeanors;
6 and

7 “(ii)(I) entered the United States
8 without inspection or at any time or place
9 other than as designated by the Secretary;

10 “(II) was the subject of exclusion or
11 deportation or removal proceedings at the
12 time he or she was taken into custody by
13 the State or a political subdivision of the
14 State; or

15 “(III) was admitted as a non-
16 immigrant and, at the time he or she was
17 taken into custody by the State or a polit-
18 ical subdivision of the State, has failed to
19 maintain the nonimmigrant status in which
20 the alien was admitted or to which it was
21 changed under section 248, or to comply
22 with the conditions of any such status.”;

23 (3) in paragraph (4), by inserting “and aliens
24 with an unknown status” after “undocumented
25 criminal aliens” each place that term appears;

1 (4) in paragraph (5)(C), by striking “to carry
 2 out this subsection” and all that follows and insert-
 3 ing “\$950,000,000, for each of the fiscal years 2018
 4 through 2021, to carry out this subsection.”; and

5 (5) by adding at the end the following:

6 “(7) DISTRIBUTION OF REIMBURSEMENT.—Any
 7 funds provided to a State or a political subdivision
 8 of a State as compensation under paragraph (1)(A)
 9 for a fiscal year shall be distributed to such State
 10 or political subdivision not later than 120 days after
 11 the last day of the period specified by the Attorney
 12 General for the submission of requests under that
 13 paragraph for that fiscal year.”.

14 **SEC. 1152. SOUTHERN BORDER SECURITY ASSISTANCE**
 15 **GRANTS.**

16 (a) **AUTHORITY.**—

17 (1) **IN GENERAL.**—The Secretary, in consulta-
 18 tion with State and local law enforcement agencies,
 19 may award border security assistance grants to law
 20 enforcement agencies located in the Southwest bor-
 21 der region for the purposes described in subsection

22 (b).

23 (2) **PRIORITY.**—In awarding grants under this
 24 section, the Secretary shall give priority to law en-

1 enforcement agencies located in a county that is lo-
2 cated within 25 miles of the Southern border.

3 (b) PURPOSES.—Each grant awarded under sub-
4 section (a) shall be used to address drug trafficking,
5 smuggling, and border violence—

6 (1) by obtaining law enforcement equipment
7 and tools, including secure 2-way communication de-
8 vices, portable laptops and office computers, license
9 plate readers, unmanned aerial vehicles, unmanned
10 aircraft systems, manned aircraft, cameras with
11 night viewing capabilities, and any other appropriate
12 law enforcement equipment;

13 (2) by hiring additional personnel, including ad-
14 ministrative support personnel, dispatchers, and
15 jailers, and to provide overtime pay for such per-
16 sonnel;

17 (3) by purchasing law enforcement vehicles;

18 (4) by providing high performance aircraft and
19 helicopters for border surveillance and other critical
20 mission applications and paying for the operational
21 and maintenance costs associated with such craft;

22 (5) by providing critical power generation sys-
23 tems, infrastructure, and technological upgrades to
24 support State and local data management systems
25 and fusion centers; or

1 (6) by providing specialized training and paying
2 for the direct operating expenses associated with de-
3 tecting and prosecuting drug trafficking, human
4 smuggling, and other illegal activity or violence that
5 occurs at or near the Southern border.

6 (c) APPLICATION.—

7 (1) REQUIREMENT.—A law enforcement agency
8 seeking a grant under subsection (a), or a nonprofit
9 organization or coalition acting as an agent for 1 or
10 more such law enforcement entities, shall submit an
11 application to the Secretary that includes the infor-
12 mation described in paragraph (2) at such time and
13 in such manner as the Secretary may require.

14 (2) CONTENT.—Each application submitted
15 under paragraph (1) shall include—

16 (A) a description of the activities to be car-
17 ried out with a grant awarded under subsection
18 (a);

19 (B) if equipment will be purchased with
20 the grant, a detailed description of—

21 (i) the type and quantity of such
22 equipment; and

23 (ii) the personnel who will be using
24 such equipment;

1 (C) a description of the need of the law en-
2 forcement agency or agencies for the grant, in-
3 cluding a description of the inability of the
4 agency or agencies to carry out the proposed
5 activities without the grant; and

6 (D) an assurance that the agency or agen-
7 cies will, to the extent practicable, seek, recruit,
8 and hire women and members of racial and eth-
9 nic minority groups in law enforcement posi-
10 tions of the agency or agencies.

11 (d) REVIEW AND AWARD.—

12 (1) REVIEW.—Not later than 90 days after re-
13 ceiving an application submitted under subsection
14 (c), the Secretary shall review and approve or reject
15 the application.

16 (2) AWARD OF FUNDS.—Subject to the avail-
17 ability of appropriations, not later than 45 days
18 after the date an application is approved under
19 paragraph (1), the Secretary shall transmit the
20 grant funds to the applicant.

21 (3) PRIORITY.—In distributing grant funds
22 under this subsection, priority shall be given to high-
23 intensity areas for drug trafficking, smuggling, and
24 border violence.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated, for each of the fiscal years
3 1019 and 2020, \$300,000,000 for grants authorized
4 under this section.

5 **SEC. 1153. OPERATION STONEGARDEN.**

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

9 **“SEC. 2009. OPERATION STONEGARDEN.**

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

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

20 “(1) shall be located in—

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

22 or

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

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

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

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

9 “(2) personnel, including overtime and backfill,
10 in support of enhanced border law enforcement ac-
11 tivities;

12 “(3) any activity permitted for Operation
13 Stonegarden under the Department of Homeland
14 Security’s Fiscal Year 2017 Homeland Security
15 Grant Program Notice of Funding Opportunity; and

16 “(4) any other appropriate activity, as deter-
17 mined by the Administrator, in consultation with the
18 Commissioner of U.S. Customs and Border Protec-
19 tion.

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

23 “(e) REPORT.—For each of the fiscal years 2018
24 through 2022, the Administrator shall submit a report to
25 the Committee on Homeland Security and Governmental

1 Affairs of the Senate and the Committee on Homeland
2 Security of the House of Representatives containing infor-
3 mation on the expenditure of grants made under this sec-
4 tion by each grant recipient.

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

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

12 “(a) GRANTS AUTHORIZED.—The Secretary, through
13 the Administrator, may award grants under sections 2003,
14 2004, and 2009 to State, local, and tribal governments,
15 as appropriate.”.

16 (c) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of the Homeland Security Act of 2002 is
18 amended by inserting after the item relating to section
19 2008 the following:

“Sec. 2009. Operation Stonegarden.”.

20 **SEC. 1154. GRANTS FOR IDENTIFICATION OF VICTIMS OF**
21 **CROSS-BORDER HUMAN SMUGGLING.**

22 In addition to any funding for grants made available
23 to the Attorney General for State and local law enforce-
24 ment assistance, the Attorney General shall award grants
25 to county, municipal, or tribal governments in States

1 along the southern border for costs, or reimbursement of
2 costs, associated with the transportation and processing
3 of unidentified alien remains that have been transferred
4 to an official medical examiner’s office or an institution
5 of higher education in the area with the capacity to ana-
6 lyze human remains using forensic best practices, includ-
7 ing DNA testing, where such expenses may contribute to
8 the collection and analysis of information pertaining to
9 missing and unidentified persons.

10 **SEC. 1155. GRANT ACCOUNTABILITY.**

11 (a) DEFINITIONS.—In this section:

12 (1) AWARDING ENTITY.—The term “awarding
13 entity” means the Secretary, the Administrator of
14 the Federal Emergency Management Agency, the
15 Director of the National Science Foundation, or the
16 Chief of the Office of Citizenship and New Ameri-
17 cans.

18 (2) NONPROFIT ORGANIZATION.—The term
19 “nonprofit organization” means an organization that
20 is described in section 501(c)(3) of the Internal Rev-
21 enue Code of 1986 and is exempt from taxation
22 under section 501(a) of such Code.

23 (3) UNRESOLVED AUDIT FINDING.—The term
24 “unresolved audit finding” means a finding in a
25 final audit report conducted by the Inspector Gen-

1 eral of the Department of Homeland Security, or the
2 Inspector General for the National Science Founda-
3 tion for grants awarded by the Director of the Na-
4 tional Science Foundation, that the audited grantee
5 has utilized grant funds for an unauthorized expend-
6 iture or otherwise unallowable cost that is not closed
7 or resolved within one year after the date when the
8 final audit report is issued.

9 (b) ACCOUNTABILITY.—All grants awarded by an
10 awarding entity pursuant to this subtitle shall be subject
11 to the following accountability provisions:

12 (1) AUDIT REQUIREMENT.—

13 (A) AUDITS.—Beginning in the first fiscal
14 year beginning after the date of the enactment
15 of this Act, and in each fiscal year thereafter,
16 the Inspector General of the Department of
17 Homeland Security, or the Inspector General
18 for the National Science Foundation for grants
19 awarded by the Director of the National
20 Science Foundation, shall conduct audits of re-
21 cipients of grants under this subtitle or any
22 amendments made by this subtitle to prevent
23 waste, fraud, and abuse of funds by grantees.
24 Such Inspectors General shall determine the ap-

1 properly awarded to such entity into the
2 general fund of the Treasury; and

3 (ii) seek to recover the costs of the re-
4 payment under clause (i) from such entity.

5 (2) NONPROFIT ORGANIZATION REQUIRE-
6 MENTS.—

7 (A) PROHIBITION.—An awarding entity
8 may not award a grant under this subtitle or
9 any amendment made by this subtitle to a non-
10 profit organization that holds money in offshore
11 accounts for the purpose of avoiding the tax im-
12 posed under section 511(a) of the Internal Rev-
13 enue Code of 1986.

14 (B) DISCLOSURE.—Each nonprofit organi-
15 zation that is awarded a grant under this sub-
16 title or any amendment made by this subtitle
17 and uses the procedures prescribed by Internal
18 Revenue regulations to create a rebuttable pre-
19 sumption of reasonableness for the compensa-
20 tion of its officers, directors, trustees, and key
21 employees, shall disclose to the awarding entity,
22 in the application for the grant, the process for
23 determining such compensation, including the
24 independent persons involved in reviewing and
25 approving such compensation, the comparability

1 data used, and contemporaneous substantiation
2 of the deliberation and decision. Upon request,
3 the awarding entity shall make the information
4 disclosed under this subparagraph available for
5 public inspection.

6 (3) CONFERENCE EXPENDITURES.—

7 (A) LIMITATION.—Amounts authorized to
8 be appropriated to the Department of Home-
9 land Security or the National Science Founda-
10 tion for grant programs under this subtitle or
11 any amendment made by this subtitle may not
12 be used by an awarding entity to host or sup-
13 port any expenditure for conferences that uses
14 more than \$20,000 in funds made available by
15 the Department of Homeland Security or the
16 National Science Foundation unless the Deputy
17 Secretary for Homeland Security, or the Dep-
18 uty Director of the National Science Founda-
19 tion, or their designee, provides prior written
20 authorization that the funds may be expended
21 to host the conference.

22 (B) WRITTEN APPROVAL.—Written ap-
23 proval under subparagraph (A) shall include a
24 written estimate of all costs associated with the
25 conference, including the cost of all food, bev-

1 erages, audio-visual equipment, honoraria for
2 speakers, and entertainment.

3 (C) REPORT.—The Deputy Secretary of
4 Homeland Security and the Deputy Director of
5 the National Science Foundation shall submit
6 an annual report to Congress that identifies all
7 conference expenditures approved under this
8 paragraph.

9 (4) ANNUAL CERTIFICATION.—Beginning in the
10 first fiscal year beginning after the date of the en-
11 actment of this Act, each awarding entity shall sub-
12 mit a report to Congress that—

13 (A) indicates whether—

14 (i) all audits issued by the Offices of
15 the Inspector General under paragraph (1)
16 have been completed and reviewed by the
17 appropriate individuals;

18 (ii) all mandatory exclusions required
19 under paragraph (1)(B) have been issued;
20 and

21 (iii) all reimbursements required
22 under paragraph (1)(D) have been made;
23 and

1 (B) includes a list of any grant recipients
2 excluded under paragraph (1) during the pre-
3 vious year.

4 **CHAPTER 4—AUTHORIZATION OF**
5 **APPROPRIATIONS**

6 **SEC. 1161. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—In addition to amounts otherwise
8 authorized to be appropriated, there are authorized to be
9 appropriated, for each of the fiscal years 2018 through
10 2021, \$2,500,000,000 to implement this title and the
11 amendments made by this title, of which—

12 (1) \$10,000,000 shall be used by the Depart-
13 ment of Homeland Security to implement Vehicle
14 and Dismount Exploitation Radars (VADER) in
15 border security operations;

16 (2) \$3,000,000 shall be used by the Depart-
17 ment of Homeland Security to implement 3-dimen-
18 sional, seismic, acoustic detection and ranging bor-
19 der tunneling detection technology on the southern
20 border;

21 (3) \$200,000,000 shall be used by the Depart-
22 ment of State to implement section 1120; and

23 (4) \$200,000,000 shall be used by the United
24 States Coast Guard to implement section
25 1114(a)(18).

1 (b) HIGH INTENSITY DRUG TRAFFICKING AREA
2 PROGRAM.—Section 707(p)(5) of the Office of National
3 Drug Control Policy Reauthorization Act of 1998 (21
4 U.S.C. 1706(p)(5)) is amended by striking “to the Office
5 of National Drug Control Policy” and all that follows and
6 inserting “\$280,000,000 to the Office of National Drug
7 Control Policy for each of the fiscal years 2018 through
8 2021 to carry out this section.”.

9 **Subtitle B—Emergency Port of**
10 **Entry Personnel and Infrastruc-**
11 **ture Funding**

12 **SEC. 1201. DEFINITIONS.**

13 In this subtitle:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Homeland Security
18 and Governmental Affairs of the Senate;

19 (B) the Committee on Finance of the Sen-
20 ate;

21 (C) the Committee on the Judiciary of the
22 Senate;

23 (D) the Committee on Homeland Security
24 of the House of Representatives;

1 (E) the Committee on Ways and Means of
2 the House of Representatives; and

3 (F) the Committee on the Judiciary of the
4 House of Representatives.

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

7 **SEC. 1202. PORTS OF ENTRY INFRASTRUCTURE.**

8 (a) ADDITIONAL PORTS OF ENTRY.—

9 (1) AUTHORITY.—The Secretary may construct
10 new ports of entry along the northern border and
11 the southern border and determine the location of
12 any such new ports of entry.

13 (2) CONSULTATION.—

14 (A) REQUIREMENT TO CONSULT.—The
15 Secretary shall consult with the Secretary of
16 State, the Secretary of the Interior, the Sec-
17 retary of Agriculture, the Secretary of Trans-
18 portation, the Administrator of General Serv-
19 ices, and appropriate representatives of State
20 and local governments, and Indian tribes, and
21 property owners in the United States before se-
22 lecting a location for any new port constructed
23 pursuant to paragraph (1).

24 (B) CONSIDERATIONS.—The purpose of
25 the consultations required under subparagraph

1 (A) shall be to minimize any negative impacts
2 of such a new port on the environment, culture,
3 commerce, and quality of life of the commu-
4 nities and residents located near such new port.

5 (b) EXPANSION AND MODERNIZATION OF HIGH-VOL-
6 UME SOUTHERN BORDER PORTS OF ENTRY.—Not later
7 than September 30, 2021, the Secretary shall expand or
8 modernize the primary and secondary inspection lanes for
9 vehicle, cargo, and pedestrian inbound and outbound in-
10 spection lanes at ports of entry on the southern border,
11 as determined by the Secretary, for the purposes of reduc-
12 ing wait times and enhancing security, as determined by
13 the Secretary.

14 (c) PORT OF ENTRY PRIORITIZATION.—Before con-
15 structing any new ports of entry pursuant to subsection
16 (a), the Secretary shall complete the expansion and mod-
17 ernization of ports of entry pursuant to subsection (b) to
18 the extent practicable.

19 (d) NOTIFICATIONS.—

20 (1) NEW PORTS OF ENTRY.—Not later than 15
21 days after determining the location of any new port
22 of entry for construction pursuant to subsection (a),
23 the Secretary shall submit a report to the appro-
24 priate congressional committees and the Members of
25 Congress who represent the State or congressional

1 district in which such new port of entry will be lo-
2 cated that includes—

3 (A) information relating to the location of
4 such new port of entry;

5 (B) a description of the need for such new
6 port of entry and associated anticipated bene-
7 fits;

8 (C) a description of the consultations un-
9 dertaken by the Secretary pursuant to sub-
10 section (a)(2);

11 (D) any actions that will be taken to mini-
12 mize negative impacts of such new port of
13 entry; and

14 (E) the anticipated time line for the con-
15 struction and completion of such new port of
16 entry.

17 (2) EXPANSION AND MODERNIZATION OF PORTS
18 OF ENTRY.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary shall no-
20 tify the appropriate congressional committees of—

21 (A) the ports of entry on the southern bor-
22 der selected for expansion or modernization
23 pursuant to subsection (b); and

1 (B) the Secretary’s plan for expanding or
2 modernizing the primary and secondary inspec-
3 tion lanes at each such port of entry.

4 **SEC. 1203. SECURE COMMUNICATIONS.**

5 (a) IN GENERAL.—The Secretary shall ensure that
6 each U.S. Customs and Border Protection and U.S. Immi-
7 gration and Customs Enforcement officer or agent, if ap-
8 propriate, is equipped with a secure 2-way communication
9 device, supported by system interoperability, that allows
10 each such officer to communicate—

11 (1) between ports of entry and inspection sta-
12 tions; and

13 (2) with other Federal, State, tribal, and local
14 law enforcement entities.

15 (b) LAND BORDER AGENTS AND OFFICERS.—The
16 Secretary shall ensure that each U.S. Customs and Border
17 Protection agent or officer assigned or required to patrol
18 on foot, by horseback, or with a canine unit, in remote
19 mission critical locations, and at border checkpoints, has
20 a multi- or dual-band encrypted portable radio.

21 **SEC. 1204. BORDER SECURITY DEPLOYMENT PROGRAM.**

22 (a) EXPANSION.—Not later than September 30,
23 2021, the Secretary shall fully implement U.S. Customs
24 and Border Protection’s Border Security Deployment Pro-
25 gram and expand the integrated surveillance and intrusion

1 detection system at land ports of entry along the southern
2 border and the northern border.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
4 tion to amounts otherwise authorized to be appropriated
5 for such purpose, there is authorized to be appropriated
6 \$33,000,000, for each of the fiscal year 2018 through
7 2021, to carry out subsection (a).

8 **SEC. 1205. PILOT AND UPGRADE OF LICENSE PLATE READ-**
9 **ERS AT PORTS OF ENTRY.**

10 (a) UPGRADE.—Not later than 1 year after the date
11 of the enactment of this Act, the Commissioner of U.S.
12 Customs and Border Protection shall upgrade all existing
13 license plate readers on the northern border or the south-
14 ern border on incoming and outgoing vehicle lanes.

15 (b) PILOT PROGRAM.—Not later than 90 days after
16 the date of the enactment of this Act, the Commissioner
17 of U.S. Customs and Border Protection shall conduct a
18 1-month pilot program on the southern border using li-
19 cense plate readers for 1 to 2 cargo lanes at the top 3
20 high-volume land ports of entry or checkpoints to deter-
21 mine their effectiveness in reducing cross-border wait
22 times for commercial traffic and tractor-trailers.

23 (c) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary shall submit

1 a report to the appropriate congressional committees that
2 contains—

3 (1) the results of the pilot program under sub-
4 section (b); and

5 (2) recommendations for using such technology
6 on the southern border.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
8 tion to amounts otherwise authorized to be appropriated
9 for such purpose, there is authorized to be appropriated
10 \$125,000,000 for fiscal year 2018 to carry out subsection
11 (a).

12 **SEC. 1206. BIOMETRIC TECHNOLOGY.**

13 (a) BIOMETRIC STORAGE.—

14 (1) CREATION OR EXPANSION OF SYSTEM.—
15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary shall create a system
17 (or upgrade and expand the capability and capacity
18 of an existing system, if a Department of Homeland
19 Security system already has capability and capacity
20 for storage) to allow for the storage of fingerprints,
21 photographs, iris scans, voice prints, and any other
22 biometric data of aliens that can be used by the De-
23 partment of Homeland Security, other Federal agen-
24 cies, and State and local law enforcement agencies

1 for identity verification, authentication, background
2 checks, and document production.

3 (2) COMPATIBILITY.—The Secretary shall en-
4 sure, to the extent possible, that the system created
5 or expanded under paragraph (1) is compatible with
6 existing State and local law enforcement systems
7 that are used for the collection and storage of bio-
8 metric data for criminal aliens.

9 (b) PILOT PROGRAM.—When the system created
10 under subsection (a) is operational, U.S. Immigration and
11 Customs Enforcement and U.S. Citizenship and Immigra-
12 tion Services shall conduct a 6-month pilot program on
13 the collection and use of iris scans and voice prints for
14 identity verification, authentication, background checks,
15 and document production.

16 (c) REPORT.—Not later than 6 months after the con-
17 clusion of the pilot program under subsection (b), the Sec-
18 retary shall report the results of the pilot program and
19 make recommendations for using such technology to—

20 (1) the Committee on Homeland Security and
21 Governmental Affairs of the Senate;

22 (2) the Committee on the Judiciary of the Sen-
23 ate;

24 (3) the Committee on Homeland Security of the
25 House of Representatives; and

1 (4) the Committee on the Judiciary of the
2 House of Representatives.

3 (d) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
4 tion to amounts otherwise authorized to be appropriated,
5 there are authorized to be appropriated, for each of the
6 fiscal years 2018 through 2021, \$10,000,000 carry out
7 this section.

8 **SEC. 1207. NONINTRUSIVE INSPECTION OPERATIONAL**
9 **DEMONSTRATION PROJECT.**

10 (a) **IN GENERAL.**—

11 (1) **ESTABLISHMENT.**—Not later than 6
12 months after the date of the enactment of this Act,
13 the Commissioner shall establish a 6-month oper-
14 ational demonstration project to deploy a high-
15 throughput nonintrusive passenger vehicle inspection
16 system at not fewer than 3 land ports of entry along
17 the United States-Mexico border with significant
18 cross-border traffic.

19 (2) **LOCATION.**—The demonstration project es-
20 tablished under paragraph (1)—

21 (A) shall be located within the pre-primary
22 traffic flow; and

23 (B) should be scalable to span up to 26
24 contiguous in-bound traffic lanes without recon-
25 figuration of existing lanes.

1 (b) REPORT.—Not later than 90 days after the con-
2 clusion of the operational demonstration project under
3 subsection (a), the Commissioner shall submit a report to
4 the Committee on Homeland Security and Governmental
5 Affairs of the Senate, the Committee on Finance of the
6 Senate, the Committee on Homeland Security of the
7 House of Representatives, and the Committee on Ways
8 and Means of the House of Representatives that de-
9 scribes—

10 (1) the effects of the demonstration project on
11 legitimate travel and trade;

12 (2) the effects of the demonstration project on
13 wait times, including processing times, for non-pe-
14 destrian traffic; and

15 (3) the effectiveness of the demonstration
16 project in combating terrorism and smuggling.

17 **SEC. 1208. BIOMETRIC EXIT DATA SYSTEM.**

18 (a) IN GENERAL.—Subtitle B of title IV of the
19 Homeland Security Act of 2002 (6 U.S.C. 211 et seq.)
20 is amended by inserting after section 418 the following:

21 **“SEC. 419. BIOMETRIC ENTRY-EXIT.**

22 “(a) ESTABLISHMENT.—The Secretary—

23 “(1) not later than 180 days after the date of
24 the enactment of this section, shall submit an imple-
25 mentation plan to the Committee on Homeland Se-

1 security and Governmental Affairs of the Senate, the
2 Committee on the Judiciary of the Senate, the Com-
3 mittee on Homeland Security of the House of Rep-
4 resentatives, and the Committee on the Judiciary of
5 the House of Representatives for establishing a bio-
6 metric exit data system to complete the integrated
7 biometric entry and exit data system required under
8 section 7208 of the Intelligence Reform and Ter-
9 rorism Prevention Act of 2004 (8 U.S.C. 1365b), in-
10 cluding—

11 “(A) an integrated master schedule and
12 cost estimate, including requirements and de-
13 sign, development, operational, and mainte-
14 nance costs of such a system, that takes into
15 account prior reports on such matters issued by
16 the Government Accountability Office and the
17 Department;

18 “(B) cost-effective staffing and personnel
19 requirements of such a system that leverages
20 existing resources of the Department that takes
21 into account prior reports on such matters
22 issued by the Government Accountability Office
23 and the Department;

24 “(C) a consideration of training programs
25 necessary to establish such a system that takes

1 into account prior reports on such matters
2 issued by the Government Accountability Office
3 and the Department;

4 “(D) a consideration of how such a system
5 will affect arrival and departure wait times that
6 takes into account prior reports on such matter
7 issued by the Government Accountability Office
8 and the Department;

9 “(E) information received after consulta-
10 tion with private sector stakeholders, including
11 the—

12 “(i) trucking industry;

13 “(ii) airport industry;

14 “(iii) airline industry;

15 “(iv) seaport industry;

16 “(v) travel industry; and

17 “(vi) biometric technology industry;

18 “(F) a consideration of how trusted trav-
19 eler programs in existence as of the date of the
20 enactment of this Act may be impacted by, or
21 incorporated into, such a system;

22 “(G) defined metrics of success and mile-
23 stones;

24 “(H) identified risks and mitigation strate-
25 gies to address such risks;

1 “(I) a consideration of how other countries
2 have implemented a biometric exit data system;
3 and

4 “(J) a list of statutory, regulatory, or ad-
5 ministrative authorities needed to integrate
6 such a system into the operations of the Trans-
7 portation Security Administration; and

8 “(2) not later than 2 years after the date of the
9 enactment of this section, shall establish a biometric
10 exit data system at—

11 “(A) the 15 United States airports that
12 support the highest volume of international air
13 travel, as determined by available Federal flight
14 data;

15 “(B) the 10 United States seaports that
16 support the highest volume of international sea
17 travel, as determined by available Federal travel
18 data; and

19 “(C) the 15 United States land ports of
20 entry that support the highest volume of vehi-
21 cle, pedestrian, and cargo crossings, as deter-
22 mined by available Federal border crossing
23 data.

24 “(b) IMPLEMENTATION.—

1 “(1) PILOT PROGRAM AT LAND PORTS OF
2 ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAF-
3 FIC.—Not later than 6 months after the date of the
4 enactment of this section, the Secretary, in collabo-
5 ration with industry stakeholders, shall establish a
6 6-month pilot program to test the biometric exit
7 data system referred to in subsection (a)(2) on non-
8 pedestrian outbound traffic at not fewer than 3 land
9 ports of entry with significant cross-border traffic,
10 including at not fewer than 2 land ports of entry on
11 the southern land border and at least 1 land port of
12 entry on the northern land border. Such pilot pro-
13 gram may include a consideration of more than 1 bi-
14 ometric mode, and shall be implemented to deter-
15 mine—

16 “(A) how a nationwide implementation of
17 such biometric exit data system at land ports of
18 entry shall be carried out;

19 “(B) the infrastructure required to carry
20 out subparagraph (A);

21 “(C) the effects of such pilot program on
22 legitimate travel and trade;

23 “(D) the effects of such pilot program on
24 wait times, including processing times, for such
25 nonpedestrian traffic;

1 “(E) the effects of such pilot program on
2 combating terrorism; and

3 “(F) the effects of such pilot program on
4 identifying visa holders who violate the terms of
5 their visas.

6 “(2) EXPANSION TO LAND PORTS OF ENTRY
7 FOR NONPEDESTRIAN OUTBOUND TRAFFIC.—

8 “(A) IN GENERAL.—Not later than 5 years
9 after the date of the enactment of this section,
10 the Secretary shall expand the biometric exit
11 data system referred to in subsection (a)(2) to
12 all land ports of entry, and such system shall
13 apply only in the case of nonpedestrian out-
14 bound traffic.

15 “(B) EXTENSION.—The Secretary may ex-
16 tend for a single 2-year period the date speci-
17 fied in subparagraph (A) if the Secretary cer-
18 tifies to the Committee on Homeland Security
19 and Governmental Affairs of the Senate, the
20 Committee on the Judiciary of the Senate, the
21 Committee on Homeland Security of the House
22 of Representatives, and the Committee on the
23 Judiciary of the House of Representatives that
24 the 15 land ports of entry that support the
25 highest volume of passenger vehicles, as deter-

1 mined by available Federal data, do not have
2 the physical infrastructure or characteristics to
3 install the systems necessary to implement a bi-
4 ometric exit data system.

5 “(3) EXPANSION TO AIR AND SEA PORTS OF
6 ENTRY.—Not later than 5 years after the date of
7 the enactment of this section, the Secretary shall ex-
8 pand the biometric exit data system referred to in
9 subsection (a)(2) to all air and sea ports of entry.

10 “(4) EXPANSION TO LAND PORTS OF ENTRY
11 FOR PEDESTRIANS.—Not later than 5 years after
12 the date of the enactment of this section, the Sec-
13 retary shall expand the biometric exit data system
14 referred to in subsection (a)(2) to all land ports of
15 entry, and such system shall apply only in the case
16 of pedestrians.

17 “(c) EFFECTS ON AIR, SEA, AND LAND TRANSPOR-
18 TATION.—The Secretary, in consultation with appropriate
19 private sector stakeholders, shall ensure that the collection
20 of biometric data under this section causes the least pos-
21 sible disruption to the movement of people or cargo in air,
22 sea, or land transportation, while fulfilling the goals of im-
23 proving counterterrorism efforts and identifying visa hold-
24 ers who violate the terms of their visas.

1 “(d) TERMINATION OF PROCEEDING.—Notwith-
2 standing any other provision of law, the Secretary shall,
3 on the date of the enactment of this section, terminate
4 the proceeding entitled ‘Collection of Alien Biometric Data
5 Upon Exit From the United States at Air and Sea Ports
6 of Departure; United States Visitor and Immigrant Status
7 Indicator Technology Program (“US-VISIT”)', issued on
8 April 24, 2008 (73 Fed. Reg. 22065).

9 “(e) DATA-MATCHING.—The biometric exit data sys-
10 tem established under this section shall—

11 “(1) match biometric information for an indi-
12 vidual who is departing the United States against bi-
13 ometric data previously provided to the United
14 States Government by such individual for the pur-
15 poses of international travel;

16 “(2) leverage the infrastructure and databases
17 of the current biometric entry and exit system estab-
18 lished pursuant to section 7208 of the Intelligence
19 Reform and Terrorism Prevention Act of 2004 (8
20 U.S.C. 1365b) for the purpose described in para-
21 graph (1); and

22 “(3) be interoperable with, and allow matching
23 against, other Federal databases that—

24 “(A) store biometrics of known or sus-
25 pected terrorists; and

1 “(h) MULTI-MODAL COLLECTION.—In carrying out
2 subsections (a)(1) and (b), the Secretary shall make every
3 effort to collect biometric data using multiple modes of
4 biometrics.

5 “(i) FACILITIES.—All facilities at which the biometric
6 exit data system established under this section is imple-
7 mented shall provide and maintain space for Federal use
8 that is adequate to support biometric data collection and
9 other inspection-related activity. For non-federally owned
10 facilities, such space shall be provided and maintained at
11 no cost to the Government.

12 “(j) NORTHERN LAND BORDER.—In the case of the
13 northern land border, the requirements under subsections
14 (a)(2)(C), (b)(2)(A), and (b)(4) may be achieved through
15 the sharing of biometric data provided to U.S. Customs
16 and Border Protection by the Canadian Border Services
17 Agency pursuant to the 2011 Beyond the Border agree-
18 ment.

19 “(k) FAIR AND OPEN COMPETITION.—The Secretary
20 shall procure goods and services to implement this section
21 via fair and open competition in accordance with the Fed-
22 eral Acquisition Regulations.

23 “(l) OTHER BIOMETRIC INITIATIVES.—The Sec-
24 retary may pursue biometric initiatives at air, land, and
25 sea ports of entry for the purposes of border security and

1 trade facilitation distinct from the biometric exit data sys-
2 tem described in this section.

3 “(m) CONGRESSIONAL REVIEW.—Not later than 90
4 days after the date of the enactment of this section, the
5 Secretary shall submit to reports and recommendations to
6 the Committee on Homeland Security and Governmental
7 Affairs of the Senate, the Committee on the Judiciary of
8 the Senate, the Committee on Homeland Security of the
9 House of Representatives, and the Committee on the Judi-
10 ciary of the House of Representatives regarding the
11 Science and Technology Directorate’s Air Entry and Exit
12 Re-Engineering Program of the Department and the U.S.
13 Customs and Border Protection entry and exit mobility
14 program demonstrations.

15 “(n) SAVINGS CLAUSE.—Nothing in this section may
16 be construed to prohibit the collection of user fees per-
17 mitted by section 13031 of the Consolidated Omnibus
18 Budget Reconciliation Act of 1985 (19 U.S.C. 58c).”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of the Homeland Security Act of 2002 is
21 amended by inserting after the item relating to section
22 417 the following:

“Sec. 419. Biometric entry-exit.”.

1 **SEC. 1209. SENSE OF CONGRESS ON COOPERATION BE-**
2 **TWEEN AGENCIES.**

3 (a) FINDING.—Congress finds that personnel con-
4 straints exist at land ports of entry with regard to sanitary
5 and phytosanitary inspections for exported goods.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that, in the best interest of cross-border trade and
8 the agricultural community—

9 (1) any lack of certified personnel for inspection
10 purposes at ports of entry should be addressed by
11 seeking cooperation between agencies and depart-
12 ments of the United States, whether in the form of
13 a memorandum of understanding or through a cer-
14 tification process, whereby additional existing agents
15 are authorized for additional hours to facilitate the
16 crossing and trade of perishable goods in a manner
17 consistent with rules of the Department of Agri-
18 culture; and

19 (2) cross designation should be available for
20 personnel who will assist more than one agency or
21 department at land ports of entry to facilitate in-
22 creased trade and commerce.

23 **SEC. 1210. AUTHORIZATION OF APPROPRIATIONS.**

24 In addition to any amounts otherwise authorized to
25 be appropriated for such purpose, there is authorized to
26 be appropriated \$1,250,000,000 for each of the fiscal

1 years 2018 through 2021 to carry out this title, of
2 which—

3 (1) \$2,000,000 shall be used by the Secretary
4 for—

5 (A) hiring additional Uniform Management
6 Center support personnel;

7 (B) purchasing uniforms for U.S. Customs
8 and Border Protection officers and agents;

9 (C) acquiring additional motor vehicles to
10 support vehicle mounted surveillance systems;

11 (D) hiring additional motor vehicle pro-
12 gram support personnel; and

13 (E) contract support for customer service,
14 vendor management, and operations manage-
15 ment;

16 (2) \$250,000,000 per year shall be used to im-
17 plement the biometric exit data system described in
18 section 419 of the Homeland Security Act of 2002,
19 as added by section 1208 of this Act; and

20 (3) \$65,000,000 shall be used by the Secretary
21 to purchase—

22 (A) new AS350, UH-60L, and UAS-Native
23 M9 aircrafts;

24 (B) required support equipment; and

1 (C) initial spare parts for southern and
2 northern border security and maritime oper-
3 ations.

4 **Subtitle C—Domestic Security and**
5 **Interior Enforcement**

6 **CHAPTER 1—GENERAL MATTERS**

7 **SEC. 1301. ENDING CATCH AND RELEASE FOR REPEAT IM-**
8 **MIGRATION VIOLATORS AND CRIMINALS**
9 **ALIENS.**

10 (a) IN GENERAL.—Section 236 of the Immigration
11 and Nationality Act (8 U.S.C. 1226) is amended by strik-
12 ing the section heading and subsections (a) through (c)
13 and inserting the following:

14 **“SEC. 236. APPREHENSION AND DETENTION OF ALIENS.**

15 **“(a) ARREST, DETENTION, AND RELEASE.—**

16 **“(1) IN GENERAL.—**The Secretary, on a war-
17 rant issued by the Secretary, may arrest an alien
18 and detain the alien pending a decision on whether
19 the alien is to be removed from the United States
20 up until the alien has an administratively final order
21 of removal. Except as provided in subsection (c) and
22 pending such decision, the Secretary—

23 **“(A) may—**

24 **“(i) continue to detain the arrested**
25 **alien;**

1 “(ii) release the alien on bond of at
2 least \$5,000, with security approved by,
3 and containing conditions prescribed by,
4 the Secretary; or

5 “(iii) release the alien on his or her
6 own recognizance, subject to appropriate
7 conditions set forth by the Secretary, if the
8 Secretary determines that the alien will not
9 pose a danger to the safety of other per-
10 sons or of property and is likely to appear
11 for any scheduled proceeding; and

12 “(B) may not provide the alien with work
13 authorization (including an ‘employment au-
14 thorized’ endorsement or other appropriate
15 work permit) or advance parole to travel outside
16 of the United States, unless the alien is lawfully
17 admitted for permanent residence or otherwise
18 would (without regard to removal proceedings)
19 be provided such authorization.

20 “(b) REVOCATION OF BOND OR PAROLE.—The Sec-
21 retary, at any time, may revoke bond or parole authorized
22 under subsection (a), rearrest the alien under the original
23 warrant, and detain the alien.

24 “(c) MANDATORY DETENTION OF CRIMINAL
25 ALIENS.—

1 “(1) CRIMINAL ALIENS.—The Secretary shall
2 take into custody and continue to detain any alien
3 at any time after the alien is released, without re-
4 gard to whether the alien is released on parole, su-
5 pervised release, and without regard to whether the
6 alien may be arrested or imprisoned again for the
7 same offense, if the alien—

8 “(A)(i) has not been admitted or paroled
9 into the United States; and

10 “(ii) was apprehended anywhere within
11 100 miles of the international border of the
12 United States;

13 “(B) is inadmissible by reason of having
14 committed any offense covered in section
15 212(a)(2);

16 “(C) is deportable by reason of having
17 committed any offense covered in section
18 237(a)(2);

19 “(D) is convicted for an offense under sec-
20 tion 275(a);

21 “(E) is convicted for an offense under sec-
22 tion 276;

23 “(F) is convicted for any criminal offense;
24 or

1 “(G) is inadmissible under section
2 212(a)(3)(B) or deportable under section
3 237(a)(4)(B).

4 “(2) RELEASE.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), the Secretary may release an
7 alien described in paragraph (1) only if the Sec-
8 retary decides pursuant to section 3251 of title
9 18, United States Code, and in accordance with
10 a procedure that considers the severity of the
11 offense committed by the alien, that—

12 “(i) release of the alien from custody
13 is necessary to provide protection to—

14 “(I) a witness;

15 “(II) a potential witness;

16 “(III) a person cooperating with
17 an investigation into major criminal
18 activity; or

19 “(IV) an immediate family mem-
20 ber or close associate of a witness, po-
21 tential witness, or person cooperating
22 with such an investigation; and

23 “(ii) the alien demonstrates to the
24 satisfaction of the Secretary that the
25 alien—

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1 “(I) is not a flight risk;

2 “(II) poses no danger to the safe-
3 ty of other persons or of property;

4 “(III) is not a threat to national
5 security or public safety; and

6 “(IV) is likely to appear at any
7 scheduled proceeding.

8 “(B) ARRESTED, BUT NOT CONVICTED,
9 ALIENS.—

10 “(i) RELEASE FOR PROCEEDINGS.—

11 The Secretary may release any alien held
12 pursuant to paragraph (1) to the appro-
13 priate authority for any proceedings subse-
14 quent to the arrest.

15 “(ii) RESUMPTION OF CUSTODY.—If
16 an alien is released pursuant to clause (i),
17 the Secretary shall—

18 “(I) resume custody of the alien
19 during any period pending the final
20 disposition of any such proceedings
21 that the alien is not in the custody of
22 such appropriate authority; and

23 “(II) if the alien is not convicted
24 of the offense for which the alien was
25 arrested, the Secretary shall continue

1 to detain the alien until removal pro-
2 ceedings are completed.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in the first section of the Immigration and Nationality Act
5 is amended by striking the item relating to section 236
6 and inserting the following:

“Sec. 236. Apprehension and detention of aliens.”.

7 **SEC. 1302. DETERRING VISA OVERSTAYS.**

8 (a) ADMISSION OF NONIMMIGRANTS.—Section 214 of
9 the Immigration and Nationality Act (8 U.S.C. 1184) is
10 amended by striking the section heading and all that fol-
11 lows through subsection (a)(1) and inserting the following:

12 **“SEC. 214. ADMISSION OF NONIMMIGRANTS.**

13 “(a) IN GENERAL.—

14 “(1) TERMS AND CONDITIONS OF ADMISSION.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graphs (B) and (C), the admission to the
17 United States of any alien as a nonimmigrant
18 may be for such time and under such conditions
19 as the Secretary may prescribe, including when
20 the Secretary deems necessary the giving of a
21 bond with sufficient surety in such sum and
22 containing such conditions as the Secretary
23 shall prescribe, to insure that at the expiration
24 of such time or upon failure to maintain the
25 status under which the alien was admitted, or

1 to maintain any status subsequently acquired
2 under section 248, such alien will depart from
3 the United States.

4 “(B) GUAM OR CNMI VISA WAIVER NON-
5 IMMIGRANTS.—No alien admitted to Guam or
6 the Commonwealth of the Northern Mariana Is-
7 lands without a visa pursuant to section 212(l)
8 may be authorized to enter or stay in the
9 United States other than in Guam or the Com-
10 monwealth of the Northern Mariana Islands or
11 to remain in Guam or the Commonwealth of
12 the Northern Mariana Islands for a period ex-
13 ceeding 45 days from the date of admission to
14 Guam or the Commonwealth of the Northern
15 Mariana Islands.

16 “(C) VISA WAIVER PROGRAM NON-
17 IMMIGRANTS.—No alien admitted to the United
18 States without a visa pursuant to section 217
19 may be authorized to remain in the United
20 States as a nonimmigrant visitor for a period
21 exceeding 90 days from the date of admission.

22 “(D) BAR TO IMMIGRATION BENEFITS AND
23 TO CONTESTING REMOVAL.—

24 “(i) IN GENERAL.—Subject to clause
25 (ii), except for an alien admitted as a non-

1 immigrant under subparagraph (A) or (G)
2 of section 101(a)(15) or a NATO non-
3 immigrant, any alien who remains in the
4 United States beyond the period of stay
5 authorized by the Secretary, without good
6 cause is ineligible for all immigration bene-
7 fits or relief available under the immigra-
8 tion laws, including relief under sections
9 240B, 245, 248, and 249, other than—

10 “(I) asylum;

11 “(II) relief as a victim of traf-
12 ficking under section 101(a)(15)(T);

13 “(III) relief as a victim of crimi-
14 nal activity under section
15 101(a)(15)(U);

16 “(IV) relief as a VAWA self-peti-
17 tioner;

18 “(V) relief as a battered spouse
19 or child under section 240A(b)(2);

20 “(VI) withholding of removal
21 under section 241(b)(3); or

22 “(VII) protection from removal
23 based on a claim under the Conven-
24 tion Against Torture and Other Cruel,
25 Inhuman or Degrading Treatment or

1 Punishment, done at New York, De-
2 cember 10, 1984.

3 “(ii) EXCEPTION.—The Secretary
4 may, in the Secretary’s sole and
5 unreviewable discretion, determine that a
6 nonimmigrant is not subject to clause (i)
7 if—

8 “(I) the alien was lawfully admit-
9 ted to the United States as a non-
10 immigrant;

11 “(II) the alien filed a nonfrivo-
12 lous application for change of status
13 to another nonimmigrant category or
14 extension of stay before the date of
15 expiration of the alien’s authorized pe-
16 riod of stay as a nonimmigrant;

17 “(III) the alien has not been em-
18 ployed without authorization in the
19 United States, before, or during pend-
20 ency of the application;

21 “(IV) the alien has not otherwise
22 violated the terms of the alien’s non-
23 immigrant status; and

24 “(V) the Secretary, in the Sec-
25 retary’s sole and unreviewable discre-

1 tion, determines that the alien is not
2 a threat to national security or public
3 safety.

4 “(iii) GOOD CAUSE DEFINED.—For
5 purposes of clause (i), the term ‘good
6 cause’ means exigent humanitarian cir-
7 cumstances, such as medical emergencies
8 or force majeure.”.

9 (b) ISSUANCE OF NONIMMIGRANT VISAS.—Section
10 221(a) of the Immigration and Nationality Act (8 U.S.C.
11 1201(a)) is amended by adding at the end the following:

12 “(3) The Secretary of State shall ensure that every
13 application for a nonimmigrant visa includes an acknowl-
14 edgment, executed by the alien under penalty of perjury,
15 confirming that the alien—

16 “(A) has been notified of the terms and condi-
17 tions of the nonimmigrant visa, including the waiver
18 of rights under subsection (j); and

19 “(B) understands that he or she will be ineli-
20 gible for all immigration benefits and any form of
21 relief or protection from removal, including relief
22 under sections 240B, 245, 248, and 249, other than
23 a request for asylum, relief as a victim of trafficking
24 under section 101(a)(15)(T), relief as a victim of
25 criminal activity under 101(A)(15)(U), relief as a

1 VAWA self-petitioner, relief as a battered spouse or
2 child under section 240A(b)(2), withholding of re-
3 moval under section 241(b)(3), or protection from
4 removal based on a claim under the Convention
5 Against Torture and Other Cruel, Inhuman or De-
6 grading Treatment or Punishment, done at New
7 York, December 10, 1984, and from contesting re-
8 moval if the alien violates any term or condition of
9 his or her nonimmigrant visa or fails to depart the
10 United States at the end of the alien's authorized
11 period of stay.”.

12 (c) BARS TO IMMIGRATION RELIEF.—Section 221 of
13 the Immigration and Nationality Act, as amended by sub-
14 section (b), is further amended by adding at the end the
15 following:

16 “(j) WAIVER OF RIGHTS.—The Secretary of State
17 may not issue a nonimmigrant visa under section 214 to
18 an alien (other than an alien who qualifies for a visa under
19 subparagraph (A) or (G) of section 101(a)(15), is a
20 VAWA self-petitioner, or qualifies for a visa under the
21 North Atlantic Treaty, signed at Washington April 4,
22 1949) until the alien has waived any right to relief under
23 sections 240B, 245, 248, and 249 (other than relief from
24 removal under section 241(b)(3)), any form of relief estab-

1 lished after the date on which the nonimmigrant visa is
2 issued, and from contesting removal if the alien—

3 “(1) violates a term or condition of his or her
4 nonimmigrant status; or

5 “(2) fails to depart the United States at the
6 end of the alien’s authorized period of stay.”.

7 (d) VISA WAIVER PROGRAM WAIVER OF RIGHTS.—
8 Section 217(b) of the Immigration and Nationality Act (8
9 U.S.C. 1187(b)) is amended to read as follows:

10 “(b) WAIVER OF RIGHTS.—An alien may not be pro-
11 vided a waiver under the program unless the alien has—

12 “(1) signed, under penalty of perjury, an ac-
13 knowledgement confirming that the alien was noti-
14 fied and understands that he or she will be ineligible
15 for any form of relief or immigration benefit under
16 the Act or any other immigration laws, including
17 sections 240B, 245, 248, and 249 (other than a re-
18 quest for asylum), relief as a victim of trafficking
19 under section 101(a)(15)(T), relief as a victim of
20 criminal activity under 101(A)(15)(U), relief as a
21 VAWA self-petitioner, relief as a battered spouse or
22 child under section 240A(b)(2), withholding of re-
23 moval under section 241(b)(3), or protection from
24 removal based on a claim under the Convention
25 Against Torture and Other Cruel, Inhuman or De-

1 grading Treatment or Punishment, done at New
2 York, December 10, 1984, if the alien fails to depart
3 from the United States at the end of the 90-day pe-
4 riod for admission;

5 “(2) waived any right to review or appeal under
6 this Act of an immigration officer’s determination as
7 to the a admissibility of the alien at the port of
8 entry into the United States; and

9 “(3) waived any right to contest, other than on
10 the basis of an application for asylum, any action for
11 removal of the alien.”

12 (e) DETENTION AND REPATRIATION OF VISA WAIV-
13 ER VIOLATORS.—Section 217(c)(2)(E) of the Immigration
14 and Nationality Act (8 U.S.C. 1187(c)(2)(E)) is amended
15 by striking the section header and inserting the following:

16 “(E) DETENTION AND REPATRIATION OF
17 ALIENS.—Any alien who fails to depart from
18 the United States at the end of the 90-day pe-
19 riod for admission shall be detained pending re-
20 moval.”

21 **SEC. 1303. INCREASE IN IMMIGRATION DETENTION CAPAC-**
22 **ITY.**

23 Not later than September 30, 2018, and subject to
24 the availability of appropriations, the Secretary of Home-
25 land Security shall increase the immigration detention ca-

1 capacity to a daily immigration detention capacity of not
2 fewer than 48,879 detention beds.

3 **SEC. 1304. COLLECTION OF DNA FROM CRIMINAL AND DE-**
4 **TAINED ALIENS.**

5 Section 3 of the DNA Analysis Backlog Elimination
6 Act of 2000 (42 U.S.C. 14135a) is amended—

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

9 “(C) The Secretary of Homeland Security shall
10 collect DNA samples from any alien (as defined
11 under section 101(a)(3) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1101(a)(3))) who—

13 “(i) has been detained pursuant to section
14 235(b)(1)(B)(iii)(IV), 236, 236A, or 238 of
15 such Act (8 U.S.C. 1225(b)(1)(B)(iii)(IV),
16 1226, 1226a, and 1228); or

17 “(ii) is the subject of a final order of re-
18 moval under section 240 of such Act (8 U.S.C.
19 1229a) based on inadmissibility under section
20 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) or
21 being subject to removal under section
22 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)).”;
23 and

24 (2) in subsection (b), by striking “or the proba-
25 tion office responsible (as applicable)” and inserting

1 “the probation office responsible, or the Secretary of
2 Homeland Security”.

3 **SEC. 1305. COLLECTION, USE, AND STORAGE OF BIOMETRIC**
4 **DATA.**

5 (a) COLLECTION AND USE OF BIOMETRIC INFORMA-
6 TION FOR IMMIGRATION PURPOSES.—

7 (1) COLLECTION.—The Secretary of Homeland
8 Security may require any individual filing an appli-
9 cation, petition, or other request for an immigration
10 benefit or immigration status with the Department
11 of Homeland Security or seeking an immigration
12 benefit or other authorization, employment author-
13 ization, identity, or travel document, or requesting
14 relief or protection under any provision of the immi-
15 gration laws to submit biometric information (in-
16 cluding fingerprints, photograph, signature, voice
17 print, iris scan, or DNA) to the Secretary.

18 (2) USE.—The Secretary may use any biomet-
19 ric information submitted under paragraph (1) to
20 conduct background and security checks, verify an
21 individual’s identity, adjudicate, revoke, or terminate
22 an immigration benefit or immigration status, and
23 perform other functions related to administering and
24 enforcing the immigration laws.

1 (b) BIOMETRIC AND BIOGRAPHIC INFORMATION
2 SHARING.—

3 (1) SHARING WITH DEPARTMENT OF DEFENSE
4 AND FEDERAL BUREAU OF INVESTIGATION.—The
5 Secretary of Homeland Security, the Secretary of
6 Defense, and the Director of the Federal Bureau of
7 Investigation—

8 (A) shall exchange appropriate biometric
9 and biographic information to determine or con-
10 firm the identity of an individual and to assess
11 whether the individual is a threat to national
12 security or public safety; and

13 (B) may use information exchanged pursu-
14 ant to subparagraph (A)—

15 (i) to compare biometric and bio-
16 graphic information contained in applicable
17 systems of the Department of Homeland
18 Security, the Department of Defense, or
19 the Federal Bureau of Investigation to de-
20 termine if there is a match between such
21 information; and

22 (ii) if there is a match between such
23 information, to relay such information to
24 the requesting agency.

1 (2) USE OF BIOMETRIC DATA BY THE DEPART-
2 MENT OF STATE.—The Secretary of State shall use
3 biometric information from applicable systems of the
4 Department of Homeland Security, of the Depart-
5 ment of Defense, and of the Federal Bureau of In-
6 vestigation to track individuals who are—

7 (A)(i) known or suspected terrorists; or

8 (ii) identified as a potential threat to na-
9 tional security; and

10 (B) using an alias while traveling.

11 (3) REPORT ON BIOMETRIC INFORMATION
12 SHARING WITH MEXICO AND OTHER COUNTRIES FOR
13 IDENTITY VERIFICATION.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary of Homeland Security and the Secretary of
16 State shall submit a joint report on the status of ef-
17 forts to engage with the Government of Mexico and
18 the governments of other appropriate foreign coun-
19 tries located in Central America or South America—

20 (A) to discuss coordination on biometric
21 information sharing between the United States
22 and such countries; and

23 (B) to enter into bilateral agreements that
24 provide for the sharing of such biometric infor-
25 mation with the Department of State, the De-

1 partment of Defense, the Department of Jus-
2 tice, the Federal Bureau of Investigation, and
3 the Department of Homeland Security to use
4 in—

5 (i) identifying individuals who are
6 known or suspected terrorists or potential
7 threats to national security; and

8 (ii) verifying the entry and exit of in-
9 dividuals to and from the United States.

10 (4) **RULE OF CONSTRUCTION.**—The collection
11 of biometric information under paragraph (1) shall
12 not limit the authority of the Secretary of Homeland
13 Security to collect biometric information from any
14 individual arriving to or departing from the United
15 States.

16 **SEC. 1306. PILOT PROGRAM FOR ELECTRONIC FIELD PROC-**
17 **ESSING.**

18 (a) **IN GENERAL.**—Not later than 6 months after the
19 date of the enactment of this Act, the Secretary of Home-
20 land Security shall establish a pilot program in at least
21 5 of the 10 U.S. Immigration and Customs Enforcement
22 field offices or regions with the largest removal caseloads
23 to allow U.S. Immigration and Customs Enforcement offi-
24 cers to use handheld or vehicle-mounted computers to elec-
25 tronically—

1 (1) process and serve charging documents, in-
2 cluding notices to appear, while in the field;

3 (2) process and place detainers while in the
4 field;

5 (3) collect biometric data for the purpose of
6 identifying an alien and establishing both immigra-
7 tion status and criminal history while in the field;

8 (4) enter any required data, including personal
9 information about the alien subject and the reason
10 for issuing the document;

11 (5) apply the electronic signature of the issuing
12 U.S. Immigration and Customs Enforcement officer
13 or agent;

14 (6) apply or capture the electronic signature of
15 the alien on any charging document or notice, in-
16 cluding any electronic signature captured to ac-
17 knowledge service of such documents or notices;

18 (7) set the date on which the alien is required
19 to appear before an immigration judge, in the case
20 of notices to appear;

21 (8) print any documents the alien subject may
22 be required to sign, along with additional copies of
23 documents to be served on the alien; and

1 (9) interface with the ENFORCE database so
2 that all data is collected, stored, and retrievable in
3 real-time.

4 (b) CONTRACT SUPPORT.—The Secretary may con-
5 tract with commercial vendors to test prototypes for elec-
6 tronic handheld or vehicle-mounted computers capable of
7 meeting the requirements under subsection (a).

8 (c) RULE OF CONSTRUCTION.—The pilot program
9 described in subsection (a) shall be designed to replace,
10 to the extent possible, the current paperwork and data
11 entry process used for issuing such charging documents
12 and detainers.

13 (d) REPORT.—Not later than 1 year months after the
14 commencement of the pilot program described in sub-
15 section (a), the Comptroller General of the United States
16 shall submit a report to the Committee on Homeland Se-
17 curity and Governmental Affairs of the Senate, the Com-
18 mittee on the Judiciary of the Senate, the Committee on
19 Homeland Security of the House of Representatives, the
20 Committee on the Judiciary of the House of Representa-
21 tives that includes—

22 (1) the results of the pilot program; and

23 (2) recommendations for using the technology
24 described in subsection (a) on a nationwide basis.

1 **SEC. 1307. ENDING ABUSE OF PAROLE AUTHORITY.**

2 (a) IN GENERAL.—Section 212(d)(5) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1182(d)(5)) is
4 amended to read as follows:

5 “(5) PAROLE AUTHORITY.—

6 “(A) IN GENERAL.—Except as provided in sub-
7 paragraph (C) or section 214(f), the Secretary may
8 temporarily parole into the United States any alien
9 applying for admission to the United States, under
10 such conditions as the Secretary may prescribe, in-
11 cluding requiring the posting of a bond, and only on
12 a case-by-case basis for an urgent humanitarian rea-
13 son or a reason deemed strictly in the public inter-
14 est.

15 “(B) PAROLE NOT AN ADMISSION.—In accord-
16 ance with section 101(a)(13)(B), parole of an alien
17 under subparagraph (A) shall not be regarded as an
18 admission of the alien to the United States. When
19 the purposes of the parole of an alien have been
20 served, as determined by the Secretary, the alien
21 shall immediately return to his or her country of
22 citizenship, nationality, or origin. If the alien was
23 paroled from custody, the alien shall be returned to
24 the custody from which the alien was paroled and
25 the alien shall be considered for admission to the

1 United States on the same basis as other similarly
2 situated applicants for admission.

3 “(C) PROHIBITED USES OF PAROLE AUTHOR-
4 ITY.—

5 “(i) IN GENERAL.—The Secretary may not
6 use the authority under subparagraph (A) to
7 parole in generalized categories of aliens or
8 classes of aliens based solely on nationality,
9 presence, or residence in the United States,
10 family relationships, or any other criteria that
11 would cover a broad group of foreign nationals
12 either inside or outside of the United States.

13 “(ii) ALIENS WHO ARE NATIONAL SECUR-
14 ITY OR PUBLIC SAFETY THREATS.—

15 “(I) PROHIBITION ON PAROLE.—The
16 Secretary shall not parole in any alien who
17 the Secretary, in the Secretary’s sole and
18 unreviewable discretion, determines is a
19 threat to national security or public safety,
20 except in extreme exigent circumstances.

21 “(II) EXTREME EXIGENT CIR-
22 CUMSTANCES DEFINED.—In subclause (I),
23 the term ‘extreme exigent circumstances’
24 means circumstances under which—

1 “(ii) the alien is needed in the United
2 States in order to donate an organ or other tis-
3 sue for transplant into a close family member;

4 “(iii) the alien has a close family member
5 in the United States whose death is imminent
6 and the alien could not arrive in the United
7 States in time to see such family member alive
8 if the alien were to be admitted through the
9 normal visa process;

10 “(iv) the alien is a lawful applicant for ad-
11 justment of status under section 245; or

12 “(v) the alien was lawfully granted status
13 under section 208 or lawfully admitted under
14 section 207.

15 “(E) PUBLIC INTEREST DEFINED.—A reason
16 deemed strictly in the public interest occurs if the
17 alien has assisted the United States Government in
18 a matter, such as a criminal investigation, espio-
19 nage, or other similar law enforcement activity, and
20 either the alien’s presence in the United States is re-
21 quired by the Government or the alien’s life would
22 be threatened if the alien were not permitted to
23 come to the United States.

24 “(F) LIMITATION ON THE USE OF PAROLE AU-
25 THORITY.—The Secretary may not use the parole

1 authority under this paragraph to permit to come to
2 the United States aliens who have applied for and
3 have been found to be ineligible for refugee status or
4 any alien to whom the provisions of this paragraph
5 do not apply.

6 “(G) TERMINATION OF PAROLE.—The Sec-
7 retary shall determine when the purpose of parole of
8 an alien has been served and, upon such determina-
9 tion—

10 “(i) the alien’s case shall continue to be
11 dealt with in the same manner as that of any
12 other applicant for admission to the United
13 States; and

14 “(ii) if the alien was previously detained,
15 the alien shall be returned to the custody from
16 which the alien was paroled.

17 “(H) LIMITATIONS ON USE OF ADVANCE PA-
18 ROLE.—

19 “(i) ADVANCE PAROLE DEFINED.—In this
20 subparagraph, the term ‘advance parole’ means
21 advance approval for an alien applying for ad-
22 mission to the United States to request at a
23 port of entry in the United States, a pre-inspec-
24 tion station, or a designated field office of the
25 Department of Homeland Security, to be pa-

1 roled into the United States under subpara-
2 graph (A).

3 “(ii) APPROVAL OF ADVANCE PAROLE.—

4 The Secretary may, in the Secretary’s discre-
5 tion, grant an application for advance parole.
6 Approval of an application for advance parole
7 shall not constitute a grant of parole under sub-
8 paragraph (A). A grant of parole into the
9 United States based on an approved application
10 for advance parole shall not be considered a pa-
11 role for purposes of qualifying for adjustment
12 of status to lawful permanent resident status in
13 the United States under section 245 or 245A.

14 “(iii) REVOCATION OF ADVANCE PA-
15 ROLE.—The Secretary may revoke a grant of
16 advance parole to an alien at any time. Such
17 revocation shall not be subject to administrative
18 appeal or judicial review.

19 “(iv) TEMPORARY DEPARTURE.—An alien
20 who leaves the United States temporarily pur-
21 suant to a grant of advance parole makes a de-
22 parture from the United States pursuant to the
23 immigration laws.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect on the first day of the first

1 month beginning more than 60 days after the date of the
2 enactment of this Act.

3 **SEC. 1308. REPORTS TO CONGRESS ON PAROLE.**

4 (a) REPORT ON NUMBER AND CATEGORY OF ALIENS
5 PAROLED INTO THE UNITED STATES.—Not later than 90
6 days after the end of each fiscal year, the Secretary of
7 Homeland Security shall submit a report to the Committee
8 on the Judiciary of the Senate and the Committee on the
9 Judiciary of the House of Representatives that, with re-
10 spect to the most recently completed fiscal year—

11 (1) describes the number and categories of
12 aliens paroled into the United States under section
13 212(d)(5) of the Immigration and Nationality Act,
14 as amended by section 1307; and

15 (2) contains information and data concerning—

16 (A) the number and categories of aliens
17 paroled;

18 (B) the duration of parole granted to
19 aliens referred to in subparagraph (A); and

20 (C) the current immigration status of the
21 aliens referred to in subparagraph (A).

22 (b) REPORT ON PAROLE PROCEDURES.—Not later
23 than 180 days after the date of the enactment of this Act,
24 and annually thereafter, the Attorney General and the
25 Secretary of Homeland Security shall jointly—

1 (1) conduct a review regarding the effectiveness
2 of parole and custody determination procedures ap-
3 plicable to aliens who have established a credible
4 fear of persecution and are awaiting a final deter-
5 mination regarding their asylum claim by the immi-
6 gration courts; and

7 (2) submit a report to the Committee on the
8 Judiciary of the Senate and the Committee on the
9 Judiciary of the House of Representatives based on
10 the results of such review, that includes—

11 (A) an analysis of—

12 (i) the rate at which release from de-
13 tention (including release on parole) is
14 granted to aliens who have established a
15 credible fear of persecution and are await-
16 ing a final determination regarding their
17 asylum claim by the immigration courts
18 throughout the United States; and

19 (ii) any disparity that exists between
20 locations or geographical areas, including
21 an explanation of the reasons for this dis-
22 parity and what actions are being taken to
23 have consistent and uniform application of
24 the standards for granting parole;

1 (B) an analysis of the effect of the proce-
2 dures and policies applied with respect to parole
3 and custody determinations by the Attorney
4 General and by the Secretary on the alien's
5 pursuit of their asylum claim before an immi-
6 gration court;

7 (C) an analysis of the effectiveness of the
8 procedures and policies applied with respect to
9 parole and custody determinations by the Attor-
10 ney General and by the Secretary in securing
11 the alien's presence at the immigration court
12 proceedings;

13 (D) recommendations with respect to
14 whether the existing parole and custody deter-
15 mination procedures applicable to aliens who
16 have established a credible fear of persecution
17 and are awaiting a final determination regard-
18 ing their asylum claim by the immigration
19 courts—

20 (i) respect the interests of the aliens;

21 and

22 (ii) ensure the presence of the aliens
23 at the immigration court proceedings; and

1 (E) an assessment on corresponding failure
2 to appear rates, in absentia orders, and ab-
3 sconders.

4 **SEC. 1309. STOP DANGEROUS SANCTUARY CITIES ACT.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Stop Dangerous Sanctuary Cities Act”.

7 (b) ENSURING THAT LOCAL AND FEDERAL LAW EN-
8 FORCEMENT OFFICERS MAY COOPERATE TO SAFEGUARD
9 OUR COMMUNITIES.—

10 (1) AUTHORITY TO COOPERATE WITH FEDERAL
11 OFFICIALS.—A State or a political subdivision of a
12 State that has executed an agreement with the De-
13 partment of Homeland Security under section
14 287(g) of the Immigration and Nationality Act (8
15 U.S.C. 1357(g)), or an officer, employee, or agent of
16 such State or political subdivision that complies with
17 a detainer issued by the Department under section
18 236, 241, or 287 of the Immigration and Nationality
19 Act (8 U.S.C. 1226, 1231, and 1357)—

20 (A) shall be deemed to be acting as an
21 agent of the Department; and

22 (B) with regard to actions taken to comply
23 with the detainer, shall have all authority avail-
24 able to officers and employees of the Depart-
25 ment.

1 (2) LEGAL PROCEEDINGS.—In any legal pro-
2 ceeding brought against a State or a political sub-
3 division of State that has executed an agreement
4 with the Department of Homeland Security under
5 section 287(g) of the Immigration and Nationality
6 Act (8 U.S.C. 1357(g)), or an officer, employee, or
7 agent of such State or political subdivision acting
8 pursuant to such agreement, which challenges the le-
9 gality of the seizure or detention of an individual
10 pursuant to a detainer issued by the Department
11 under section 236, 241, or 287 of the Immigration
12 and Nationality Act (8 U.S.C. 1226, 1231, and
13 1357)—

14 (A) no liability for false arrest or imprison-
15 ment shall lie against the State or political sub-
16 division of a State for actions taken in compli-
17 ance with the detainer, which includes main-
18 taining custody of the alien in accordance with
19 the instructions on the detainer form and noti-
20 fying the Department prior to the alien's re-
21 lease from custody; and

22 (B) if the actions of the officer, employee,
23 or agent of the State or political subdivision
24 were taken in compliance with the detainer—

1 (i) the officer, employee, or agent
2 shall be deemed—

3 (I) to be an employee of the Fed-
4 eral Government and an investigative
5 or law enforcement officer; and

6 (II) to have been acting within
7 the scope of his or her employment
8 under section 1346(b) and chapter
9 171 of title 28, United States Code;

10 (ii) section 1346(b) of title 28, United
11 States Code, shall provide the exclusive
12 remedy for the plaintiff; and

13 (iii) the United States shall be sub-
14 stituted as defendant in the proceeding.

15 (c) SANCTUARY JURISDICTION DEFINED.—

16 (1) IN GENERAL.—Except as provided under
17 subsection (2), for purposes of this section, the term
18 “sanctuary jurisdiction” means any State or political
19 subdivision of a State that has executed an agree-
20 ment with the Department of Homeland Security
21 under section 287(g) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1357(g)) and has in effect a
23 statute, ordinance, policy, or practice that prohibits
24 or restricts any government entity or official from—

1 (A) sending, receiving, maintaining, or ex-
2 changing with any Federal, State, or local gov-
3 ernment entity information regarding the citi-
4 zenship or immigration status (lawful or unlaw-
5 ful) of any individual; or

6 (B) complying with a request lawfully
7 made by the Department under section 236 or
8 287 of the Immigration and Nationality Act (8
9 U.S.C. 1226, 1357) to comply with a detainer
10 for, or notify about the release of, an individual.

11 (2) EXCEPTION.—A State or political subdivi-
12 sion of a State shall not be deemed a sanctuary ju-
13 risdiction based solely on its having a policy whereby
14 its officials will not share information regarding, or
15 comply with a request made by the Department
16 under section 236 or 287 of the Immigration and
17 Nationality Act (8 U.S.C. 1226 and 1357) to comply
18 with a detainer regarding, an individual who comes
19 forward as a victim or a witness to a criminal of-
20 fense.

21 (d) SANCTUARY JURISDICTIONS INELIGIBLE FOR
22 CERTAIN FEDERAL FUNDS.—

23 (1) ECONOMIC DEVELOPMENT ADMINISTRATION
24 GRANTS.—

1 (A) GRANTS FOR PUBLIC WORKS AND ECO-
2 NOMIC DEVELOPMENT.—Section 201(b) of the
3 Public Works and Economic Development Act
4 of 1965 (42 U.S.C. 3141(b)) is amended—

5 (i) in paragraph (2), by striking
6 “and” at the end;

7 (ii) in paragraph (3), by striking the
8 period at the end and inserting “; and”;
9 and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(4) the area in which the project is to be car-
13 ried out is not a sanctuary jurisdiction (as defined
14 in subsection (c) of the Stop Dangerous Sanctuary
15 Cities Act).”.

16 (B) GRANTS FOR PLANNING AND ADMINIS-
17 TRATIVE EXPENSES.—Section 203(a) of the
18 Public Works and Economic Development Act
19 of 1965 (42 U.S.C. 3143(a)) is amended by
20 adding at the end the following: “A sanctuary
21 jurisdiction (as defined in subsection (c) of the
22 Stop Dangerous Sanctuary Cities Act) may not
23 be deemed an eligible recipient under this sub-
24 section.”.

1 (C) SUPPLEMENTARY GRANTS.—Section
2 205(a) of the Public Works and Economic De-
3 velopment Act of 1965 (42 U.S.C. 3145(a)) is
4 amended—

5 (i) in paragraph (2), by striking
6 “and” at the end;

7 (ii) in paragraph (3)(B), by striking
8 the period at the end and inserting “;
9 and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(4) will be carried out in an area that does not
13 contain a sanctuary jurisdiction (as defined in sub-
14 section (c) of the Stop Dangerous Sanctuary Cities
15 Act).”.

16 (D) GRANTS FOR TRAINING, RESEARCH,
17 AND TECHNICAL ASSISTANCE.—Section 207 of
18 the Public Works and Economic Development
19 Act of 1965 (42 U.S.C. 3147) is amended by
20 adding at the end the following:

21 “(e) INELIGIBILITY OF SANCTUARY JURISDIC-
22 TIONS.—Grant funds under this section may not be used
23 to provide assistance to a sanctuary jurisdiction (as de-
24 fined in subsection (c) of the Stop Dangerous Sanctuary
25 Cities Act).”.

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1 (2) COMMUNITY DEVELOPMENT BLOCK
2 GRANTS.—

3 (A) DEFINITIONS.—Section 102(a) of the
4 Housing and Community Development Act of
5 1974 (42 U.S.C. 5302(a)) is amended by add-
6 ing at the end the following:

7 “(25) The term ‘sanctuary jurisdiction’ has the
8 meaning given that term in subsection (c) of the
9 Stop Dangerous Sanctuary Cities Act.”.

10 (B) ELIGIBLE GRANTEES.—

11 (i) IN GENERAL.—Section 104(b) of
12 the Housing and Community Development
13 Act of 1974 (42 U.S.C. 5304(b)) is
14 amended—

15 (I) in paragraph (5), by striking
16 “and” at the end;

17 (II) by redesignating paragraph
18 (6) as paragraph (7); and

19 (III) by inserting after paragraph
20 (5) the following:

21 “(6) the grantee is not a sanctuary jurisdiction
22 and will not become a sanctuary jurisdiction during
23 the period for which the grantee receives a grant
24 under this title; and”.

1 (ii) PROTECTION OF INDIVIDUALS
2 AGAINST CRIME.—Section 104 of the
3 Housing and Community Development Act
4 of 1974 (42 U.S.C. 5304) is amended by
5 adding at the end the following:

6 “(n) PROTECTION OF INDIVIDUALS AGAINST
7 CRIME.—

8 “(1) IN GENERAL.—No funds authorized to be
9 appropriated to carry out this title may be obligated
10 or expended for any State or unit of general local
11 government that is a sanctuary jurisdiction.

12 “(2) RETURNED AMOUNTS.—

13 “(A) STATE.—If a State is a sanctuary ju-
14 risdiction during the period for which it receives
15 amounts under this title, the Secretary—

16 “(i) shall direct the State to imme-
17 diately return to the Secretary any such
18 amounts that the State received for that
19 period; and

20 “(ii) shall reallocate amounts returned
21 under clause (i) for grants under this title
22 to other States that are not sanctuary ju-
23 risdications.

24 “(B) UNIT OF GENERAL LOCAL GOVERN-
25 MENT.—If a unit of general local government is

1 a sanctuary jurisdiction during the period for
2 which it receives amounts under this title, any
3 such amounts that the unit of general local gov-
4 ernment received for that period—

5 “(i) in the case of a unit of general
6 local government that is not in a non-
7 entitlement area, shall be returned to the
8 Secretary for grants under this title to
9 States and other units of general local gov-
10 ernment that are not sanctuary jurisdic-
11 tions; and

12 “(ii) in the case of a unit of general
13 local government that is in a nonentitle-
14 ment area, shall be returned to the Gov-
15 ernor of the State for grants under this
16 title to other units of general local govern-
17 ment in the State that are not sanctuary
18 jurisdictions.

19 “(C) REALLOCATION RULES.—In reallo-
20 cating amounts under subparagraphs (A) and
21 (B), the Secretary—

22 “(i) shall apply the relevant allocation
23 formula under subsection (b), with all
24 sanctuary jurisdictions excluded; and

1 “(ii) shall not be subject to the rules
2 for reallocation under subsection (c).”.

3 **SEC. 1310. REINSTATEMENT OF THE SECURE COMMUNITIES**
4 **PROGRAM.**

5 (a) REINSTATEMENT.—The Secretary shall reinstate
6 and operate the Secure Communities immigration enforce-
7 ment program administered by U.S. Immigration and
8 Customs Enforcement between 2008 and 2014.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated \$150,000,000 to carry out
11 this section.

12 **CHAPTER 2—PROTECTION AND DUE**
13 **PROCESS FOR UNACCOMPANIED**
14 **ALIEN CHILDREN**

15 **SEC. 1320. SHORT TITLE.**

16 This chapter may be cited as the “Protecting Chil-
17 dren and America’s Homeland Act of 2017”.

18 **SEC. 1321. REPATRIATION OF UNACCOMPANIED ALIEN**
19 **CHILDREN.**

20 Section 235(a) of the William Wilberforce Trafficking
21 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
22 1232(a)) is amended—

23 (1) in paragraph (2)—

1 (A) by amending the paragraph heading to
2 read as follows: “RULES FOR UNACCOMPANIED
3 ALIEN CHILDREN.—”;

4 (B) in subparagraph (A), in the matter
5 preceding clause (i), by striking “who is a na-
6 tional or habitual resident of a country that is
7 contiguous with the United States shall be
8 treated in accordance with subparagraph (B)”
9 and inserting “shall be treated in accordance
10 with subparagraph (B) or subsection (b), as ap-
11 propriate”; and

12 (C) in subparagraph (C)—

13 (i) by amending the subparagraph
14 heading to read as follows: “AGREEMENTS
15 WITH FOREIGN COUNTRIES.—”; and

16 (ii) in the matter preceding clause (i),
17 by striking “countries contiguous to the
18 United States” and inserting “Canada, El
19 Salvador, Guatemala, Honduras, Mexico,
20 and any other foreign country that the
21 Secretary determines appropriate”;

22 (2) by redesignating paragraphs (3), (4), and
23 (5) as paragraphs (4), (5), and (6), respectively;

24 (3) inserting after paragraph (2) the following:

1 “(3) MANDATORY EXPEDITED REMOVAL OF
2 CRIMINALS AND GANG MEMBERS.—Notwithstanding
3 any other provision of law, the Secretary of Home-
4 land Security shall place an unaccompanied alien
5 child in a proceeding in accordance with section 235
6 of the Immigration and Nationality Act (8 U.S.C.
7 1225a) if, the Secretary determines or has reason to
8 believe the alien—

9 “(A) has been convicted of any offense car-
10 rying a maximum term of imprisonment of
11 more than 180 days;

12 “(B) has been convicted of, or found to be
13 a juvenile offender based on, an offense which
14 involved—

15 “(i) the use or attempted use of phys-
16 ical force, or threatened use of a deadly
17 weapon;

18 “(ii) the purchase, sale, offering for
19 sale, exchange, use, ownership, possession,
20 or carrying, or of attempting or conspiring
21 to purchase, sell, offer for sale, exchange,
22 use, own, possess, or carry, any weapon,
23 part, or accessory which is a firearm or de-
24 structive device (as defined in section

1 921(a) of title 18, United States Code) in
2 violation of any law;

3 “(iii) child abuse and neglect (as de-
4 fined in section 40002(a)(3) of the Vio-
5 lence Against Women Act of 1994 (42
6 U.S.C. 13925(a)(3)));

7 “(iv) assault resulting in bodily injury
8 (as defined in section 2266 of title 18,
9 United States Code);

10 “(v) the violation of a protection order
11 (as defined in section 2266 of title 18,
12 United States Code);

13 “(vi) driving while intoxicated or driv-
14 ing under the influence (as such terms are
15 defined in section 164 of title 23, United
16 States Code); or

17 “(vii) any offense under foreign law,
18 except for a purely political offense, which,
19 if the offense had been committed in the
20 United States, would render the alien inad-
21 missible under section 212(a) of the Immi-
22 gration and Nationality Act (8 U.S.C.
23 1182(a));

1 “(C) has been convicted of, or found to be
2 a juvenile offender based on, more than 1 crimi-
3 nal offense (other than minor traffic offenses);

4 “(D) has been convicted of, or found to be
5 a juvenile offender based on a crime of violence
6 or an offense under Federal, State, or Tribal
7 law, that has, as an element, the use or at-
8 tempted use of physical force or the threatened
9 use of physical force or a deadly weapon;

10 “(E) has engaged in, is engaged in, or is
11 likely to engage after entry in any terrorist ac-
12 tivity (as defined in section 212(a)(3)(B)(iii) of
13 the Immigration and Nationality Act (8 U.S.C.
14 1182(a)(3)(B)(iii))), or intends to participate or
15 has participated in the activities of a foreign
16 terrorist organization (as designated under sec-
17 tion 219 of the Immigration and Nationality
18 Act (8 U.S.C. 1189));

19 “(F) has engaged in, is engaged in, or any
20 time after a prior admission engages in activity
21 described in section 237(a)(4) of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1227(a)(4));

23 “(G) is or was a member of a criminal
24 gang (as defined in section 101(a)(53) of the

1 Immigration and Nationality Act (8 U.S.C.
2 1101(a)(53));

3 “(H) provided materially false, fictitious,
4 or fraudulent information regarding age or
5 identity to the United States Government with
6 the intent to inaccurately classified as an unac-
7 companied alien child; or

8 “(I) has entered the United States more
9 than once in violation of section 275(a) of the
10 Immigration and Nationality Act (8 U.S.C.
11 1325(a)), knowing that the entry was unlaw-
12 ful.”; and

13 (4) in paragraph (4), as redesignated by para-
14 graph (2) of this subsection—

15 (A) by striking “not described in para-
16 graph (2)(A)”;

17 (B) by inserting “who choose not to with-
18 draw their application for admission and return
19 to their country of nationality or country of last
20 habitual residence” after “port of entry”; and

21 (5) in paragraph (6)(D), as redesignated by
22 paragraph (2)—

23 (A) by amending the subparagraph head-
24 ing to read as follows: “EXPEDITED DUE PROC-

1 ESS AND SCREENING FOR UNACCOMPANIED
2 ALIEN CHILDREN.—”;

3 (B) in the matter preceding clause (i), by
4 striking “, except for an unaccompanied alien
5 child from a contiguous country subject to the
6 exceptions under subsection (a)(2), shall be—”
7 and inserting “who meets the criteria under
8 paragraph (2)(A) and chooses not to withdraw
9 his or her application for admission and return
10 to the unaccompanied alien child’s country of
11 nationality or country of last habitual residence,
12 as permitted under section 235B(c)(5) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1225b(c)(5))—”;

15 (C) by amending clause (i) to read as fol-
16 lows:

17 “(i) shall be placed in a proceeding in
18 accordance with section 235B of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1225b), which shall commence not later
21 than 7 days after the screening of an unac-
22 panied alien child described in para-
23 graph (5);”;

24 (D) by redesignating clauses (ii) and (iii)
25 as clauses (iii) and (iv), respectively;

1 (E) by inserting after clause (i) the fol-
2 lowing:

3 “(ii) may not be placed in the custody
4 of a nongovernmental sponsor or otherwise
5 released from the immediate custody of the
6 United States Government until the child
7 is repatriated unless the child—

8 “(I) is the subject of an order
9 under section 235B(e)(1) of the Im-
10 migration and Nationality Act (8
11 U.S.C. 1225b(e)(1)); and

12 “(II) is placed or released in ac-
13 cordance with subsection (c)(2)(C).”;

14 (F) in clause (iii), as redesignated, by in-
15 serting “is” before “eligible”; and

16 (G) in clause (iv), as redesignated, by in-
17 serting “shall be” before “provided”.

18 **SEC. 1322. EXPEDITED DUE PROCESS AND SCREENING FOR**

19 **UNACCOMPANIED ALIEN CHILDREN.**

20 (a) HUMANE AND EXPEDITED INSPECTION AND
21 SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.—

22 (1) IN GENERAL.—Chapter 4 of title II of the
23 Immigration and Nationality Act (8 U.S.C. 1221 et
24 seq.) is amended by inserting after section 235A the
25 following:

1 **“SEC. 235B. HUMANE AND EXPEDITED INSPECTION AND**
2 **SCREENING FOR UNACCOMPANIED ALIEN**
3 **CHILDREN.**

4 “(a) ASYLUM OFFICER DEFINED.—In this section,
5 the term ‘asylum officer’ means an immigration officer
6 who—

7 “(1) has had professional training in country
8 conditions, asylum law, and interview techniques
9 comparable to that provided to full-time adjudicators
10 of applications under section 208; and

11 “(2) is supervised by an officer who—

12 “(A) meets the condition described in
13 paragraph (1); and

14 “(B) has had substantial experience adju-
15 dicating asylum applications under section 208.

16 “(b) PROCEEDING.—

17 “(1) IN GENERAL.—Not later than 7 days after
18 the screening of an unaccompanied alien child under
19 section 235(a)(5) of the William Wilberforce Traf-
20 ficking Victims Protection Reauthorization Act of
21 2008 (8 U.S.C. 1232(a)(5)), an immigration judge
22 shall—

23 “(A) conduct and conclude a proceeding to
24 inspect, screen, and determine the status of the
25 unaccompanied alien child who is an applicant
26 for admission to the United States; and

1 “(B) in the case of an unaccompanied
2 alien child seeking asylum, conduct fact finding
3 to determine whether the unaccompanied alien
4 child meets the definition of unaccompanied
5 alien child under section 235(g) of the William
6 Wilberforce Trafficking Victims Protection Re-
7 authorization Act of 2008 (8 U.S.C. 1232(g)).

8 “(2) TIME LIMIT.—Not later than 72 hours
9 after the conclusion of a proceeding with respect to
10 an unaccompanied alien child under this section, the
11 immigration judge who conducted such proceeding
12 shall issue an order pursuant to subsection (e).

13 “(c) CONDUCT OF PROCEEDING.—

14 “(1) AUTHORITY OF IMMIGRATION JUDGE.—
15 The immigration judge conducting a proceeding
16 under this section—

17 “(A) shall administer oaths, receive evi-
18 dence, and interrogate, examine, and cross-ex-
19 amine the unaccompanied alien child and any
20 witnesses;

21 “(B) is authorized to sanction by civil
22 money penalty any action (or inaction) in con-
23 tempt of the judge’s proper exercise of author-
24 ity under this Act; and

1 “(C) shall determine whether the unaccom-
2 panied alien child meets any of the criteria set
3 out in subparagraphs (A) through (I) of section
4 235(a)(3) of the William Wilberforce Traf-
5 ficking Victims Protection Reauthorization Act
6 of 2008 (8 U.S.C. 1232(a)(3)), and if so, order
7 the alien removed under subsection (e)(2).

8 “(2) FORM OF PROCEEDING.—A proceeding
9 under this section may take place—

10 “(A) in person;

11 “(B) at a location agreed to by the parties,
12 in the absence of the unaccompanied alien child;

13 “(C) by video conference; or

14 “(D) by telephone conference.

15 “(3) PRESENCE OF ALIEN.—If it is impracti-
16 cable by reason of the mental incompetency of the
17 unaccompanied alien child for the alien to be present
18 at the proceeding, the Attorney General shall pre-
19 scribe safeguards to protect the rights and privileges
20 of the alien.

21 “(4) RIGHTS OF THE ALIEN.—In a proceeding
22 under this section—

23 “(A) the unaccompanied alien child shall
24 be provided access to counsel in accordance
25 with section 235(c)(5) of the William Wilber-

1 force Trafficking Victims Protection Reauthor-
2 ization Act of 2008 (8 U.S.C. 1232(c)(5));

3 “(B) the alien shall be given a reasonable
4 opportunity—

5 “(i) to examine the evidence against
6 the alien;

7 “(ii) to present evidence on the alien’s
8 own behalf; and

9 “(iii) to cross-examine witnesses pre-
10 sented by the Government;

11 “(C) the rights set forth in subparagraph
12 (B) shall not entitle the alien—

13 “(i) to examine such national security
14 information as the Government may prof-
15 fer in opposition to the alien’s admission to
16 the United States; or

17 “(ii) to an application by the alien for
18 discretionary relief under this Act; and

19 “(D) a complete record shall be kept of all
20 testimony and evidence produced at the pro-
21 ceeding.

22 “(5) WITHDRAWAL OF APPLICATION FOR AD-
23 MISSION.—An unaccompanied alien child applying
24 for admission to the United States may, and at any
25 time before the issuance of a final order of removal,

1 be permitted to withdraw the application and imme-
2 diately be returned to the alien's country of nation-
3 ality or country of last habitual residence.

4 “(6) CONSEQUENCES OF FAILURE TO AP-
5 PEAR.—An unaccompanied alien child who does not
6 attend a proceeding under this section, shall be or-
7 dered removed, except under exceptional cir-
8 cumstances where the alien's absence is the fault of
9 the Government, a medical emergency, or an act of
10 nature.

11 “(d) DECISION AND BURDEN OF PROOF.—

12 “(1) DECISION.—

13 “(A) IN GENERAL.—Notwithstanding sec-
14 tion 235(b), at the conclusion of a proceeding
15 under this section, the immigration judge shall
16 determine whether an unaccompanied alien
17 child is likely—

18 “(i) to be admissible to the United
19 States; or

20 “(ii) to be eligible for any form of re-
21 lief from removal under this Act.

22 “(B) EVIDENCE.—The determination of
23 the immigration judge under subparagraph (A)
24 shall be based only on the evidence produced at
25 the hearing.

1 “(2) BURDEN OF PROOF.—

2 “(A) IN GENERAL.—In a proceeding under
3 this section, an unaccompanied alien child who
4 is an applicant for admission has the burden of
5 establishing, by clear and convincing evidence,
6 that the alien—

7 “(i) is likely to be entitled to be law-
8 fully admitted to the United States or eli-
9 gible for any form of relief from removal
10 under this Act; or

11 “(ii) is lawfully present in the United
12 States pursuant to a prior admission.

13 “(B) ACCESS TO DOCUMENTS.—In meeting
14 the burden of proof under subparagraph (A)(ii),
15 the alien shall be given access to—

16 “(i) the alien’s visa or other entry
17 document, if any; and

18 “(ii) any other records and docu-
19 ments, not considered by the Attorney
20 General to be confidential, pertaining to
21 the alien’s admission or presence in the
22 United States.

23 “(e) ORDERS.—

24 “(1) PLACEMENT IN FURTHER PRO-
25 CEEDINGS.—If an immigration judge determines

1 that the unaccompanied alien child has met the bur-
2 den of proof under subsection (d)(2), the immigra-
3 tion judge shall order the alien to be placed in fur-
4 ther proceedings in accordance with section 240.

5 “(2) ORDERS OF REMOVAL.—If an immigration
6 judge determines that the unaccompanied alien child
7 has not met the burden of proof required under sub-
8 section (d)(2), the judge shall order the alien re-
9 moved from the United States without further hear-
10 ing or review unless the alien claims—

11 “(A) an intention to apply for asylum
12 under section 208;

13 “(B) a fear of persecution; or

14 “(C) a fear of torture.

15 “(3) CLAIMS FOR ASYLUM.—If an unaccom-
16 panied alien child described in paragraph (2) claims
17 an intention to apply for asylum under section 208,
18 a fear of persecution, or a fear of torture, the immi-
19 gration judge shall order the alien referred for an
20 interview by an asylum officer under subsection (f).

21 “(f) ASYLUM INTERVIEWS.—

22 “(1) CREDIBLE FEAR OF PERSECUTION OR
23 TORTURE DEFINED.—In this subsection, the term
24 ‘credible fear of persecution or torture’ means, after
25 taking into account the credibility of the statements

1 made by an unaccompanied alien child in support of
2 the alien’s claim and such other facts as are known
3 to the asylum officer, there is a significant possi-
4 bility that the alien could establish eligibility for—

5 “(A) asylum under section 208; or

6 “(B) protection from removal based on Ar-
7 ticle 3 of the Convention Against Torture and
8 Other Cruel, Inhuman, or Degrading Treatment
9 or Punishment, done at New York, December
10 10, 1984.

11 “(2) CONDUCT BY ASYLUM OFFICER.—An asy-
12 lum officer shall conduct the interviews of an unac-
13 companied alien child referred under subsection
14 (e)(3).

15 “(3) REFERRAL OF CERTAIN ALIENS.—If the
16 asylum officer determines at the time of the inter-
17 view that an unaccompanied alien child has a cred-
18 ible fear of persecution or torture, the alien shall be
19 held in the custody of the Secretary of Health and
20 Human Services pursuant to section 235(b) of the
21 William Wilberforce Trafficking Victims Protection
22 Reauthorization Act of 2008 (8 U.S.C. 1232(b))
23 during further consideration of the application for
24 asylum.

1 “(4) REMOVAL WITHOUT FURTHER REVIEW IF
2 NO CREDIBLE FEAR OF PERSECUTION.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (C), if the asylum officer determines that
5 an unaccompanied alien child does not have a
6 credible fear of persecution, the asylum officer
7 shall order the alien removed from the United
8 States without further hearing or review.

9 “(B) RECORD OF DETERMINATION.—The
10 asylum officer shall prepare a written record of
11 a determination under subparagraph (A), which
12 shall include—

13 “(i) a summary of the material facts
14 as stated by the alien;

15 “(ii) such additional facts (if any) re-
16 lied upon by the asylum officer;

17 “(iii) the asylum officer’s analysis of
18 why, in light of such facts, the alien has
19 not established a credible fear of persecu-
20 tion; and

21 “(iv) a copy of the asylum officer’s
22 interview notes.

23 “(C) REVIEW OF DETERMINATION.—

24 “(i) RULEMAKING.—The Attorney
25 General shall establish, by regulation, a

1 process by which an immigration judge
2 shall conduct a prompt review, upon the
3 alien's request, of a determination under
4 subparagraph (A) that the alien does not
5 have a credible fear of persecution or tor-
6 ture.

7 “(ii) MANDATORY COMPONENTS.—

8 The review described in clause (i)—

9 “(I) shall include an opportunity
10 for the alien to be heard and ques-
11 tioned by the immigration judge, ei-
12 ther in person or by telephonic or
13 video connection; and

14 “(II) shall be concluded as expe-
15 ditiously as possible, to the maximum
16 extent practicable within 24 hours,
17 but in no case later than 7 days after
18 the date of the determination under
19 subparagraph (A).

20 “(D) MANDATORY PROTECTIVE CUS-
21 TODY.—Any alien subject to the procedures
22 under this paragraph shall be held in the cus-
23 tody of the Secretary of Health and Human
24 Services pursuant to section 235(b) of the Wil-
25 liam Wilberforce Trafficking Victims Protection

1 Reauthorization Act of 2008 (8 U.S.C.
2 1232(b))—

3 “(i) pending a final determination of
4 an application for asylum under this sub-
5 section; and

6 “(ii) after a determination under this
7 subsection that the alien does not have a
8 credible fear of persecution, until the alien
9 is removed.

10 “(g) LIMITATION ON ADMINISTRATIVE REVIEW.—

11 “(1) IN GENERAL.—Except as provided in sub-
12 section (f)(4)(C) and paragraph (2), a removal order
13 entered in accordance with subsection (e)(2) or
14 (f)(4)(A) is not subject to administrative appeal.

15 “(2) RULEMAKING.—The Attorney General
16 shall establish, by regulation, a process for the
17 prompt review of an order under subsection (e)(2)
18 against an alien who claims under oath, or as per-
19 mitted under penalty of perjury under section 1746
20 of title 28, United States Code, after having been
21 warned of the penal ties for falsely making such
22 claim under such conditions to have been—

23 “(A) lawfully admitted for permanent resi-
24 dence;

1 (II) in clause (iii), by striking
2 “section 235(b)(1)(B),” and inserting
3 “section 235(b)(1)(B) or 235B(f);”;
4 and

5 (2) in subsection (e)—

6 (A) in the subsection heading, by inserting
7 “OR 235B” after “SECTION 235(b)(1)”;

8 (B) by inserting “or section 235B” after
9 “section 235(b)(1)” each place such term ap-
10 pears;

11 (C) in subparagraph (2)(C), by inserting
12 “or section 235B(g)” after “section
13 235(b)(1)(C)”;

14 (D) in subparagraph (3)(A), by inserting
15 “or section 235B” after “section 235(b)”.

16 **SEC. 1323. CHILD WELFARE AND LAW ENFORCEMENT IN-**
17 **FORMATION SHARING.**

18 Section 235(b) of the William Wilberforce Trafficking
19 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
20 1232(b)) is amended by adding at the end the following:

21 “(5) INFORMATION SHARING.—

22 “(A) IMMIGRATION STATUS.—If the Sec-
23 retary of Health and Human Services considers
24 placement of an unaccompanied alien child with
25 a potential sponsor, the Secretary of Homeland

1 Security shall provide to the Secretary of
2 Health and Human Services the immigration
3 status of such potential sponsor before the
4 placement of the unaccompanied alien child.

5 “(B) OTHER INFORMATION.—The Sec-
6 retary of Health and Human Services shall pro-
7 vide to the Secretary of Homeland Security and
8 the Attorney General, upon request, any rel-
9 evant information related to an unaccompanied
10 alien child who is or has been in the custody of
11 the Secretary of Health and Human Services,
12 including the location of the child and any per-
13 son to whom custody of the child has been
14 transferred, for any legitimate law enforcement
15 objective, including the enforcement of the im-
16 migration laws.”.

17 **SEC. 1324. ACCOUNTABILITY FOR CHILDREN AND TAX-**
18 **PAYERS.**

19 Section 235(b) of the William Wilberforce Trafficking
20 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
21 1232(b)), as amended by section 1323, is further amended
22 by adding at the end the following:

23 “(6) INSPECTION OF FACILITIES.—The Inspec-
24 tor General of the Department of Health and
25 Human Services shall conduct regular inspections of

1 facilities utilized by the Secretary of Health and
2 Human Services to provide care and custody of an
3 unaccompanied alien children who are in the imme-
4 diate custody of the Secretary to ensure that such
5 facilities are operated in the most efficient manner
6 practicable.

7 “(7) FACILITY OPERATIONS COSTS.—The Sec-
8 retary of Health and Human Services shall ensure
9 that facilities utilized to provide care and custody of
10 unaccompanied alien children are operated efficiently
11 and at a rate of cost that is not greater than \$500
12 per day for each child housed or detained at such fa-
13 cility, unless the Secretary certifies that compliance
14 with this requirement is temporarily impossible due
15 to emergency circumstances.”.

16 **SEC. 1325. CUSTODY OF UNACCOMPANIED ALIEN CHIL-**
17 **DREN IN FORMAL REMOVAL PROCEEDING.**

18 (a) IN GENERAL.—Section 235(c) of the William Wil-
19 berforce Trafficking Victims Protection Reauthorization
20 Act of 2008 (8 U.S.C. 1232(c)) is amended—

21 (1) in paragraph (2) by adding at the end the
22 following:

23 “(C) CHILDREN IN FORMAL REMOVAL
24 PROCEEDINGS.—

1 “(i) LIMITATION ON PLACEMENT.—
2 Notwithstanding any settlement or consent
3 decree previously issued before the date of
4 the enactment of the Protecting Children
5 and America’s Homeland Act of 2017 and
6 section 236.3 of title 8, Code of Federal
7 Regulations, or a similar successor regula-
8 tion, an unaccompanied alien child who has
9 been placed in a proceeding under section
10 240 of the Immigration and Nationality
11 Act (8 U.S.C. 1229a) may not be placed in
12 the custody of a nongovernmental sponsor
13 or otherwise released from the immediate
14 custody of the United States Government
15 unless—

16 “(I) the nongovernmental spon-
17 sor is a biological or adoptive parent
18 or legal guardian of the unaccom-
19 panied alien child;

20 “(II) the parent or legal guardian
21 is legally present in the United States
22 at the time of the placement;

23 “(III) the parent or legal guard-
24 ian has undergone a mandatory bio-
25 metric criminal history check;

1 with a disability (as defined in section 3 of
2 the Americans with Disabilities Act of
3 1990 (42 U.S.C. 12102)), a child who has
4 been a victim of physical or sexual abuse
5 under circumstances that indicate that the
6 child's health or welfare has been signifi-
7 cantly harmed or threatened, or a child
8 with mental health needs that require on-
9 going assistance from a social welfare
10 agency, the alien child may be placed with
11 a grandparent or adult sibling if the
12 grandparent or adult sibling meets the re-
13 quirements under subclauses (II), (III),
14 and (IV) of clause (i).

15 “(iii) MONITORING.—

16 “(I) IN GENERAL.—If an unac-
17 companied alien child who is 15, 16,
18 or 17 years of age is placed with a
19 nongovernmental sponsor or, if an un-
20 accompanied alien child who is young-
21 er than 15 years of age is placed with
22 a nongovernmental sponsor, such non-
23 governmental sponsor shall—

24 “(aa) enroll in the alter-
25 native to detention program of

1 U.S. Immigration and Customs
2 Enforcement; and

3 “(bb) continuously wear an
4 electronic ankle monitor while the
5 unaccompanied alien child is in
6 removal proceedings.

7 “(II) PENALTY FOR MONITOR
8 TAMPERING.—If an electronic ankle
9 monitor required by subclause (I) is
10 tampered with, the sponsor of the un-
11 accompanied alien child shall be sub-
12 ject to a civil penalty of \$150 for each
13 day the monitor is not functioning due
14 to the tampering, up to a maximum of
15 \$3,000.

16 “(iv) EFFECT OF VIOLATION OF CON-
17 DITIONS.—The Secretary of Health and
18 Human Services shall remove an unaccom-
19 panied alien child from a sponsor if the
20 sponsor violates the terms of the agree-
21 ment specifying the conditions under which
22 the alien was placed with the sponsor.

23 “(v) FAILURE TO APPEAR.—

24 “(I) CIVIL PENALTY.—If an un-
25 accompanied alien child is placed with

1 a sponsor and fails to appear in a
2 mandatory court appearance, the
3 sponsor shall be subject to a civil pen-
4 alty of \$250 for each day until the
5 alien appears in court, up to a max-
6 imum of \$5,000.

7 “(II) BURDEN OF PROOF.—The
8 sponsor is not subject to the penalty
9 imposed under subclause (I) if the
10 sponsor—

11 “(aa) appears in person and
12 proves to the immigration court
13 that the failure to appear by the
14 unaccompanied alien child was
15 not the fault of the sponsor; and

16 “(bb) supplies the immigra-
17 tion court with documentary evi-
18 dence that supports the assertion
19 described in item (aa).

20 “(vi) PROHIBITION ON PLACEMENT
21 WITH SEX OFFENDERS AND HUMAN TRAF-
22 FICKERS.—The Secretary of Health and
23 Human Services may not place an unac-
24 companied alien child under this subpara-
25 graph in the custody of an individual who

1 has been convicted of, or the Secretary has
2 reason to believe was otherwise involved in
3 the commission of—

4 “(I) a sex offense (as defined in
5 section 111 of the Sex Offender Reg-
6 istration and Notification Act (42
7 U.S.C. 16911));

8 “(II) a crime involving severe
9 forms of trafficking in persons (as de-
10 fined in section 103 of the Trafficking
11 Victims Protection Act of 2000 (22
12 U.S.C. 7102)); or

13 “(III) an offense under Federal,
14 State, or Tribal law that has, as an
15 element of the offense, the use or at-
16 tempted use of physical force or the
17 threatened use of physical force or a
18 deadly weapon.

19 “(vii) REQUIREMENTS OF CRIMINAL
20 BACKGROUND CHECK.—A biometric crimi-
21 nal history check required under clause
22 (i)(III) shall be conducted using a set of
23 fingerprints or other biometric identifier
24 through—

1 “(ii) REQUIRED HOME STUDIES.—A
2 home study shall be conducted for a
3 child—

4 “(I) who is a victim of a severe
5 form of trafficking in persons or is a
6 special needs child with a disability
7 (as defined in section 12102 of title
8 42);

9 “(II) who has been a victim of
10 physical or sexual abuse under cir-
11 cumstances that indicate that the
12 child’s health or welfare has been sig-
13 nificantly harmed or threatened; or

14 “(III) whose proposed sponsor
15 clearly presents a risk of abuse, mal-
16 treatment, exploitation, or trafficking
17 to the child based on all available ob-
18 jective evidence.

19 “(C) FOLLOW-UP SERVICES AND ADDI-
20 TIONAL HOME STUDIES.—

21 “(i) PENDENCY OF REMOVAL PRO-
22 CEEDINGS.—Every 6 months, the Sec-
23 retary of Health and Human Services shall
24 conduct follow-up services for children for
25 whom a home study was conducted and

1 who were placed with a nongovernmental
2 sponsor until initial removal proceedings
3 have been completed and the immigration
4 judge has issued an order of removal,
5 granted voluntary departure under section
6 240B, or granted the alien relief from re-
7 moval.

8 “(ii) CHILDREN WITH MENTAL
9 HEALTH OR OTHER NEEDS.—Every 6
10 months, for up to 2 years from the date of
11 placement with a nongovernmental spon-
12 sor, the Secretary of Health and Human
13 Services shall conduct follow-up services
14 for children with mental health needs or
15 other needs that could benefit from ongo-
16 ing assistance from a social welfare agen-
17 cy.

18 “(iii) CHILDREN AT RISK.—Every 3
19 months, for up to 2 years from the date of
20 placement with a nongovernmental spon-
21 sor, the Secretary of Health and Human
22 Services shall conduct home studies and
23 follow-up services, including partnering
24 with local community programs that focus
25 on early morning and after-school pro-

1 grams for at risk children who need a se-
2 cure environment to engage in studying,
3 training, and skills-building programs and
4 who are at risk for recruitment by criminal
5 gangs or other transnational criminal orga-
6 nizations in the United States.”.

7 (c) DETENTION OF ACCOMPANIED MINORS.—

8 (1) IN GENERAL.—Section 235 of the William
9 Wilberforce Trafficking Victims Protection Reau-
10 thorization Act of 2008 (8 U.S.C. 1232) is amend-
11 ed—

12 (A) by redesignating subsections (d) and
13 (e) as subsections (e) and (f) respectively; and

14 (B) by inserting after subsection (c) the
15 following:

16 “(d) DETENTION OF ACCOMPANIED MINORS.—

17 “(1) IN GENERAL.—Notwithstanding any other
18 provision of law—

19 “(A) judicial determination, consent de-
20 cree, or settlement agreement, the detention of
21 any alien minor who is not described in section
22 462(g)(2) of the Homeland Security Act of
23 2002 (6 U.S.C. 279(g)(2)) shall be governed by
24 sections 217, 235, 236, and 241 of the Immi-

1 gration and Nationality Act (8 U.S.C. 1187,
2 1225, 1226, and 1231); and

3 “(B) the decision whether to detain or re-
4 lease the alien minor shall be in the sole and
5 unreviewable discretion of the Secretary of
6 Homeland Security.

7 “(2) LIMITATIONS ON RELEASE.—The release
8 of an alien minor who is not described in section
9 462(g)(2) of the Homeland Security Act of 2002 (6
10 U.S.C. 279(g)(2)) may not be presumed and an
11 alien minor not described in such section may not be
12 released by the Secretary to anyone other than a
13 parent or legal guardian.

14 “(3) CONDITIONS OF CONFINEMENT.—The con-
15 ditions of confinement applicable to alien minors
16 who are not described in section 462(g) of the
17 Homeland Security Act of 2002 (6 U.S.C.
18 279(g)(2)) shall be determined in the sole and
19 unreviewable discretion of the Secretary of Home-
20 land Security, and specific licensing requirements
21 may not be imposed other than requirements deter-
22 mined appropriate by the Secretary.”.

23 “(2) EFFECTIVE DATE.—The amendments made
24 by subparagraph (1) shall take effect on the date of
25 enactment of this Act and shall apply regardless of

1 the date on which the actions giving rise to remov-
2 ability or detention took place.

3 **SEC. 1326. FRAUD IN CONNECTION WITH THE TRANSFER OF**
4 **CUSTODY OF UNACCOMPANIED ALIEN CHIL-**
5 **DREN.**

6 (a) IN GENERAL.—Chapter 47 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 1041. Fraud in connection with the transfer of cus-**
10 **tody of unaccompanied alien children**

11 “(a) IN GENERAL.—It shall be unlawful for a person
12 to obtain custody of an unaccompanied alien child (as de-
13 fined in section 462(g) of the Homeland Security Act of
14 2002 (6 U.S.C. 279(g))) by—

15 “(1) making any materially false, fictitious, or
16 fraudulent statement or representation; or

17 “(2) making or using any false writing or docu-
18 ment knowing the same to contain any materially
19 false, fictitious, or fraudulent statement or entry.

20 “(b) PENALTIES.—

21 “(1) IN GENERAL.—Any person who violates, or
22 attempts or conspires to violate, this section shall be
23 fined under this title and imprisoned for not less
24 than 1 year.

1 “(2) ENHANCED PENALTY FOR TRAF-
2 FICKING.—If the primary purpose of the violation,
3 attempted violation, or conspiracy to violate this sec-
4 tion was to subject the child to sexually explicit ac-
5 tivity or any other form of exploitation, the offender
6 shall be fined under this title and imprisoned for not
7 less than 15 years.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 47 of title 18, United States Code, is amended
10 by inserting after the item relating to section 1040 the
11 following:

 “1041. Fraud in connection with the transfer of custody of unaccompanied alien
 children.”.

12 **SEC. 1327. NOTIFICATION OF STATES AND FOREIGN GOV-**
13 **ERNMENTS, REPORTING, AND MONITORING.**

14 (a) NOTIFICATION.—Section 235 of the William Wil-
15 berforce Trafficking Victims Protection Reauthorization
16 Act of 2008 (8 U.S.C. 1232) is amended by adding at
17 the end the following:

18 “(j) NOTIFICATION TO STATES.—

19 “(1) BEFORE PLACEMENT.—The Secretary of
20 Homeland Security or the Secretary of Health and
21 Human Services shall notify the Governor of a State
22 not later than 48 hours before the placement of an
23 unaccompanied alien child from in custody of such

1 Secretary in the care of a facility or sponsor in such
2 State.

3 “(2) INITIAL REPORTS.—Not later than 60
4 days after the date of the enactment of the Pro-
5 tecting Children and America’s Homeland Act of
6 2017, the Secretary of Health and Human Services
7 shall submit a report to the Governor of each State
8 in which an unaccompanied alien child was dis-
9 charged to a sponsor or placed in a facility while re-
10 maining in the legal custody of the Secretary during
11 the period beginning October 1, 2013 and ending on
12 the date of the enactment of the Protecting Children
13 and America’s Homeland Act of 2017.

14 “(3) MONTHLY REPORTS.—The Secretary of
15 Health and Human Services shall submit a monthly
16 report to the Governor of each State in which, dur-
17 ing the reporting period, unaccompanied alien chil-
18 dren were discharged to a sponsor or placed in a fa-
19 cility while remaining in the legal custody of the
20 Secretary of Health and Human Services.

21 “(4) CONTENTS.—Each report required to be
22 submitted to the Governor of a State under para-
23 graph (2) or (3) shall identify the number of unac-
24 companied alien children placed in the State during
25 the reporting period, disaggregated by—

1 “(A) the locality in which the aliens were
2 placed; and

3 “(B) the age of such aliens.

4 “(k) NOTIFICATION OF FOREIGN COUNTRY.—The
5 Secretary of Homeland Security shall provide information
6 regarding each unaccompanied alien child to the govern-
7 ment of the country of which the child is a national to
8 assist such government with the identification and reunifi-
9 cation of such child with their parent or other qualifying
10 relative.

11 “(l) MONITORING REQUIREMENT.—The Secretary of
12 Health and Human Services shall—

13 “(1) require all sponsors to agree—

14 “(A) to receive approval from the Sec-
15 retary of Health and Human Services before
16 changing the location in which the sponsor is
17 housing an unaccompanied alien child placed in
18 the sponsor’s custody; and

19 “(B) to provide a current address for the
20 child and the reason for the change of address;

21 “(2) provide regular and frequent monitoring of
22 the physical and emotional well-being of each unac-
23 companied alien child who has been discharged to a
24 sponsor or remained in the legal custody of the Sec-

1 retary until the child’s immigration case is resolved;
2 and

3 “(3) not later than 60 days after the date of
4 the enactment of this Act, submit a plan to Con-
5 gress for implementing the requirements under para-
6 graphs (1) and (2).”.

7 **SEC. 1328. EMERGENCY IMMIGRATION JUDGE RESOURCES.**

8 (a) DESIGNATION.—Not later than 14 days after the
9 date of the enactment of this Act, the Attorney General
10 shall designate up to 100 immigration judges, including
11 through the hiring of retired immigration judges, mag-
12 istrate judges, or administrative law judges, or the reas-
13 signment of current immigration judges, that are dedi-
14 cated—

15 (1) to conducting humane and expedited inspec-
16 tion and screening for unaccompanied alien children
17 under section 235B of the Immigration and Nation-
18 ality Act, as added by section 1322; or

19 (2) to reducing existing backlogs in immigration
20 court proceedings initiated under section 239 of the
21 Immigration and Nationality Act (8 U.S.C. 1229).

22 (b) REQUIREMENT.—The Attorney General shall en-
23 sure that sufficient immigration judge resources are dedi-
24 cated to the purpose described in subsection (a)(1) and
25 the Secretary shall ensure that sufficient immigration at-

1 torneys are dedicated to such purpose to comply with the
2 requirement under section 235B(b)(1) of the Immigration
3 and Nationality Act, as added by section 1322.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated \$10,000,000, for each of the
6 fiscal years 2018 through 2022, to implement this section.

7 **SEC. 1329. REPORTS TO CONGRESS.**

8 (a) REPORTS ON CARE OF UNACCOMPANIED ALIEN
9 CHILDREN.—Not later than September 30, 2019, the Sec-
10 retary of Health and Human Services shall submit to Con-
11 gress and make publicly available a report that includes—

12 (1) a detailed summary of the contracts in ef-
13 fect to care for and house unaccompanied alien chil-
14 dren, including the names and locations of contrac-
15 tors and the facilities being used;

16 (2) the cost per day to care for and house an
17 unaccompanied alien child, including an explanation
18 of such cost;

19 (3) the number of unaccompanied alien children
20 who have been released to a sponsor, if any;

21 (4) a list of the States to which unaccompanied
22 alien children have been released from the custody of
23 the Secretary of Health and Human Services to the
24 care of a sponsor or placement in a facility;

1 (5) the number of unaccompanied alien children
2 who have been released to a sponsor who is not law-
3 fully present in the United States, including the
4 country of nationality or last habitual residence and
5 age of such children;

6 (6) a determination of whether more than 1 un-
7 accompanied alien child has been released to the
8 same sponsor, including the number of children who
9 were released to such sponsor;

10 (7) an assessment of the extent to which the
11 Secretary of Health and Human Services is moni-
12 toring the release of unaccompanied alien children,
13 including home studies done and electronic moni-
14 toring devices used;

15 (8) an assessment of the extent to which the
16 Secretary of Health and Human Services is making
17 efforts—

18 (A) to educate unaccompanied alien chil-
19 dren about their legal rights; and

20 (B) to provide unaccompanied alien chil-
21 dren with access to pro bono counsel; and

22 (9) the extent of the public health issues of un-
23 accompanied alien children, including contagious dis-
24 eases, the benefits or medical services provided, and

1 the outreach to States and localities about public
2 health issues, that could affect the public.

3 (b) REPORTS ON REPATRIATION AGREEMENTS.—

4 Not later than **【September 30, 2018】**, the Secretary of
5 State shall submit to Congress and make publically avail-
6 able a report that—

7 (1) includes a copy of any repatriation agree-
8 ment for unaccompanied alien children in effect;

9 (2) describes any such repatriation agreement
10 that is being considered or negotiated; and

11 (3) describes the funding provided to the 20
12 countries that have the highest number of nationals
13 entering the United States as unaccompanied alien
14 children, including amounts provided—

15 (A) to deter the nationals of each country
16 from illegally entering the United States; and

17 (B) to care for or reintegrate repatriated
18 unaccompanied alien children in the country of
19 nationality or last habitual residence.

20 (c) REPORTS ON RETURNS TO COUNTRY OF NATION-
21 ALITY.—Not later than September 30, 2019, the Sec-
22 retary of Homeland Security shall submit to Congress and
23 make publicly available a report that describes—

1 (1) the number of unaccompanied alien children
2 who have voluntarily returned to their country of na-
3 tionality or habitual residence, disaggregated by—

4 (A) country of nationality or habitual resi-
5 dence; and

6 (B) age of the unaccompanied alien chil-
7 dren;

8 (2) the number of unaccompanied alien children
9 who have been returned to their country of nation-
10 ality or habitual residence, including the length of
11 time such children were present in the United
12 States;

13 (3) the number of unaccompanied alien children
14 who have not been returned to their country of na-
15 tionality or habitual residence pending travel docu-
16 ments or other requirements from such country, in-
17 cluding how long they have been waiting to return;
18 and

19 (4) the number of unaccompanied alien children
20 who were granted relief in the United States, wheth-
21 er through asylum, any other immigration benefit or
22 status, or deferred action.

23 (d) REPORTS ON IMMIGRATION PROCEEDINGS.—Not
24 later than September 30, 2019, and once every 3 months
25 thereafter, the Secretary of Homeland Security, in coordi-

1 nation with the Director of the Executive Office for Immi-
2 gration Review, shall submit to Congress and make pub-
3 lically available a report that describes—

4 (1) the number of unaccompanied alien children
5 who, after proceedings under section 235(b) of the
6 Immigration and Nationality Act, as added by sec-
7 tion 1322, were returned to their country of nation-
8 ality or habitual residence, disaggregated by—

9 (A) country of nationality or residence; and

10 (B) age and gender of such aliens;

11 (2) the number of unaccompanied alien children
12 who, after proceedings under such section 235B,
13 prove a claim of admissibility and are placed in pro-
14 ceedings under section 240 of the Immigration and
15 Nationality Act (8 U.S.C. 1229a);

16 (3) the number of unaccompanied alien children
17 who fail to appear at a removal hearing that such
18 alien was required to attend;

19 (4) the number of sponsors who were levied a
20 penalty, including the amount and whether the pen-
21 alty was collected, for the failure of an unaccom-
22 panied alien child to appear at a removal hearing;
23 and

24 (5) the number of aliens that are classified as
25 unaccompanied alien children, the ages and coun-

1 tries of nationality of such children, and the orders
2 issued by the immigration judge at the conclusion of
3 proceedings under such section 235B for such chil-
4 dren.

5 **Subtitle D—Penalties for Smug-**
6 **gling, Drug Trafficking, Human**
7 **Trafficking, Terrorism, and Ille-**
8 **gal Entry and Reentry; Bars to**
9 **Readmission of Removed Aliens**

10 **SEC. 1401. DANGEROUS HUMAN SMUGGLING, HUMAN TRAF-**
11 **FICKING, AND HUMAN RIGHTS VIOLATIONS.**

12 (a) CRIMINAL PENALTIES FOR HUMAN SMUGGLING
13 AND TRAFFICKING.—Section 274(a) of the Immigration
14 and Nationality Act (8 U.S.C. 1324(a)) is amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (A), by amending
17 clause (ii) to read as follows:

18 “(ii) knowing, or in reckless disregard
19 of the fact, that an alien has come to, en-
20 tered into, or remains in the United States
21 in violation of law—

22 “(I) transports, moves, or at-
23 tempts to transport or move such
24 alien within the United States by
25 means of transportation or otherwise,

1 in furtherance of such violation of
2 law; or

3 “(II) transports or moves the
4 alien with the purpose of facilitating
5 the illegal entry of the alien into Can-
6 ada or Mexico.”; and

7 (B) in subparagraph (B)—

8 (i) by redesignating clauses (iii) and
9 (iv) as clauses (vi) and (vii), respectively;

10 (ii) in clause (vi), as redesignated, by
11 inserting “for not less than 10 years and”
12 before “not more than 20 years,”; and

13 (iii) by inserting after clause (ii) the
14 following:

15 “(iii) in the case of a violation of
16 clause (i), (ii), (iii), (iv), or (v) of subpara-
17 graph (A) that is the third or subsequent
18 violation committed by such person under
19 this section, shall be fined under title 18,
20 imprisoned for not less than 5 years and
21 not more than 25 years, or both;

22 “(iv) in the case of a violation of
23 clause (i), (ii), (iii), (iv), or (v) of subpara-
24 graph (A) that recklessly, knowingly, or in-
25 tentiously results in a victim being invol-

1 untarily forced into labor or prostitution,
2 shall be fined under title 18, imprisoned
3 for not less than 5 years and not more
4 than 25 years, or both;

5 “(v) in the case of a violation of
6 clause (i), (ii), (iii), (iv), or (v) of subpara-
7 graph (A) during and in relation to which
8 any person is subjected to an involuntary
9 sexual act (as defined in section 2246(2) of
10 title 18), be fined under title 18, impris-
11 oned for not less than 5 years and not
12 more than 25 years, or both;”;

13 (2) by adding at the end the following:

14 “(5) Any person who, knowing that a person is an
15 alien in unlawful transit from 1 country to another or on
16 the high seas, transports, moves, harbors, conceals, or
17 shields from detection such alien outside of the United
18 States when the alien is seeking to enter the United States
19 without official permission or legal authority, shall for,
20 each alien in respect to whom a violation of this paragraph
21 occurs, be fined under title 18, United States Code, im-
22 prisoned not more than 10 years, or both.”.

23 (b) SEIZURE AND FORFEITURE.—Section 274(b)(1)
24 of the Immigration and Nationality Act (8 U.S.C.
25 1324(b)(1)) is amended to read as follows:

1 “(1) IN GENERAL.—Any real or personal prop-
2 erty involved in or used to facilitate the commission
3 of a violation or attempted violation of subsection
4 (a), the gross proceeds of such violation or at-
5 tempted violation, and any property traceable to
6 such property or proceeds, shall be seized and sub-
7 ject to forfeiture.”.

8 **SEC. 1402. PUTTING THE BRAKES ON HUMAN SMUGGLING**
9 **ACT.**

10 (a) SHORT TITLE.—This section may be cited as the
11 “Putting the Brakes on Human Smuggling Act”.

12 (b) FIRST VIOLATION.—Section 31310(b)(1) of title
13 49, United States Code, is amended—

14 (1) in subparagraph (D), by striking the “or”
15 at the end;

16 (2) in subparagraph (E), by striking the period
17 at the end and inserting a semicolon; and

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

19 “(F) using a commercial motor vehicle in will-
20 fully aiding or abetting an alien’s illegal entry into
21 the United States by transporting, guiding, direct-
22 ing, or attempting to assist the alien with the alien’s
23 entry in violation of section 275 of the Immigration
24 and Nationality Act (8 U.S.C. 1325), regardless of

1 whether the alien is ultimately fined or imprisoned
2 for an act in violation of such section; or

3 “(G) using a commercial motor vehicle in will-
4 fully aiding or abetting the transport of controlled
5 substances, monetary instruments, bulk cash, or
6 weapons by any individual departing the United
7 States.”.

8 (c) SECOND OR MULTIPLE VIOLATIONS.—Section
9 31310(c)(1) of title 49, United States Code, is amended—

10 (1) in subparagraph (E), by striking the “or”
11 at the end;

12 (2) by redesignating subparagraph (F) as sub-
13 paragraph (H);

14 (3) in subparagraph (H), as redesignated, by
15 striking “(E)” and inserting “(F)”; and

16 (4) by inserting after subparagraph (E) the fol-
17 lowing:

18 “(F) using a commercial motor vehicle more
19 than once in willfully aiding or abetting an alien’s il-
20 legal entry into the United States by transporting,
21 guiding, directing and attempting to assist the alien
22 with the alien’s entry in violation of section 275 of
23 the Immigration and Nationality Act (8 U.S.C.
24 1325), regardless of whether the alien is ultimately

1 fined or imprisoned for an act in violation of such
2 section;

3 “(G) using a commercial motor vehicle in will-
4 fully aiding or abetting the transport of controlled
5 substances, monetary instruments, bulk cash, or
6 weapons by any individual departing the United
7 States; or”.

8 (d) LIFETIME DISQUALIFICATION.—Section
9 31310(d) of title 49, United States Code, is amended to
10 read as follows:

11 “(d) LIFETIME DISQUALIFICATION.—The Secretary
12 shall permanently disqualify an individual from operating
13 a commercial motor if the individual uses a commercial
14 motor vehicle—

15 “(1) in committing a felony involving manufac-
16 turing, distributing, or dispensing a controlled sub-
17 stance, or possession with intent to manufacture,
18 distribute, or dispense a controlled substance;

19 “(2) in committing an act for which the indi-
20 vidual is convicted under—

21 “(A) section 274 of the Immigration and
22 Nationality Act (8 U.S.C. 1324); or

23 “(B) section 277 of such Act (8 U.S.C.
24 1327); or

1 “(3) in willfully aiding or abetting the transport
2 of controlled substances, monetary instruments, bulk
3 cash, and weapons by any individual departing the
4 United States.”.

5 (e) REPORTING REQUIREMENTS.—

6 (1) COMMERCIAL DRIVER’S LICENSE INFORMA-
7 TION SYSTEM.—Section 31309(b)(1) of title 49,
8 United States Code, is amended—

9 (A) in subparagraph (E), by striking
10 “and” at the end;

11 (B) in subparagraph (F), by striking the
12 period at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(G) whether the operator was disquali-
15 fied, either temporarily or permanently, from
16 operating a commercial motor vehicle under sec-
17 tion 31310, including under subsection
18 (b)(1)(F), (c)(1)(F), or (d) of such section.”.

19 (2) NOTIFICATION BY THE STATE.—Section
20 31311(a)(8) of title 49, United States Code, is
21 amended by inserting “including such a disqualifica-
22 tion, revocation, suspension, or cancellation made
23 pursuant to a disqualification under subsection
24 (b)(1)(F), (c)(1)(F), or (d) of section 31310,” after
25 “60 days,”.

1 **SEC. 1403. DRUG TRAFFICKING AND CRIMES OF VIOLENCE**
2 **COMMITTED BY ILLEGAL ALIENS.**

3 (a) IN GENERAL.—Title 18, United States Code, is
4 amended by inserting after chapter 27 the following:

5 **“CHAPTER 28—DRUG TRAFFICKING AND**
6 **CRIMES OF VIOLENCE COMMITTED BY**
7 **ILLEGAL ALIENS**

“581. Enhanced penalties for drug trafficking and crimes committed by illegal
aliens.

8 **“§ 581. Enhanced penalties for drug trafficking and**
9 **crimes committed by illegal aliens**

10 “(a) OFFENSE.—Any alien unlawfully present in the
11 United States, who commits, conspires to commit, or at-
12 tempts to commit a an offense under Federal, State, or
13 Tribal law, that has, as an element, the use or attempted
14 use of physical force or the threatened use of physical
15 force or a deadly weapon or a drug trafficking crime (as
16 defined in section 924) shall be fined under this title im-
17 prisoned for not less than 5 years, or both.

18 “(b) ENHANCED PENALTIES FOR ALIENS ORDERED
19 REMOVED.—Any alien unlawfully present in the United
20 States who violates subsection (a) and was ordered re-
21 moved under the Immigration and Nationality Act (8
22 U.S.C. 1101 et seq.) on the grounds of having committed
23 a crime before the violation of subsection (a), shall be

1 fined under this title, imprisoned for not less than 15
2 years, or both.

3 “(c) REQUIREMENT FOR CONSECUTIVE SEN-
4 TENCES.—Any term of imprisonment imposed under this
5 section shall be consecutive to any term imposed for any
6 other offense.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters
8 at the beginning of part I of title 18, United States Code,
9 is amended by inserting after the item relating to chapter
10 27 the following:

“28 . Drug trafficking and crimes of violence committed by illegal
aliens 581”.

11 **SEC. 1404. ESTABLISHING INADMISSIBILITY AND DEPORT-**
12 **ABILITY.**

13 (a) INADMISSIBLE ALIENS.—Section 212(a)(2)(A) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1182(a)(2)(A)) is amended by adding at the end the fol-
16 lowing:

17 “(iii) CONSIDERATION OF OTHER EVI-
18 DENCE.—If the conviction records do not
19 conclusively establish whether a crime con-
20 stitutes a crime involving moral turpitude,
21 the Secretary may consider other evidence
22 related to the conviction, including charg-
23 ing documents, plea agreements, plea col-
24 loquies, jury instructions, police reports,

1 that clearly establishes that the conduct
2 for which the alien was engaged constitutes
3 a crime involving moral turpitude.”.

4 (b) DEPORTABLE ALIENS.—

5 (1) GENERAL CRIMES.—Section 237(a)(2)(A)
6 of the Immigration and Nationality Act (8 U.S.C.
7 1227(a)(2)(A)) is amended by inserting after clause
8 (iv) the following:

9 “(v) CRIMES INVOLVING MORAL TUR-
10 PITUDE.—If the conviction records do not
11 conclusively establish whether a crime con-
12 stitutes a crime involving moral turpitude,
13 the Secretary or the Attorney General may
14 consider other evidence related to the con-
15 viction, including charging documents, plea
16 agreements, plea colloquies, jury instruc-
17 tions, and police reports, that clearly estab-
18 lishes that the conduct for which the alien
19 was engaged constitutes a crime involving
20 moral turpitude.”.

21 (2) DOMESTIC VIOLENCE.—Section
22 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E))
23 is amended by adding at the end the following:

24 “(iii) CRIME OF VIOLENCE.—If the
25 conviction records do not conclusively es-

1 tablish whether a crime of domestic vio-
2 lence constitutes a crime of violence or an
3 offense under Federal, State, or Tribal law
4 that has, as an element of the crime, the
5 use or attempted use of physical force or
6 the threatened use of physical force or a
7 deadly weapon, the Secretary or the Attor-
8 ney General may consider other evidence
9 related to the conviction, including charg-
10 ing documents, plea agreements, plea col-
11 loquies, jury instructions, and police re-
12 ports, that clearly establishes that the con-
13 duct for which the alien was engaged con-
14 stitutes a crime of violence or an offense
15 under Federal, State, or Tribal law that
16 has, as an element of the crime, the use or
17 attempted use of physical force or the
18 threatened use of physical force or a dead-
19 ly weapon.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date of the enactment
22 of this Act and shall apply to acts that occur before, on,
23 or after the date of the enactment of this Act.

1 **SEC. 1405. PENALTIES FOR ILLEGAL ENTRY; ENHANCED**
2 **PENALTIES FOR ENTERING WITH INTENT TO**
3 **AID, ABET, OR COMMIT TERRORISM.**

4 (a) IN GENERAL.—Section 275 of the Immigration
5 and Nationality Act (8 U.S.C. 1325) is amended by strik-
6 ing the section heading and subsections (a) and (b) and
7 inserting the following:

8 **“SEC. 275. ILLEGAL ENTRY.**

9 “(a) IN GENERAL.—

10 “(1) BARS TO IMMIGRATION RELIEF AND BENE-
11 FITS.—Any alien shall be ineligible for all immigra-
12 tion benefits or relief available under the immigra-
13 tion laws, including relief under section 240B, 245,
14 248, and 249, other than asylum, relief as a victim
15 of trafficking under section 101(a)(15)(T), relief as
16 a victim of criminal activity under section
17 101(a)(15)(U), relief as a VAWA self-petitioner, re-
18 lief as a battered spouse or child under section
19 240A(b)(2), withholding of removal under section
20 241(b)(3), or protection from removal based on a
21 claim under the Convention Against Torture and
22 Other Cruel, Inhuman or Degrading Treatment or
23 Punishment, done at New York, December 10,
24 1984, if the alien—

25 “(A) enters, crosses, or attempts to enter
26 or cross the border into the United States at

1 any time or place other than as designated by
2 immigration officers;

3 “(B) eludes, at any time or place, examina-
4 tion or inspection by an authorized immigra-
5 tion, customs, or agriculture officer (including
6 failing to stop at the command of such officer);
7 or

8 “(C) enters or crosses the border to the
9 United States and, upon examination or inspec-
10 tion, makes a false or misleading representation
11 or conceals a material fact, including such rep-
12 resentation or willful concealment in the context
13 of arrival, reporting, entry, or clearance, re-
14 quirements of the customs laws, immigration
15 laws, agriculture laws, or shipping laws.

16 “(2) CRIMINAL OFFENSES.—An alien shall be
17 subject to the penalties under paragraph (3) if the
18 alien—

19 “(A) enters, crosses, or attempts to enter
20 or cross the border into the United States at
21 any time or place other than as designated by
22 immigration officers;

23 “(B) eludes, at any time or place, examina-
24 tion or inspection by an authorized immigra-
25 tion, customs, or agriculture officer (including

1 failing to stop at the command of such officer);
2 or

3 “(C) enters or crosses the border to the
4 United States and, upon examination or inspec-
5 tion, makes a false or misleading representation
6 or conceals a material fact, including such rep-
7 resentation or concealment in the context of ar-
8 rival, reporting, entry, or clearance, require-
9 ments of the customs laws, immigration laws,
10 agriculture laws, or shipping laws.

11 “(3) CRIMINAL PENALTIES.—Any alien who
12 violates any provision under paragraph (1)—

13 “(A) shall, for the first violation, be fined
14 under title 18, United States Code, imprisoned
15 not more than 6 months, or both;

16 “(B) shall, for a second or subsequent vio-
17 lation, or following an order of voluntary depar-
18 ture, be fined under such title, imprisoned not
19 more than 2 years, or both;

20 “(C) if the violation occurred after the
21 alien had been convicted of 3 or more mis-
22 demeanors (at least 1 of which involves con-
23 trolled substances, abuse of a minor, trafficking
24 or smuggling, or any offense that could result
25 in serious bodily harm or injury to another per-

1 son), a significant misdemeanor, or a felony,
2 shall be fined under such title, imprisoned not
3 more than 10 years, or both;

4 “(D) if the violation occurred after the
5 alien had been convicted of a felony for which
6 the alien received a term of imprisonment of
7 not less than 30 months, shall be fined under
8 such title, imprisoned not more than 15 years,
9 or both; and

10 “(E) if the violation occurred after the
11 alien had been convicted of a felony for which
12 the alien received a term of imprisonment of
13 not less than 60 months, such alien shall be
14 fined under such title, imprisoned not more
15 than 20 years, or both.

16 “(4) PRIOR CONVICTIONS.—The prior convic-
17 tions described in subparagraphs (C) through (E) of
18 paragraph (3) are elements of the offenses described
19 in that paragraph and the penalties in such subpara-
20 graphs shall apply only in cases in which the convic-
21 tion or convictions that form the basis for the addi-
22 tional penalty are—

23 “(A) alleged in the indictment or informa-
24 tion; and

1 “(B) proven beyond a reasonable doubt at
2 trial; or

3 “(C) admitted by the defendant.

4 “(5) DURATION OF OFFENSES.—An offense
5 under this subsection continues until the alien is dis-
6 covered within the United States by an immigration,
7 customs, or agriculture officer.

8 “(6) ATTEMPT.—Any person who attempts to
9 commit any offense under this section shall be pun-
10 ished in the same manner as for a completion of
11 such offense.

12 “(b) IMPROPER TIME OR PLACE; CIVIL PEN-
13 ALTIES.—

14 “(1) IN GENERAL.—Any alien who is appre-
15 hended while entering, attempting to enter, or cross-
16 ing or attempting to cross the border to the United
17 States at a time or place other than as designated
18 by immigration officers shall be subject to a civil
19 penalty, in addition to any criminal or other civil
20 penalties that may be imposed under any other pro-
21 vision of law, in an amount equal to—

22 “(A) not less than \$50 or more than \$250
23 for each such entry, crossing, attempted entry,
24 or attempted crossing; or

1 “(B) twice the amount specified in para-
2 graph (1) if the alien had previously been sub-
3 ject to a civil penalty under this subsection.

4 “(2) CIVIL PENALTIES.—Civil penalties under
5 paragraph (1) are in addition to, and not in place
6 of, any criminal or other civil penalties that may be
7 imposed.”.

8 (b) ENHANCED PENALTIES.—Section 275 of the Im-
9 migration and Nationality Act, as amended by subsection
10 (a), is further amended by adding at the end the following:

11 “(e) ENHANCED PENALTY FOR TERRORIST
12 ALIENS.—Any alien who commits an offense described in
13 subsection (a) for the purpose of engaging in, or with the
14 intent to engage in, any Federal crime of terrorism (as
15 defined in section 2332b(g) of title 18, United States
16 Code) shall be imprisoned for not less than 10 years and
17 not more than 30 years.”.

18 (c) CLERICAL AMENDMENT.—The table of contents
19 in the first section of the Immigration and Nationality Act
20 is amended by striking the item relating to section 275
21 and inserting the following:

 “Sec. 275. Illegal entry.”.

22 (d) APPLICATION.—

23 (1) PRIOR CONVICTIONS.—Section 275(a)(4) of
24 the Immigration and Nationality Act, as amended by
25 subsection (a), shall apply only to violations of sec-

1 tion 275(a)(2) of such Act committed on or after the
2 date of enactment of this Act.

3 (2) BARS TO IMMIGRATION RELIEF AND BENE-
4 FITS.—Section 275(a)(1) of such Act, as amended
5 by subsection (a), shall take effect on the date of en-
6 actment and apply to any alien who, on or after the
7 date of enactment—

8 (A) enters or crosses, or attempts to enter
9 or cross, the border into the United States at
10 any time or place other than as designated by
11 immigration officers;

12 (B) eludes, at any time or place, examina-
13 tion or inspection by an authorized immigra-
14 tion, customs, or agriculture officer (including
15 failing to stop at the command of such officer);
16 or

17 (C) enters or crosses the border to the
18 United States and, upon examination or inspec-
19 tion, makes a false or misleading representation
20 or conceals a material fact, including such rep-
21 resentation or concealment in the context of ar-
22 rival, reporting, entry, or clearance, require-
23 ments of the customs laws, immigration laws,
24 agriculture laws, or shipping laws.

1 **SEC. 1406. PENALTIES FOR REENTRY OF REMOVED ALIENS.**

2 (a) SHORT TITLES.—This section may be cited as the
3 “Stop Illegal Reentry Act” or “Kate’s Law”.

4 (b) INCREASED PENALTIES FOR REENTRY OF RE-
5 MOVED ALIEN.—

6 (1) IN GENERAL.—Section 276 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1326) is amend-
8 ed to read as follows:

9 **“SEC. 276. REENTRY OF REMOVED ALIEN.**

10 “(a) IN GENERAL.—

11 “(1) BARS TO IMMIGRATION RELIEF AND BENE-
12 FITS.—Any alien who has been denied admission, ex-
13 cluded, deported, or removed or has departed the
14 United States while an order of exclusion, deporta-
15 tion, or removal is outstanding shall be ineligible for
16 all immigration benefits or relief available under the
17 immigration laws, including relief under section
18 240B, 245, 248, and 249, other than asylum, relief
19 as a victim of trafficking under section
20 101(a)(15)(T), relief as a victim of criminal activity
21 under section 101(a)(15)(U), relief as a VAWA self-
22 petitioner, relief as a battered spouse or child under
23 section 240A(b)(2), withholding of removal under
24 section 241(b)(3), or protection from removal based
25 on a claim under the Convention Against Torture
26 and Other Cruel, Inhuman or Degrading Treatment

1 or Punishment, done at New York, December 10,
2 1984, if, after such denial, exclusion, deportation,
3 removal, or departure, the alien enters, attempts to
4 enter, crosses the border to, attempts to cross the
5 border to, or is at any time found in, the United
6 States, unless—

7 “(A) if the alien is seeking admission more
8 than 10 years after the date of the alien’s last
9 departure from the United States, the Sec-
10 retary, before the alien’s reembarkation at a
11 place outside of the United States or the alien’s
12 application for admission from a foreign contig-
13 uous territory, has expressly consented to such
14 alien’s reapplying for admission; or

15 “(B) with respect to an alien previously de-
16 nied admission and removed, such alien estab-
17 lishes that the alien was not required to obtain
18 such advance consent under this Act or any
19 other Act.

20 “(2) CRIMINAL OFFENSES.—Any alien who—

21 “(A) has been denied admission, deported,
22 or removed or has departed the United States
23 while an order of deportation, or removal is out-
24 standing; and

1 “(B) after such denial, removal or depar-
2 ture, enters, attempts to enter, crosses the bor-
3 der to, attempts to cross the border to, or is at
4 any time found in, the United States, unless—

5 “(i) if the alien is seeking admission
6 more than 10 years after the date of the
7 alien’s last departure from the United
8 States, the Secretary, before the alien’s re-
9 embarkation at a place outside the United
10 States or the alien’s application for admis-
11 sion from a foreign contiguous territory,
12 has expressly consented to such alien’s re-
13 applying for admission; or

14 “(ii) with respect to an alien pre-
15 viously denied admission and removed,
16 such alien establishes that the alien was
17 not required to obtain such advance con-
18 sent under this Act or any other Act,

19 “shall be fined under title 18, United States
20 Code, imprisoned not more than 5 years, or both.

21 “(b) CRIMINAL PENALTIES FOR REENTRY OF CER-
22 TAIN REMOVED ALIENS.—

23 “(1) REENTRY AFTER REMOVAL.—Notwith-
24 standing the penalties under subsection (a)(2), and
25 except as provided in subsection (c)—

1 “(A) an alien described in subsection (a)
2 who has been excluded from the United States
3 pursuant to section 235(c) because the alien
4 was excludable under section 212(a)(3)(B) or
5 who has been removed from the United States
6 pursuant to the provisions of title V, and there-
7 after, without the permission of the Secretary,
8 enters the United States, or attempts to enter
9 the United States, shall be fined under title 18,
10 United States Code, and imprisoned for a pe-
11 riod of 15 years, which sentence shall not run
12 concurrently with any other sentence;

13 “(B) an alien described in subsection (a)
14 who was removed from the United States pur-
15 suant to section 237(a)(4)(B) and thereafter,
16 without the permission of the Secretary, enters,
17 attempts to enter, or is at any time found in,
18 the United States (unless the Secretary has ex-
19 pressly consented to such alien’s reentry) shall
20 be fined under title 18, United States Code, im-
21 prisoned for not more than 15 years, or both;
22 and

23 “(C) an alien described in subsection (a)
24 who has been denied admission, excluded, de-
25 ported, or removed 2 or more times for any rea-

1 son and thereafter enters, attempts to enter,
2 crosses the border, attempts to cross the bor-
3 der, or is at any time found in the United
4 States, shall be fined under title 18, United
5 States Code, imprisoned not more than 15
6 years, or both.

7 “(2) REENTRY OF CRIMINAL ALIENS AFTER RE-
8 MOVAL.—Notwithstanding the penalties under sub-
9 section (a)(2), and except as provided in subsection
10 (h)—

11 “(A) an alien described in subsection (a)
12 who was convicted, before the alien was subject
13 to removal or departure, of a significant mis-
14 demeanor shall be fined under title 18, United
15 States Code, imprisoned not more than 10
16 years, or both;

17 “(B) an alien described in subsection (a)
18 who was convicted, before the alien was subject
19 to removal or departure, of 2 or more mis-
20 demeanors involving drugs, crimes against the
21 person, or both shall be fined under title 18,
22 United States Code, imprisoned not more than
23 10 years, or both;

24 “(C) an alien described in subsection (a)
25 who was convicted, before the alien was subject

1 to removal or departure, of 3 or more mis-
2 demeanors for which the alien was sentenced to
3 a term of imprisonment of not less than 90
4 days for each offense, or 12 months in the ag-
5 gregate shall be fined under title 18, United
6 States Code, imprisoned not more than 10
7 years, or both;

8 “(D) an alien described in subsection (a)
9 who was convicted, before the alien was subject
10 to removal or departure, of a felony for which
11 the alien was sentenced to a term of imprison-
12 ment of not less than 30 months shall be fined
13 under such title, imprisoned not more than 15
14 years, or both;

15 “(E) an alien described in subsection (a)
16 who was convicted, before the alien was subject
17 to removal or departure, of a felony for which
18 the alien was sentenced to a term of imprison-
19 ment of not less than 60 months shall be fined
20 under such title, imprisoned not more than 20
21 years, or both;

22 “(F) an alien described in subsection (a)
23 who was convicted of 3 or more felonies of any
24 kind shall be fined under such title, imprisoned
25 not more than 25 years, or both; and

1 “(G) an alien described in subsection (a)
2 who was convicted, before the alien was subject
3 to removal or departure or after such removal
4 or departure, for murder, rape, kidnapping, or
5 a felony offense described in chapter 77 (relat-
6 ing to peonage and slavery) or 113B (relating
7 to terrorism) of such title shall be fined under
8 such title, imprisoned not more than 25 years,
9 or both;

10 “(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR
11 REENTRY OF CERTAIN REMOVED ALIENS.—Notwith-
12 standing the penalties under subsections (a) and (b), an
13 alien described in subsection (a) shall be imprisoned not
14 less than 5 years and not more than 20 years, and may,
15 in addition, be fined under title 18, United States Code,
16 if the alien—

17 “(1) was convicted, before the alien was subject
18 to removal or departure, of an aggravated felony; or

19 “(2) was convicted at least twice before such re-
20 moval or departure of illegal reentry under this sec-
21 tion.

22 “(d) PROOF OF PRIOR CONVICTIONS.—The prior
23 convictions described in subsection (b)(2) are elements of
24 the crimes described in that subsection, and the penalties
25 in that subsection shall apply only in cases in which the

1 conviction or convictions that form the basis for the addi-
2 tional penalty are—

3 “(1) alleged in the indictment or information;

4 and

5 “(2)(A) proven beyond a reasonable doubt at
6 trial; or

7 “(B) admitted by the defendant.

8 “(e) AFFIRMATIVE DEFENSES.—It shall be an af-
9 firmative defense to a violation of this section that—

10 “(1) before the alleged violation, the alien
11 sought and received the express consent of the Sec-
12 retary to reapply for admission into the United
13 States; or

14 “(2) with respect to an alien previously denied
15 admission and removed, the alien—

16 “(A) was not required to obtain such ad-
17 vance consent under this Act or any other Act;
18 and

19 “(B) had complied with all other laws and
20 regulations governing the alien’s admission into
21 the United States.

22 “(f) LIMITATION ON COLLATERAL ATTACK ON UN-
23 DERLYING REMOVAL ORDER.—In a criminal proceeding
24 under this section, an alien may not challenge the validity

1 of a removal order described in subsection (a), (b), or (c)
2 concerning the alien unless the alien demonstrates that—

3 “(1) the alien exhausted any administrative
4 remedies that may have been available to seek relief
5 against the order;

6 “(2) the deportation proceedings at which the
7 order was issued improperly deprived the alien of the
8 opportunity for judicial review; and

9 “(3) the entry of the order was fundamentally
10 unfair.

11 “(g) REENTRY OF ALIEN REMOVED BEFORE THE
12 COMPLETION OF THE TERM OF IMPRISONMENT.—Any
13 alien removed pursuant to section 241(a)(4) who enters,
14 attempts to enter, crosses the border to, attempts to cross
15 the border to, or is at any time found in, the United
16 States—

17 “(1) shall be incarcerated for the remainder of
18 the sentence of imprisonment that was pending at
19 the time of deportation without any reduction for
20 parole or supervised release unless the alien affirma-
21 tively demonstrates that the Secretary has expressly
22 consented to the alien’s reentry (if a request for con-
23 sent to reapply is authorized under this section); and

24 “(2) shall be subject to such other penalties re-
25 lating to the reentry of removed aliens as may be

1 available under this section or any other provision of
2 law.

3 “(h) DEFINITIONS.—In this section:

4 “(1) CROSSES THE BORDER.—The term
5 ‘crosses the border’ refers to the physical act of
6 crossing the border, regardless of whether the alien
7 is free from official restraint.

8 “(2) FELONY.—The term ‘felony’ means any
9 criminal offense punishable by a term of imprison-
10 ment of more than 1 year under the laws of the
11 United States, any State, or a foreign government.

12 “(3) MISDEMEANOR.—The term ‘misdemeanor’
13 means any criminal offense punishable by a term of
14 imprisonment of not more than 1 year under the ap-
15 plicable laws of the United States, any State, or a
16 foreign government.

17 “(4) REMOVAL.—The term ‘removal’ includes
18 any denial of admission, deportation, or removal, or
19 any agreement by which an alien stipulates or agrees
20 to deportation, or removal.

21 “(5) SIGNIFICANT MISDEMEANOR.—The term
22 ‘significant misdemeanor’ means a misdemeanor
23 crime that—

24 “(A) involves the use or attempted use of
25 physical force, or threatened use of a deadly

1 weapon, committed by a current or former
2 spouse, parent, or guardian of the victim, by a
3 person with whom the victim shares a child in
4 common, by a person who is cohabiting with or
5 has cohabited with the victim as a spouse, par-
6 ent, or guardian, or by a person similarly situ-
7 ated to a spouse, parent, or guardian of the vic-
8 tim;

9 “(B) is a sexual assault (as such term is
10 defined in section 40002(a)(29) of the Violent
11 Crime Control and Law Enforcement Act of
12 1994 (42 U.S.C. 13925(a)(29));

13 “(C) involved the unlawful possession of a
14 firearm (as such term is defined in section 921
15 of title 18, United States Code);

16 “(D) is a crime of violence (as defined in
17 section 16 of title 18, United States Code); or

18 “(E) is an offense under Federal, State, or
19 Tribal law, that has, as an element, the use or
20 attempted use of physical force or the threat-
21 ened use of physical force or a deadly weapon.

22 “(6) STATE.—The term ‘State’ means a State
23 of the United States, the District of Columbia, and
24 any commonwealth, territory, or possession of the
25 United States.”.

1 (c) EFFECTIVE DATE.—Section 276(a)(1), as
2 amended by subsection (b), shall take effect on the date
3 of the enactment of this Act and shall apply to any alien
4 who, on or after such date of enactment—

5 (1) has been denied admission, excluded, de-
6 ported, or removed or has departed the United
7 States while an order of exclusion, deportation, or
8 removal is outstanding; and

9 (2) after such denial, exclusion, deportation or
10 removal, enters, attempts to enter, crosses the bor-
11 der to, attempts to cross the border to, or is at any
12 time found in, the United States, unless—

13 (A) if the alien is seeking admission more
14 than 10 years after the date of the alien's last
15 departure from the United States, the Secretary
16 of Homeland Security, before the alien's re-
17 embarkation at a place outside the United
18 States or the alien's application for admission
19 from a foreign contiguous territory, has ex-
20 pressly consented to such alien's reapplying for
21 admission; or

22 (B) with respect to an alien previously de-
23 nied admission and removed, such alien estab-
24 lishes that the alien was not required to obtain
25 such advance consent under the Immigration

1 and Nationality Act (8 U.S.C. 1101 et seq.) or
2 any other Act.

3 **SEC. 1407. LAUNDERING OF MONETARY INSTRUMENTS.**

4 Section 1956(c)(7)(D) of title 18, United States
5 Code, is amended by inserting “section 1590 (relating to
6 trafficking with respect to peonage, slavery, involuntary
7 servitude, or forced labor),” after “section 1363 (relating
8 to destruction of property within the special maritime and
9 territorial jurisdiction),”.

10 **SEC. 1408. FREEZING BANK ACCOUNTS OF INTERNATIONAL**
11 **CRIMINAL ORGANIZATIONS AND MONEY**
12 **LAUNDERERS.**

13 Section 981(b) of title 18, United States Code, is
14 amended by adding at the end the following:

15 “(5)(A) If a person is arrested or charged in connec-
16 tion with an offense described in subparagraph (C) involv-
17 ing the movement of funds into or out of the United
18 States, the Attorney General may apply to any Federal
19 judge or magistrate judge in the district in which the ar-
20 rest is made or where the charges are filed for an ex parte
21 order restraining any account held by the person arrested
22 or charged for not more than 30 days. Such 30-day time
23 period may be extended for good cause shown at a hearing
24 conducted in the manner provided in rule 43(e) of the
25 Federal Rules of Civil Procedure. The court may receive

1 and consider evidence and information submitted by the
2 Government that would be inadmissible under the Federal
3 Rules of Evidence.

4 “(B) The application for a restraining order under
5 subparagraph (A) shall—

6 “(i) identify the offense for which the person
7 has been arrested or charged;

8 “(ii) identify the location and description of the
9 accounts to be restrained; and

10 “(iii) state that the restraining order is needed
11 to prevent the removal of the funds in the account
12 by the person arrested or charged, or by others asso-
13 ciated with such person, during the time needed by
14 the Government to conduct such investigation as
15 may be necessary to establish whether there is prob-
16 able cause to believe that the funds in the accounts
17 are subject to forfeiture in connection with the com-
18 mission of any criminal offense.

19 “(C) An offense described in this subparagraph is any
20 offense for which forfeiture is authorized under this title,
21 title 31, or the Controlled Substances Act (21 U.S.C. 801
22 et seq.).

23 “(D) For purposes of this section—

24 “(i) the term ‘account’ includes any safe deposit
25 box and any account (as defined in paragraphs (1)

1 and (2) of section 5318A(e) of title 31, United
2 States Code) at any financial institution; and

3 “(ii) the term ‘account held by the person ar-
4 rested or charged’ includes an account held in the
5 name of such person, and any account over which
6 such person has effective control as a signatory or
7 otherwise.

8 “(E) A restraining order issued under this paragraph
9 shall not be considered a ‘seizure’ for purposes of section
10 983(a).

11 “(F) A restraining order issued under this paragraph
12 may be executed in any district in which the subject ac-
13 count is found, or transmitted to the central authority of
14 any foreign State for service in accordance with any treaty
15 or other international agreement.”.

16 **SEC. 1409. CRIMINAL PROCEEDS LAUNDERED THROUGH**
17 **PREPAID ACCESS DEVICES, DIGITAL CUR-**
18 **RENCIES, OR OTHER SIMILAR INSTRUMENTS.**

19 (a) IN GENERAL.—

20 (1) DEFINITIONS.—

21 (A) ADDITION OF ISSUERS, REDEEMERS,
22 AND CASHIERS OF PREPAID ACCESS DEVICES
23 AND DIGITAL CURRENCIES TO THE DEFINITION
24 OF FINANCIAL INSTITUTIONS.—Section

1 5312(a)(2)(K) of title 31, United States Code,
2 is amended to read as follows:

3 “(K) an issuer, redeemer, or cashier of
4 travelers’ checks, checks, money orders, prepaid
5 access devices, digital currencies, or any digital
6 exchanger or tumbler of digital currency;”.

7 (B) ADDITION OF PREPAID ACCESS DE-
8 VICES TO THE DEFINITION OF MONETARY IN-
9 STRUMENTS.—Section 5312(a)(3)(B) of such
10 title is amended by inserting “prepaid access
11 devices,” after “delivery,”.

12 (C) DEFINITION OF PREPAID ACCESS DE-
13 VICE.—Section 5312 of such title is amended—

14 (i) by redesignating paragraph (6) as
15 paragraph (7); and

16 (ii) by inserting after paragraph (5)
17 the following:

18 “(6) ‘prepaid access device’ means an electronic
19 device or vehicle, such as a card, plate, code, num-
20 ber, electronic serial number, mobile identification
21 number, personal identification number, or other in-
22 strument that provides a portal to funds or the value
23 of funds that have been paid in advance and can be
24 retrievable and transferable at some point in the fu-
25 ture.”.

1 (2) GAO REPORT.—Not later than 18 months
2 after the date of the enactment of this Act, the
3 Comptroller General of the United States shall sub-
4 mit a report to Congress that describes—

5 (A) the impact of amendments made by
6 paragraph (1) on law enforcement, the prepaid
7 access device industry, and consumers; and

8 (B) the implementation and enforcement
9 by the Department of the Treasury of the final
10 rule relating to “Bank Secrecy Act Regula-
11 tions—Definitions and Other Regulations Re-
12 lating to Prepaid Access” (76 Fed. Reg. 45403
13 (July 29, 2011)).

14 (b) CUSTOMS AND BORDER PROTECTION STRATEGY
15 FOR PREPAID ACCESS DEVICES.—Not later than 18
16 months after the date of the enactment of this Act, the
17 Secretary of Homeland Security, in consultation with the
18 Commissioner of U.S. Customs and Border Protection,
19 shall submit a report to Congress that—

20 (1) details a strategy to interdict and detect
21 prepaid access devices, digital currencies, or other
22 similar instruments, at border crossings and other
23 ports of entry for the United States; and

1 (2) includes an assessment of the infrastructure
2 needed to carry out the strategy detailed pursuant
3 to paragraph (1).

4 (c) **MONEY SMUGGLING THROUGH BLANK CHECKS**
5 **IN BEARER FORM.**—Section 5316 of title 31, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(e) **MONETARY INSTRUMENTS WITH AMOUNT LEFT**
9 **BLANK.**—For purposes of this section, a monetary instru-
10 ment in bearer form that has the amount left blank, such
11 that the amount could be filled in by the bearer, shall be
12 considered to have a value of more than \$10,000 if the
13 monetary instrument was drawn on an account that con-
14 tained or was intended to contain more than \$10,000 at
15 the time the monetary instrument was—

16 “(1) transported; or

17 “(2) negotiated.”.

18 **SEC. 1410. CLOSING THE LOOPHOLE ON DRUG CARTEL AS-**

19 **SOCIATES ENGAGED IN MONEY LAUNDERING.**

20 (a) **INTENT TO CONCEAL OR DISGUISE.**—Section
21 1956(a) of title 18, United States Code, is amended—

22 (1) in paragraph (1)(B), by striking “(B) know-
23 ing that” and all that follows through “Federal
24 law,” and inserting the following:

25 “(B) knowing that the transaction—

1 “(i) conceals or disguises, or is intended to
2 conceal or disguise, the nature, source, location,
3 ownership, or control of the proceeds of some
4 form of unlawful activity; or

5 “(ii) avoids, or is intended to avoid, a
6 transaction reporting requirement under State
7 or Federal law,”; and

8 (2) in paragraph (2)(B), by striking “(B) know-
9 ing that” and all that follows through “Federal
10 law,” and inserting the following:

11 “(B) knowing that the monetary instrument or
12 funds involved in the transportation, transmission,
13 or transfer represent the proceeds of some form of
14 unlawful activity, and knowing that such transpor-
15 tation, transmission, or transfer—

16 “(i) conceals or disguises, or is intended to
17 conceal or disguise, the nature, source, location,
18 ownership, or control of the proceeds of some
19 form of unlawful activity; or

20 “(ii) avoids, or is intended to avoid, a
21 transaction reporting requirement under State
22 or Federal law,”.

23 (b) PROCEEDS OF A FELONY.—Section 1956(c)(1) of
24 such title is amended by inserting “, and regardless of

1 whether the person knew that the activity constituted a
2 felony” before the semicolon at the end.

3 **Subtitle E—Protecting National**
4 **Security and Public Safety**
5 **CHAPTER 1—GENERAL MATTERS**

6 **SEC. 1501. DEFINITIONS OF ENGAGE IN TERRORIST ACTIV-**
7 **ITY AND TERRORIST ORGANIZATION.**

8 (a) DEFINITION OF ENGAGE IN TERRORIST ACTIV-
9 ITY.—Section 212(a)(3)(B)(iv)(I) of the Immigration and
10 Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(I)) is amend-
11 ed to read as follows:

12 “(I) to commit a terrorist activity
13 or, under circumstances indicating an
14 intention to cause death, serious bod-
15 ily harm, or substantial damage to
16 property, to incite another person to
17 commit a terrorist activity;”.

18 (b) DEFINITION OF TERRORIST ORGANIZATION.—
19 Section 212(a)(3)(B)(vi)(III) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1182(a)(3)(B)(vi)(III)) is amended
21 to read as follows:

22 “(III) that is a group of 2 or
23 more individuals, whether organized
24 or not, which engages in, or has a
25 subgroup that engages in, the activi-

1 ties described in subclauses (I)
2 through (VI) of clause (iv), if the
3 group or subgroup presents a threat
4 to the national security of the United
5 States.”.

6 **SEC. 1502. TERRORIST GROUNDS OF INADMISSIBILITY.**

7 (a) SECURITY AND RELATED GROUNDS.—Section
8 212(a)(3)(A) of the Immigration and Nationality Act (8
9 U.S.C. 1182(a)(3)(A)) is amended to read as follows:

10 “(A) IN GENERAL.—Any alien who a con-
11 sular officer, the Attorney General, or the Sec-
12 retary knows, or has reasonable ground to be-
13 lieve, seeks to enter the United States to en-
14 gage solely, principally, or incidentally, in, or
15 who is engaged in, or with respect to clauses (i)
16 and (iii) has engaged in within the previous 5
17 years—

18 “(i) any activity—

19 “(I) to violate any law of the
20 United States relating to espionage or
21 sabotage; or

22 “(II) to violate or evade any law
23 prohibiting the export from the
24 United States of goods, technology, or
25 sensitive information;

1 activity or support a terrorist organi-
2 zation;”;

3 (5) by amending subclause (IX) to read as fol-
4 lows:

5 “(IX) is the spouse or child of an
6 alien who is inadmissible under this
7 subparagraph if—

8 “(aa) the activity causing
9 the alien to be found inadmissible
10 occurred within the last 5 years;
11 and

12 “(bb)(AA) the spouse or
13 child knew, or should reasonably
14 have known, of the activity caus-
15 ing the alien to be found inad-
16 missible under this section; and

17 “(BB) the consular officer
18 or Attorney General does not
19 have reasonable grounds to be-
20 lieve that the spouse or child has
21 renounced the activity causing
22 the alien to be found inadmissible
23 under this section.”; and

24 (6) by striking the undesignated matter fol-
25 lowing subclause (IX).

1 (c) PALESTINE LIBERATION ORGANIZATION.—Sec-
2 tion 212(a)(3)(B) of the Immigration and Nationality Act
3 (8 U.S.C. 1182(a)(3)(B)), is amended by adding at the
4 end the following:

5 “(vii) PALESTINE LIBERATION ORGA-
6 NIZATION.—An alien who is an officer, of-
7 ficial, representative, or spokesman of the
8 Palestine Liberation Organization is con-
9 sidered, for purposes of this Act, to be en-
10 gaged in terrorist activity.”.

11 **SEC. 1503. EXPEDITED REMOVAL FOR ALIENS INADMIS-**
12 **SIBLE ON CRIMINAL OR SECURITY GROUNDS.**

13 (a) IN GENERAL.—Section 238 of the Immigration
14 and Nationality Act (8 U.S.C. 1228) is amended—

15 (1) in the section heading, by adding at the end
16 the following: “**OR WHO ARE SUBJECT TO TER-**
17 **RORISM-RELATED GROUNDS FOR REMOVAL**”;

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by striking “Attorney General”
21 and inserting “Secretary, in the exercise of
22 discretion,”; and

23 (ii) by striking “set forth in this sub-
24 section or” and inserting “set forth in this

1 subsection, in lieu of removal proceedings
2 under”;

3 (B) in paragraphs (3) and (4), by striking
4 “Attorney General” each place that term ap-
5 pears and inserting “Secretary”;

6 (C) in paragraph (5)—

7 (i) by striking “described in this sec-
8 tion” and inserting “described in para-
9 graph (1) or (2)”; and

10 (ii) by striking “the Attorney General
11 may grant in the Attorney General’s dis-
12 cretion.” and inserting “the Secretary or
13 the Attorney General may grant, in the
14 discretion of the Secretary or the Attorney
15 General, in any proceeding.”;

16 (D) by redesignating paragraphs (3), (4),
17 and (5) as paragraphs (4), (5), and (6) respec-
18 tively; and

19 (E) by inserting after paragraph (2) the
20 following:

21 “(3) The Secretary, in the exercise of discre-
22 tion, may determine inadmissibility under section
23 212(a)(2) and issue an order of removal pursuant to
24 the procedures set forth in this subsection, in lieu of

1 removal proceedings under section 240, with respect
2 to an alien who—

3 “(A) has not been admitted or paroled;

4 “(B) has not been found to have a credible
5 fear of persecution pursuant to the procedures
6 set forth in 235(b)(1)(B); and

7 “(C) is not eligible for a waiver of inadmis-
8 sibility or relief from removal.”;

9 (3) by redesignating the first subsection (c) as
10 subsection (d);

11 (4) by redesignating the second subsection (c),
12 as so designated by section 617(b)(13) of the Illegal
13 Immigration Reform and Immigrant Responsibility
14 Act of 1996 (division C of Public Law 104–208; 110
15 Stat. 3009–720)), as subsection (e); and

16 (5) by inserting after subsection (b) the fol-
17 lowing:

18 “(c) REMOVAL OF ALIENS WHO ARE SUBJECT TO
19 TERRORISM-RELATED GROUNDS FOR REMOVAL.—

20 “(1) IN GENERAL.—The Secretary—

21 “(A) notwithstanding section 240, shall—

22 “(i) determine the inadmissibility of
23 every alien under subclause (I), (II), or
24 (III) of section 212(a)(3)(B)(i), or the de-
25 portability of the alien under section

1 237(a)(4)(B) as a consequence of being de-
2 scribed in 1 of such subclauses; and

3 “ (ii) issue an order of removal pursu-
4 ant to the procedures set forth in this sub-
5 section to every alien determined to be in-
6 admissible or deportable on a ground de-
7 scribed in clause (i); and

8 “(B) may—

9 “ (i) determine the inadmissibility of
10 any alien under subparagraph (A) or (B)
11 of section 212(a)(3) (other than subclauses
12 (I), (II), and (III) of section
13 212(a)(3)(B)), or the deportability of the
14 alien under subparagraph (A) or (B) of
15 section 237(a)(4) (as a consequence of
16 being described in subclause (I), (II), or
17 (III) of section 212(a)(3)(B)); and

18 “ (ii) issue an order of removal pursu-
19 ant to the procedures set forth in this sub-
20 section to every alien determined to be in-
21 admissible or deportable on a ground de-
22 scribed in clause (i).

23 “(2) LIMITATION.—The Secretary may not exe-
24 cute any order described in paragraph (1) until 30
25 days after the date on which such order was issued,

1 unless waived by the alien, to give the alien an op-
2 portunity to petition for judicial review under section
3 242.

4 “(3) PROCEEDINGS.—The Secretary shall pre-
5 scribe regulations to govern proceedings under this
6 subsection, which shall require that—

7 “(A) the alien is given reasonable notice of
8 the charges and of the opportunity described in
9 subparagraph (C);

10 “(B) the alien has the privilege of being
11 represented (at no expense to the Government)
12 by such counsel, authorized to practice in such
13 proceedings, as the alien shall choose;

14 “(C) the alien has a reasonable oppor-
15 tunity to inspect the evidence and rebut the
16 charges;

17 “(D) a determination is made on the
18 record that the individual upon whom the notice
19 for the proceeding under this section is served
20 (either in person or by mail) is, in fact, the
21 alien named in such notice;

22 “(E) a record is maintained for judicial re-
23 view; and

1 “(F) the final order of removal is not adju-
2 dicated by the same person who issues the
3 charges.

4 “(4) LIMITATION ON RELIEF FROM RE-
5 MOVAL.—No alien described in this subsection shall
6 be eligible for any relief from removal that the Sec-
7 retary may grant in the Secretary’s discretion.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 of the Immigration and Nationality Act (8 U.S.C. 1101
10 et seq.) is amended by striking the item relating to section
11 238 and inserting the following:

 “Sec. 238. Expedited removal of aliens convicted of aggravated felonies or who
 are subject to terrorism-related grounds for removal.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the date of the enactment
14 of this Act and shall not apply to aliens who are in removal
15 proceedings under section 240 of the Immigration and Na-
16 tionality Act (8 U.S.C. 1229a) on such date of enactment.

17 **SEC. 1504. DETENTION OF REMOVABLE ALIENS.**

18 (a) CRIMINAL ALIEN ENFORCEMENT PARTNER-
19 SHIPS.—Section 287 of the Immigration and Nationality
20 Act (8 U.S.C. 1357), as amended by section 1123, is fur-
21 ther amended by inserting after subsection (h) the fol-
22 lowing:

23 “(i) CRIMINAL ALIEN ENFORCEMENT PARTNER-
24 SHIPS.—

1 “(1) IN GENERAL.—The Secretary may enter
2 into a written agreement with a State, or with any
3 political subdivision of a State, to authorize the tem-
4 porary placement of 1 or more U.S. Customs and
5 Border Protection agents or officers or U.S. Immi-
6 gration and Customs Enforcement agents or inves-
7 tigators at a local police department or precinct—

8 “(A) to determine the immigration status
9 of any individual arrested by a State, county, or
10 local police, enforcement, or peace officer for
11 any criminal offense;

12 “(B) to issue charging documents and no-
13 tices related to the initiation of removal pro-
14 ceedings or reinstatement of prior removal or-
15 ders under section 241(a)(5);

16 “(C) to enter information directly into the
17 National Crime Information Center (NCIC)
18 database, Immigration Violator File, includ-
19 ing—

20 “(i) the alien’s address;

21 “(ii) the reason for the arrest;

22 “(iii) the legal cite of the State law
23 violated or for which the alien is charged;

1 “(iv) the alien’s driver’s license num-
2 ber and State of issuance, if the alien has
3 a driver’s license;

4 “(v) any other identification document
5 held by the alien and issuing entity for
6 such identification documents; and

7 “(vi) any identifying marks, such as
8 tattoos, birthmarks, and scars;

9 “(D) to collect the alien’s biometrics, in-
10 cluding iris, fingerprint, photographs, and sig-
11 nature, of the alien and to enter such informa-
12 tion into the Automated Biometric Identifica-
13 tion System (IDENT) and any other Depart-
14 ment of Homeland Security database author-
15 ized for storage of biometric information for
16 aliens; and

17 “(E) to make advance arrangements for
18 the immediate transfer from State to Federal
19 custody of any criminal when the alien is re-
20 leased, without regard to whether the alien is
21 released on parole, supervised release, or proba-
22 tion, and without regard to whether alien may
23 be arrested imprisoned again for the same of-
24 fense.

1 “(2) LENGTH OF TEMPORARY DUTY ASSIGN-
2 MENTS.—The initial period for a temporary duty as-
3 signment authorized under this paragraph shall be 1
4 year. The temporary duty assignment may be ex-
5 tended for additional periods of time as agreed to by
6 the Secretary and the State or political subdivision
7 of the State to ensure continuity of cooperation and
8 coverage.

9 “(3) TECHNOLOGY USAGE.—The Secretary
10 shall provide U.S. Customs and Border Protection
11 and U.S. Immigration and Customs Enforcement
12 agents, officers, and investigators on a temporary
13 duty assignment under this paragraph mobile access
14 to Federal databases containing alien information,
15 live scan technology for collection of biometrics, and
16 video-conferencing capability for use at local police
17 departments or precincts in remote locations.

18 “(4) REPORT.—Not later than 1 year after the
19 date of the enactment of the Strong Visa Integrity
20 Secures America Act, the Secretary shall submit a
21 report to the Committee on the Judiciary of the
22 Senate, the Committee on Homeland Security and
23 Governmental Affairs of the Senate, the Committee
24 on the Judiciary of the House of Representatives,

1 and the Committee on Homeland Security of the
2 House of Representatives that identifies—

3 “(A) the number of States that have en-
4 tered into an agreement under this subsection;

5 “(B) the number of criminal aliens proc-
6 essed by the U.S. Customs and Border Protec-
7 tion agent or officer or U.S. Immigration and
8 Customs Enforcement agent or investigator
9 during the temporary duty assignment; and

10 “(C) the number of criminal aliens trans-
11 ferred from State to Federal custody during the
12 agreement period.”.

13 (b) DETENTION, RELEASE, AND REMOVAL OF
14 ALIENS ORDERED REMOVED.—

15 (1) REMOVAL PERIOD.—

16 (A) IN GENERAL.—Section 241(a)(1)(A) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1231(a)(1)(A)) is amended by striking “Attor-
19 ney General” and inserting “Secretary”.

20 (B) BEGINNING OF PERIOD.—Section
21 241(a)(1)(B) of such Act (8 U.S.C.
22 1231(a)(1)(B)) is amended to read as follows:

23 “(B) BEGINNING OF PERIOD.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), the removal period begins on the date
3 that is the latest of the following:

4 “(I) If a court, the Board of Im-
5 migration Appeals, or an immigration
6 judge orders a stay of the removal of
7 the alien, the date on which the stay
8 of removal ends.

9 “(II) If the alien is ordered re-
10 moved, the date pursuant to an ad-
11 ministratively final removal order and
12 the Secretary takes the alien into cus-
13 tody for removal.

14 “(III) If the alien is detained or
15 confined (except under an immigra-
16 tion process), the date on which the
17 alien is released from detention or
18 confinement.

19 “(ii) BEGINNING OF REMOVAL PERIOD
20 FOLLOWING A TRANSFER OF CUSTODY.—If
21 the Secretary transfers custody of the alien
22 pursuant to law to another Federal agency
23 or to an agency of a State or local govern-
24 ment in connection with the official duties

1 of such agency, the removal period for the
2 alien—

3 “(I) shall be tolled; and

4 “(II) shall resume on the date on
5 which the alien is returned to the cus-
6 tody of the Secretary.”.

7 (C) SUSPENSION OF PERIOD.—Section
8 241(a)(1)(C) of such Act (8 U.S.C.
9 1231(a)(1)(C)) is amended to read as follows:

10 “(C) SUSPENSION OF PERIOD.—The re-
11 moval period shall be extended beyond a period
12 of 90 days and the alien may remain in deten-
13 tion during such extended period if the alien—

14 “(i) fails or refuses to make all rea-
15 sonable efforts to comply with the order of
16 removal or to fully cooperate with the ef-
17 forts of the Secretary to establish the
18 alien’s identity and carry out the order of
19 removal, including making timely applica-
20 tion in good faith for travel or other docu-
21 ments necessary to the alien’s departure;
22 or

23 “(ii) conspires or acts to prevent the
24 alien’s removal subject to an order of re-
25 moval.”.

1 (2) DETENTION.—Section 241(a)(2) of the Im-
2 migration and Nationality Act (8 U.S.C. 1231(a)(2))
3 is amended—

4 (A) by inserting “(A)” before “During”;

5 (B) by striking “Attorney General” and in-
6 sserting “Secretary”; and

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

8 “(B) DURING A PENDENCY OF A STAY.—

9 If a court, the Board of Immigration Appeals,
10 or an immigration judge orders a stay of re-
11 moval of an alien who is subject to an order of
12 removal, the Secretary, in the Secretary’s sole
13 and unreviewable exercise of discretion, and
14 notwithstanding any provision of law, including
15 section 2241 of title 28, United States Code,
16 may detain the alien during the pendency of
17 such stay of removal.”.

18 (3) SUSPENSION AFTER 90-DAY PERIOD.—Sec-
19 tion 241(a)(3) of the Immigration and Nationality
20 Act (8 U.S.C. 1231(a)(3)) is amended—

21 (A) in the matter preceding subparagraph
22 (A), by striking “Attorney General” and insert-
23 ing “Secretary”;

24 (B) in subparagraph (C), by striking “At-
25 torney General” and inserting “Secretary”; and

1 (C) by amending subparagraph (D) to read
2 as follows:

3 “(D) to obey reasonable restrictions on the
4 alien’s conduct or activities, or to perform af-
5 firmative acts, that the Secretary prescribes for
6 the alien, in order to prevent the alien from ab-
7 scending, for the protection of the community,
8 or for other purposes related to the enforcement
9 of the immigration laws.”.

10 (4) ALIENS IMPRISONED, ARRESTED, OR ON PA-
11 ROLE, SUPERVISED RELEASE, OR PROBATION.—Sec-
12 tion 241(a)(4) of the Immigration and Nationality
13 Act (8 U.S.C. 1231(a)(4)) is amended—

14 (A) in subparagraph (A), by striking “At-
15 torney General” and inserting “Secretary”; and

16 (B) in subparagraph (B)—

17 (i) in the matter preceding clause (i),
18 by striking “Attorney General” and insert-
19 ing “Secretary”;

20 (I) in clause (i), by striking “if
21 the Attorney General” and inserting
22 “if the Secretary”; and

23 (II) in clause (ii)(III), by striking
24 “Attorney General” and inserting
25 “Secretary”.

1 (5) REINSTATEMENT OF REMOVAL ORDERS
2 AGAINST ALIENS ILLEGALLY REENTERING.—

3 (A) IN GENERAL.—Section 241(a)(5) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1231(a)(5)) is amended to read as follows:

6 “(5) REINSTATEMENT OF REMOVAL ORDERS
7 AGAINST ALIENS ILLEGALLY REENTERING.—If the
8 Secretary determines that an alien has entered the
9 United States illegally after having been removed,
10 deported, or excluded or having departed voluntarily,
11 under an order of removal, deportation, or exclusion,
12 regardless of the date of the original order or the
13 date of the illegal entry—

14 “(A) the order of removal, deportation, or
15 exclusion is reinstated from its original date
16 and is not subject to being reopened or reviewed
17 notwithstanding section 242(a)(2)(D);

18 “(B) the alien is not eligible and may not
19 apply for any relief under this Act, regardless
20 of the date on which an application or request
21 for such relief may have been filed or made;

22 “(C) the alien shall be removed under the
23 order of removal, deportation, or exclusion at
24 any time after the illegal entry; and

1 “(D) reinstatement under subparagraph
2 (A) shall not require proceedings under section
3 240 or other proceedings before an immigration
4 judge.”.

5 (B) JUDICIAL REVIEW.—Section 242 of
6 such Act (8 U.S.C. 1252) is amended by adding
7 at the end the following:

8 “(h) JUDICIAL REVIEW OF DECISION TO
9 REINSTATE REMOVAL ORDER UNDER SECTION
10 241(A)(5).—

11 “(1) REVIEW OF DECISION TO REIN-
12 STATE REMOVAL ORDER.—Judicial review
13 of determinations under section 241(a)(5)
14 is available in an action under subsection
15 (a).

16 “(2) NO REVIEW OF ORIGINAL
17 ORDER.—Notwithstanding any other provi-
18 sion of law (statutory or nonstatutory), in-
19 cluding section 2241 of title 28, United
20 States Code, any other habeas corpus pro-
21 vision, or sections 1361 and 1651 of such
22 title, no court shall have jurisdiction to re-
23 view any cause or claim, arising from, or
24 relating to, any challenge to the original
25 order.”.

1 (C) EFFECTIVE DATE.—The amendments
2 made by subparagraphs (A) and (B) shall take
3 effect as if enacted on April 1, 1997 and shall
4 apply to all orders reinstated or after that date
5 by the Secretary of Homeland Security (or by
6 the Attorney General before March 1, 2003),
7 regardless of the date of the original order.

8 (6) INADMISSIBLE OR CRIMINAL ALIENS.—Sec-
9 tion 241(a)(6) of the Immigration and Nationality
10 Act (8 U.S.C. 1231(a)(6)) is amended—

11 (A) by striking “Attorney General” and in-
12 serting “Secretary”; and

13 (B) by striking “removal period and, if re-
14 leased,” and inserting “removal period, in the
15 discretion of the Secretary, without any limita-
16 tions other than those specified in this section,
17 until the alien is removed.”.

18 (7) PAROLE; ADDITIONAL RULES; JUDICIAL RE-
19 VIEW.—Section 241(a) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1231(a)) is amended—

21 (A) in paragraph (7), by striking “Attor-
22 ney General” and inserting “Secretary”;

23 (B) by redesignating paragraph (7) as
24 paragraph (14); and

1 (C) by inserting after paragraph (6) the
2 following:

3 “(7) PAROLE.—Except for aliens subject to de-
4 tention under paragraph (6) and aliens subject to
5 detention under section 236(c), 236A, or 238, if an
6 alien who is detained is an applicant for admission,
7 the Secretary, in the Secretary’s discretion, may pa-
8 role the alien under section 212(d)(5) and may pro-
9 vide, notwithstanding section 212(d)(5), that the
10 alien shall not be returned to custody unless either
11 the alien violates the conditions of such parole or the
12 alien’s removal becomes reasonably foreseeable, pro-
13 vided that in no circumstance shall such alien be
14 considered admitted.

15 “(8) ADDITIONAL RULES FOR DETENTION OR
16 RELEASE OF CERTAIN ALIENS WHO WERE PRE-
17 VIOUSLY ADMITTED TO THE UNITED STATES.—

18 “(A) APPLICATION.—The procedures set
19 out under this paragraph—

20 “(i) apply only to an alien who were
21 previously admitted to the United States;
22 and

23 “(ii) do not apply to any other alien,
24 including an alien detained pursuant to
25 paragraph (6).

1 “(B) ESTABLISHMENT OF A DETENTION
2 REVIEW PROCESS FOR ALIENS WHO FULLY CO-
3 OPERATE WITH REMOVAL.—

4 “(i) REQUIREMENT TO ESTABLISH.—

5 If an alien has made all reasonable efforts
6 to comply with a removal order and to co-
7 operate fully with the efforts of the Sec-
8 retary to establish the alien’s identity and
9 carry out the removal order, including
10 making timely application in good faith for
11 travel or other documents necessary to the
12 alien’s departure, and has not conspired or
13 acted to prevent removal, the Secretary
14 shall establish an administrative review
15 process to determine whether the alien
16 should be detained or released on condi-
17 tions.

18 “(ii) DETERMINATIONS.—The Sec-
19 retary shall—

20 “(I) make a determination
21 whether to release an alien described
22 in clause (i) after the end of the
23 alien’s removal period; and

24 “(II) in making a determination
25 under subclause (I), consider any evi-

1 dence submitted by the alien, and may
2 consider any other evidence, including
3 any information or assistance pro-
4 vided by the Department of State or
5 other Federal agency and any other
6 information available to the Secretary
7 pertaining to the ability to remove the
8 alien.

9 “(9) AUTHORITY TO DETAIN BEYOND THE RE-
10 MOVAL PERIOD.—The Secretary, in the exercise of
11 discretion, without any limitations other than those
12 specified in this section, may continue to detain an
13 alien for 90 days beyond the removal period (includ-
14 ing any extension of the removal period as provided
15 in subsection (a)(1)(C))—

16 “(A) until the alien is removed, if the Sec-
17 retary determines that—

18 “(i) there is a significant likelihood
19 that the alien will be removed in the rea-
20 sonably foreseeable future;

21 “(ii) the alien would be removed in
22 the reasonably foreseeable future, or would
23 have been removed, but for the alien’s fail-
24 ure or refusal to make all reasonable ef-
25 forts to comply with the removal order, or

1 to cooperate fully with the Secretary's ef-
2 forts to establish the alien's identity and
3 carry out the removal order, including
4 making timely application in good faith for
5 travel or other documents necessary to the
6 alien's departure, or conspiracies or acts to
7 prevent removal;

8 “(iii) the government of the foreign
9 country of which the alien is a citizen, sub-
10 ject, national, or resident is denying or un-
11 reasonably delaying accepting the return of
12 such alien after the Secretary asks whether
13 the government will accept an alien under
14 section 243(d); or

15 “(iv) the government of the foreign
16 country of which the alien is a citizen, sub-
17 ject, national, or resident is refusing to
18 issue any required travel or identity docu-
19 ments to allow such alien to return to that
20 country;

21 “(B) until the alien is removed, if the Sec-
22 retary certifies in writing—

23 “(i) in consultation with the Secretary
24 of Health and Human Services, that the

1 alien has a highly contagious disease that
2 poses a threat to public safety;

3 “(ii) after receipt of a written rec-
4 ommendation from the Secretary of State,
5 that release of the alien is likely to have
6 serious adverse foreign policy consequences
7 for the United States;

8 “(iii) based on information available
9 to the Secretary (including classified, sen-
10 sitive, or other information, and without
11 regard to the grounds upon which the alien
12 was ordered removed), that there is reason
13 to believe that the release of the alien
14 would threaten the national security of the
15 United States; or

16 “(iv) that the release of the alien will
17 threaten the safety of the community or
18 any person, conditions of release cannot
19 reasonably be expected to ensure the safety
20 of the community or any person, and ei-
21 ther—

22 “(I) the alien has been convicted
23 of 1 or more aggravated felonies (as
24 defined in section 101(a)(43)), 1 or
25 more crimes identified by the Sec-

1 retary by regulation, or 1 or more at-
2 tempts or conspiracies to commit any
3 such aggravated felonies or such iden-
4 tified crimes, provided that the aggre-
5 gate term of imprisonment for such
6 attempts or conspiracies is at least 5
7 years; or

8 “(II) the alien has committed 1
9 or more violent offenses (but not in-
10 cluding a purely political offense) and,
11 because of a mental condition or per-
12 sonality disorder and behavior associ-
13 ated with that condition or disorder,
14 the alien is likely to engage in acts of
15 violence in the future; or

16 “(v) that the release of the alien will
17 threaten the safety of the community or
18 any person, conditions of release cannot
19 reasonably be expected to ensure the safety
20 of the community or any person, and the
21 alien has been convicted of at least one ag-
22 gravated felony (as defined in section
23 101(a)(43)); and

24 “(C) pending a determination under sub-
25 paragraph (B), if the Secretary has initiated

1 the administrative review process not later than
2 30 days after the expiration of the removal pe-
3 riod (including any extension of the removal pe-
4 riod as provided in subsection (a)(1)(C)).

5 “(10) RENEWAL AND DELEGATION OF CERTIFI-
6 CATION.—

7 “(A) RENEWAL.—The Secretary may
8 renew a certification under subparagraph
9 (B)(ii) every 6 months without limitation, after
10 providing an opportunity for the alien to re-
11 quest reconsideration of the certification and to
12 submit documents or other evidence in support
13 of that request. If the Secretary does not renew
14 a certification, the Secretary may not continue
15 to detain the alien under paragraph (9)(B).

16 “(B) DELEGATION.—Notwithstanding sec-
17 tion 103, the Secretary may not delegate the
18 authority to make or renew a certification de-
19 scribed in clause (ii), (iii), or (iv) of subpara-
20 graph (9)(B) to an official below the level of the
21 Director of U.S. Immigration and Customs En-
22 forcement.

23 “(11) RELEASE ON CONDITIONS.—If the Sec-
24 retary determines that an alien should be released
25 from detention, the Secretary, in the exercise of dis-

1 cretion, may impose conditions on release as pro-
2 vided in paragraph (3).

3 “(12) REDETENTION.—The Secretary, in the
4 exercise of discretion, without any limitations other
5 than those specified in this section, may again de-
6 tain any alien subject to a final removal order who
7 is released from custody if the alien fails to comply
8 with the conditions of release or to continue to sat-
9 isfy the conditions described in subparagraph (8), or
10 if, upon reconsideration, the Secretary determines
11 that the alien can be detained under subparagraph
12 (9). Paragraphs (6) through (14) shall apply to any
13 alien returned to custody pursuant to this subpara-
14 graph, as if the removal period terminated on the
15 day of the redetention.

16 “(13) CERTAIN ALIENS WHO EFFECTED
17 ENTRY.—If an alien has entered the United States,
18 but has not been lawfully admitted nor physically
19 present in the United States continuously for the 2-
20 year period immediately preceding the commence-
21 ment of removal proceedings under this Act against
22 the alien, the Secretary, in the exercise of discretion,
23 may decide not to apply paragraph (8) and detain
24 the alien without any limitations except those which
25 the Secretary shall adopt by regulation.

1 “(14) JUDICIAL REVIEW.—Without regard to
2 the place of confinement, judicial review of any ac-
3 tion or decision pursuant to paragraph (6) through
4 (14) shall be available exclusively in habeas corpus
5 proceedings instituted in the United States District
6 Court for the District of Columbia, and only if the
7 alien has exhausted all administrative remedies
8 (statutory and regulatory) available to the alien as
9 of right.”.

10 (c) DETENTION OF ALIENS DURING REMOVAL PRO-
11 CEEDINGS.—

12 (1) IN GENERAL.—Section 235 of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1225) is amend-
14 ed by adding at the end the following:

15 “(e) LENGTH OF DETENTION.—

16 “(1) IN GENERAL.—An alien may be detained
17 under this section while proceedings are pending,
18 without limitation, until the alien is subject to an
19 administratively final order of removal.

20 “(2) EFFECT ON DETENTION UNDER SECTION
21 241.—The length of detention under this section
22 shall not affect the validity of any detention under
23 section 241.

24 “(f) JUDICIAL REVIEW.—Without regard to the place
25 of confinement, judicial review of any action or decision

1 made pursuant to subsection (e) shall be available exclu-
2 sively in a habeas corpus proceeding instituted in the
3 United States District Court for the District of Columbia
4 and only if the alien has exhausted all administrative rem-
5 edies (statutory and nonstatutory) available to the alien
6 as of right.”.

7 (2) CONFORMING AMENDMENTS.—Section 236
8 of the Immigration and Nationality Act (8 U.S.C.
9 1226) is amended—

10 (A) in subsection (e), by adding at the end
11 the following: “Without regard to the place of
12 confinement, judicial review of any action or de-
13 cision made pursuant to section 235(f) shall be
14 available exclusively in a habeas corpus pro-
15 ceeding instituted in the United States District
16 Court for the District of Columbia, and only if
17 the alien has exhausted all administrative rem-
18 edies (statutory and nonstatutory) available to
19 the alien as of right.”; and

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

21 “(f) LENGTH OF DETENTION.—

22 “(1) IN GENERAL.—An alien may be detained
23 under this section, without limitation, until the alien
24 is subject to an administratively final order of re-
25 moval.

1 “(2) EFFECT ON DETENTION UNDER SECTION
2 241.—The length of detention under this section
3 shall not affect the validity of any detention under
4 section 241.”.

5 (d) ATTORNEY GENERAL’S DISCRETION IN DETER-
6 MINING COUNTRIES OF REMOVAL.—Section 241(b) of the
7 Immigration and Nationality Act (8 U.S.C. 1231(b)) is
8 amended—

9 (1) in paragraph (1)(C)(iv), by striking the pe-
10 riod at the end and inserting “, or the Attorney
11 General decides that removing the alien to the coun-
12 try is prejudicial to the interests of the United
13 States.”;

14 (2) in paragraph (2)(E)(vii), by inserting “or
15 the Attorney General decides that removing the alien
16 to 1 or more of such countries is prejudicial to the
17 interests of the United States,” after “this subpara-
18 graph,”.

19 (e) EFFECTIVE DATES AND APPLICATION.—

20 (1) AMENDMENTS MADE BY SUBSECTION (B).—
21 The amendments made by subsection (b) shall take
22 effect on the date of the enactment of this Act. Sec-
23 tion 241 of the Immigration and Nationality Act, as
24 amended by subsection (b), shall apply to—

1 (A) all aliens subject to a final administra-
2 tive removal, deportation, or exclusion order
3 that was issued before, on, or after the date of
4 the enactment of this Act; and

5 (B) acts and conditions occurring or exist-
6 ing before, on, or after the date of the enact-
7 ment of this Act.

8 (2) AMENDMENTS MADE BY SUBSECTION (C).—

9 The amendments made by subsection (c) shall take
10 effect upon the date of the enactment of this Act.
11 Sections 235 and 236 of the Immigration and Na-
12 tionality Act, as amended by subsection (c), shall
13 apply to any alien in detention under provisions of
14 such sections on or after the date of the enactment
15 of this Act.

16 **SEC. 1505. GAO STUDY ON DEATHS IN CUSTODY.**

17 Not later than 1 year after the date of the enactment
18 of this Act, the Comptroller General of the United States
19 shall submit a report to Congress on the deaths in custody
20 of detainees held by the Department of Homeland Secu-
21 rity, which shall include, with respect to any such
22 deaths—

23 (1) whether any such deaths could have been
24 prevented by the delivery of medical treatment ad-

1 ministered while the detainee is in the custody of the
2 Department of Homeland Security;

3 (2) whether Department practices and proce-
4 dures were properly followed and obeyed;

5 (3) whether such practices and procedures are
6 sufficient to protect the health and safety of such
7 detainees; and

8 (4) whether reports of such deaths were made
9 to the Deaths in Custody Reporting Program.

10 **SEC. 1506. GAO STUDY ON MIGRANT DEATHS.**

11 Not later than 1 year after the date of the enactment
12 of this Act, the Comptroller General of the United States
13 shall submit, to the Committee on the Judiciary of the
14 Senate, the Committee on Homeland Security and Govern-
15 mental Affairs of the Senate, the Committee on the Judici-
16 ary of the House of Representatives, and the Committee
17 on Homeland Security of the House of Representatives,
18 a report that describes—

19 (1) the total number of migrant deaths along
20 the southern border during the previous 7 years;

21 (2) the total number of unidentified deceased
22 migrants found along the southern border in the
23 previous 7 years;

24 (3) the level of cooperation between U.S. Cus-
25 toms and Border Protection, State and local law en-

1 enforcement agencies, foreign diplomatic and consular
2 posts, nongovernmental organizations, and family
3 members to accurately identify deceased individuals;

4 (4) the use of DNA testing and sharing of such
5 data between U.S. Customs and Border Protection,
6 State and local law enforcement agencies, foreign
7 diplomatic and consular posts, and nongovernmental
8 organizations to accurately identify deceased individ-
9 uals;

10 (5) the comparison of DNA data with informa-
11 tion on Federal, State, and local missing person reg-
12 istries; and

13 (6) the procedures and processes U.S. Customs
14 and Border Protection has in place for notification
15 of relevant authorities or family members after miss-
16 ing persons are identified through DNA testing.

17 **SEC. 1507. STATUTE OF LIMITATIONS FOR VISA, NATU-**
18 **RALIZATION, AND OTHER FRAUD OFFENSES**
19 **INVOLVING WAR CRIMES OR HUMAN RIGHTS**
20 **VIOLATIONS.**

21 (a) STATUTE OF LIMITATIONS FOR VISA FRAUD AND
22 OTHER OFFENSES.—Chapter 213 of title 18, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 **“§ 3302. Fraud in connection with certain human**
2 **rights violations or war crimes**

3 “(a) IN GENERAL.—No person shall be prosecuted,
4 tried, or punished for violation of any provision of section
5 1001, 1015, 1425, 1546, 1621, or 3291, or for attempt
6 or conspiracy to violate any provision of such sections, if
7 the fraudulent conduct, misrepresentation, concealment,
8 or fraudulent, fictitious, or false statement concerns the
9 alleged offender’s—

10 “(1) participation, at any time, at any place,
11 and irrespective of the nationality of the alleged of-
12 fender or any victim, in a human rights violation or
13 war crime; or

14 “(2) membership in, service in, or authority
15 over a military, paramilitary, or police organization
16 that participated in such conduct during any part of
17 any period in which the alleged offender was a mem-
18 ber of, served in, or had authority over the organiza-
19 tion, unless the indictment is found or the informa-
20 tion is instituted within 20 years after the commis-
21 sion of the offense.

22 “(b) DEFINITIONS.—In this section—

23 “(1) the term ‘extrajudicial killing under color
24 of foreign law’ means conduct described in section
25 212(a)(3)(E)(iii) of the Immigration and Nationality
26 Act (8 U.S.C. 1182(a)(3)(E)(iii));

1 “(2) the term ‘female genital mutilation’ means
2 conduct described in section 116;

3 “(3) the term ‘genocide’ means conduct de-
4 scribed in section 1091(a);

5 “(4) the term ‘human rights violation or war
6 crime’ means genocide, incitement to genocide, war
7 crimes, torture, female genital mutilation,
8 extrajudicial killing under color of foreign law, perse-
9 cution, particularly severe violation of religious free-
10 dom by a foreign government official, or the use or
11 recruitment of child soldiers;

12 “(5) the term ‘incitement to genocide’ means
13 conduct described in section 1091(c);

14 “(6) the term ‘particularly severe violation of
15 religious freedom’ means conduct described in sec-
16 tion (22 U.S.C. 6402(13));

17 “(7) the term ‘persecution’ means conduct that
18 is a bar to relief under section 208(b)(2)(A)(i) of the
19 Immigration and Nationality Act (8 U.S.C.
20 1158(b)(2)(A)(i));

21 “(8) the term ‘torture’ means conduct described
22 in paragraphs (1) and (2) of section 2340;

23 “(9) the term ‘use or recruitment of child sol-
24 diers’ means conduct described in subsections (a)
25 and (d) of section 2442; and

1 scribed in subsection (f)(1) of this section, a rebutta-
2 ble presumption arises that no condition or combina-
3 tion of conditions will reasonably assure the safety
4 of any other person and the community if such judi-
5 cial officer finds that—

6 “(A) the person has been convicted of a
7 Federal offense that is described in subsection
8 (f)(1), or of a State or local offense that would
9 have been an offense described in subsection
10 (f)(1) if a circumstance giving rise to Federal
11 jurisdiction had existed;

12 “(B) the offense described in subparagraph
13 (A) was committed while the person was on re-
14 lease pending trial for a Federal, State, or local
15 offense; and

16 “(C) not more than 5 years has elapsed
17 since the later of the date of conviction or the
18 date of the release of the person from imprison-
19 ment, for the offense described in subparagraph
20 (A).

21 “(3) PRESUMPTION ARISING FROM OTHER OF-
22 FENSES INVOLVING ILLEGAL SUBSTANCES, FIRE-
23 ARMS, VIOLENCE, OR MINORS.—Subject to rebuttal
24 by the person, it shall be presumed that no condition
25 or combination of conditions will reasonably assure

1 the appearance of the person as required and the
2 safety of the community if the judicial officer finds
3 that there is probable cause to believe that the per-
4 son committed—

5 “(A) an offense for which a maximum
6 term of imprisonment of 10 years or more is
7 prescribed in the Controlled Substances Act (21
8 U.S.C. 801 et seq.), the Controlled Substances
9 Import and Export Act (21 U.S.C. 951 et seq.),
10 or chapter 705 of title 46;

11 “(B) an offense under section 924(c),
12 956(a), or 2332b;

13 “(C) an offense listed in section
14 2332b(g)(5)(B) for which a maximum term of
15 imprisonment of 10 years or more is prescribed;
16 or

17 “(D) an offense involving a minor victim
18 under section 1201, 1591, 2241, 2242,
19 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1),
20 2252(a)(2), 2252(a)(3), 2252A(a)(1),
21 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260,
22 2421, 2422, 2423, or 2425.

23 “(4) PRESUMPTION ARISING FROM OFFENSES
24 RELATING TO IMMIGRATION LAW.—Subject to rebut-
25 tal by the person, it shall be presumed that no con-

1 dition or combination of conditions will reasonably
2 assure the appearance of the person as required if
3 the judicial officer finds that there is probable cause
4 to believe that the person is an alien and that the
5 person—

6 “(A) has no lawful immigration status in
7 the United States;

8 “(B) is the subject of a final order of re-
9 moval; or

10 “(C) has committed a felony offense under
11 section 842(i)(5), 911, 922(g)(5), 1015, 1028,
12 1028A, 1425, or 1426, or chapter 75 or 77, or
13 section 243, 274, 275, 276, 277, or 278 of the
14 Immigration and Nationality Act (8 U.S.C.
15 1253, 1324, 1325, 1326, 1327, and 1328).”.

16 (b) IMMIGRATION STATUS AS FACTOR IN DETER-
17 MINING CONDITIONS OF RELEASE.—Section 3142(g)(3)
18 of title 18, United States Code, is amended—

19 (1) in subparagraph (A), by striking “and” at
20 the end; and

21 (2) by adding at the end the following:

22 “(C) whether the person is in a lawful im-
23 migration status, has previously entered the
24 United States illegally, has previously been re-
25 moved from the United States, or has otherwise

1 violated the conditions of his or her lawful im-
2 migration status; and”.

3 **SEC. 1509. RECRUITMENT OF PERSONS TO PARTICIPATE IN**
4 **TERRORISM.**

5 (a) IN GENERAL.—Chapter 113B of title 18, United
6 States Code, is amended by inserting after section 2332b
7 the following:

8 **“§ 2332c. Recruitment of persons to participate in ter-**
9 **rorism**

10 “(a) OFFENSES.—

11 “(1) IN GENERAL.—It shall be unlawful for any
12 person to employ, solicit, induce, command, or cause
13 another person to commit an act of domestic ter-
14 rorism or international terrorism or a Federal crime
15 of terrorism, with the intent that the other person
16 commit such act or crime of terrorism.

17 “(2) ATTEMPT AND CONSPIRACY.—It shall be
18 unlawful for any person to attempt or conspire to
19 commit an offense under paragraph (1).

20 “(b) PENALTIES.—Any person who violates sub-
21 section (a)—

22 “(1) in the case of an attempt or conspiracy,
23 shall be fined under this title, imprisoned not more
24 than 10 years, or both;

1 “(2) if death of an individual results, shall be
2 fined under this title, punished by death or impris-
3 oned for any term of years or for life, or both;

4 “(3) if serious bodily injury to any individual
5 results, shall be fined under this title, imprisoned
6 not less than 10 years nor more than 25 years, or
7 both; and

8 “(4) in any other case, shall be fined under this
9 title, imprisoned not more than 10 years, or both.

10 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed or applied to abridge the exercise
12 of rights guaranteed under the First Amendment to the
13 Constitution of the United States.

14 “(d) LACK OF CONSUMMATED TERRORIST ACT NOT
15 A DEFENSE.—It is not a defense under this section that
16 the act of domestic terrorism or international terrorism
17 or Federal crime of terrorism that is the object of the em-
18 ployment, solicitation, inducement, commanding, or caus-
19 ing has not been done.

20 “(e) DEFINITIONS.—In this section—

21 “(1) the term ‘Federal crime of terrorism’ has
22 the meaning given that term in section 2332b; and

23 “(2) the term ‘serious bodily injury’ has the
24 meaning given that term in section 1365(h).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for chapter 113B of title 18, United States Code, is
3 amended by inserting after the item relating to section
4 2332b the following:

“2332c. Recruitment of persons to participate in terrorism.”.

5 **SEC. 1510. BARRING AND REMOVING PERSECUTORS, WAR**
6 **CRIMINALS, AND PARTICIPANTS IN CRIMES**
7 **AGAINST HUMANITY FROM THE UNITED**
8 **STATES.**

9 (a) INADMISSIBILITY OF PERSECUTORS, WAR CRIMI-
10 NALS, AND PARTICIPANTS IN CRIMES AGAINST HUMAN-
11 ITY.—Section 212(a)(3)(E) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

13 (1) by striking the subparagraph heading and
14 inserting “PARTICIPANTS IN PERSECUTION (INCLUD-
15 ING NAZI PERSECUTIONS), GENOCIDE, WAR CRIMES,
16 CRIMES AGAINST HUMANITY, OR THE COMMISSION
17 OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILL-
18 ING.—”;

19 (2) in clause (iii)(II)—

20 (A) by striking “of any foreign nation”
21 and inserting “(including acts taken as part of
22 an armed group exercising de facto authority)”;
23 and

24 (3) by adding after clause (iii) the following:

1 “(iv) PERSECUTORS, WAR CRIMINALS,
2 AND PARTICIPANTS IN CRIMES AGAINST
3 HUMANITY.—Any alien, including an alien
4 who is a superior commander, who com-
5 mitted, ordered, incited, assisted, or other-
6 wise participated in a war crime (as de-
7 fined in section 2441(c) of title 18, United
8 States Code) a crime against humanity, or
9 in the persecution of any person on ac-
10 count of race, religion, nationality, mem-
11 bership in a particular social group, or po-
12 litical opinion, is inadmissible.

13 “(v) CRIME AGAINST HUMANITY DE-
14 FINED.—In this subparagraph, the term
15 ‘crime against humanity’ means conduct
16 that is part of a widespread and systematic
17 attack targeting any civilian population,
18 with knowledge that the conduct was part
19 of the attack or with the intent that the
20 conduct be part of the attack—

21 “(I) that, if such conduct oc-
22 curred in the United States or in the
23 special maritime and territorial juris-
24 diction of the United States, would
25 violate—

325

1 “(aa) section 1111 of title
2 18, United States Code (relating
3 to murder);

4 “(bb) section 1201(a) of
5 such title (relating to kidnap-
6 ping);

7 “(cc) section 1203(a) of
8 such title 18 (relating to hostage
9 taking), notwithstanding any ex-
10 ception under subsection (b) of
11 such section 1203;

12 “(dd) section 1581(a) of
13 such title (relating to peonage);

14 “(ee) section 1583(a)(1) of
15 such title (relating to kidnapping
16 or carrying away individuals for
17 involuntary servitude or slavery);

18 “(ff) section 1584(a) of such
19 title (relating to sale into invol-
20 untary servitude);

21 “(gg) section 1589(a) of
22 such title (relating to forced
23 labor);

24 “(hh) section 1590(a) of
25 such title (relating to trafficking

1 with respect to peonage, slavery,
2 involuntary servitude, or forced
3 labor);

4 “(ii) section 1591(a) of such
5 title (relating to sex trafficking of
6 children or by force, fraud, or co-
7 ercion);

8 “(jj) section 2241(a) of such
9 title (relating to aggravated sex-
10 ual abuse by force or threat); or

11 “(kk) section 2242 of such
12 title (relating to sexual abuse);

13 “(II) that would constitute tor-
14 ture (as defined in section 2340(1) of
15 title 18, United States Code);

16 “(III) that would constitute cruel
17 or inhuman treatment, as described in
18 section 2441(d)(1)(B) of such title;

19 “(IV) that would constitute per-
20 forming biological experiments, as de-
21 scribed in section 2441(d)(1)(C) of
22 such title;

23 “(V) that would constitute muti-
24 lation or maiming, as described in sec-
25 tion 2441(d)(1)(E) of such title; or

1 “(VI) that would constitute in-
2 tentionally causing serious bodily in-
3 jury, as described in section
4 2441(d)(1)(F) of such title.

5 “(vi) SUPERIOR COMMANDER.—In
6 this subparagraph—

7 “(I) the term ‘superior com-
8 mander’ means—

9 “(aa) a military commander
10 or a person with effective control
11 of military forces or an armed
12 group;

13 “(bb) who knew or should
14 have known that a subordinate or
15 someone under his or her effec-
16 tive control is committing acts
17 described in subsection (a), is
18 about to commit such acts, or
19 had committed such acts; and

20 “(cc) who fails to take the
21 necessary and reasonable meas-
22 ures to prevent such acts or, for
23 acts that have been committed,
24 to punish the perpetrators of
25 such acts;

1 “(II) the term ‘systematic’ means
2 the commission of a series of acts fol-
3 lowing a regular pattern and occur-
4 ring in an organized, non-random
5 manner; and

6 “(III) the term ‘widespread’
7 means a single, large scale act or a se-
8 ries of acts directed against a sub-
9 stantial number of victims.”.

10 (b) BARRING WAIVER OF INADMISSIBILITY FOR PER-
11 SECUTORS.—Section 212(d)(3)(A) of the Immigration and
12 Nationality Act (8 U.S.C. 1182(d)(3)(A)) is amended by
13 striking “and clauses (i) and (ii) of paragraph (3)(E)”
14 both places that term appears and inserting “and (3)(E)”.

15 (c) REMOVAL OF PERSECUTORS.—Section
16 237(a)(4)(D) of the Immigration and Nationality Act (8
17 U.S.C. 1227(a)(4)(D)) is amended—

18 (1) in the subparagraph heading, by striking
19 “NAZI” ; and

20 (2) by striking “or (iii)” and inserting “(iii), or
21 (iv)”.

22 (d) SEVERE VIOLATIONS OF RELIGIOUS FREE-
23 DOM.—Section 212(a)(2)(G) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1182(a)(2)(G)) is amended—

1 (1) in the subparagraph heading, by striking
2 “FOREIGN GOVERNMENT OFFICIALS” and inserting
3 “ANY PERSONS”; and

4 (2) by striking “, while serving as a foreign
5 government official,”.

6 (e) BARRING PERSECUTORS FROM ESTABLISHING
7 GOOD MORAL CHARACTER.—Section 101(f) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1101(f)) is amend-
9 ed—

10 (1) in paragraph (8), by striking “or” at the
11 end;

12 (2) in paragraph (9), by striking “killings) or
13 212(a)(2)(G) (relating to severe violations of reli-
14 gious freedom).” and inserting “killings),
15 212(a)(2)(G) (relating to severe violations of reli-
16 gious freedom), or 212(a)(3)(G) (relating to recruit-
17 ment and use of child soldiers);”; and

18 (3) by inserting after paragraph (9) the fol-
19 lowing:

20 “(10) one who at any time committed, ordered,
21 incited, assisted, or otherwise participated in the
22 persecution of any person on account of race, reli-
23 gion, nationality, membership in a particular social
24 group, or political opinion; or”.

1 (f) INCREASING CRIMINAL PENALTIES FOR ANYONE
2 WHO AIDS AND ABETS THE ENTRY OF A PERSECUTOR.—
3 Section 277 of the Immigration and Nationality Act (8
4 U.S.C. 1327) is amended by striking “(other than sub-
5 paragraph (E) thereof)”.

6 (g) INCREASING CRIMINAL PENALTIES FOR FEMALE
7 GENITAL MUTILATION.—Section 116 of title 18, United
8 States Code, is amended—

9 (1) in subsection (a), by striking “shall be fined
10 under this title or imprisoned not more than 5 years,
11 or both” and inserting “has engaged in a violent
12 crime against children under section 3559(f)(3),
13 shall be imprisoned for life or for 10 years or
14 longer”; and

15 (2) in subsection (d), by striking “shall be fined
16 under this title or imprisoned not more than 5 years,
17 or both.” and inserting “shall be imprisoned for life
18 or for 10 years or longer.”.

19 (h) MATERIAL SUPPORT IN THE RECRUITMENT OR
20 USE OF CHILD SOLDIERS.—

21 (1) INADMISSIBILITY.—Section 212(a)(3)(G) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1182(a)(3)(G)) is amended—

24 (A) by striking “section 2442” and insert-
25 ing “section 2442(a)”; and

1 (B) by inserting “or has provided material
2 support in the recruitment or use of child sol-
3 diers in violation of section 2339A of such title
4 18,” after “Code,”.

5 (2) DEPORTABILITY.—Section 237(a)(4)(F) of
6 the Immigration and Nationality Act (8 U.S.C.
7 1227(a)(4)(F)) is amended by inserting “or has pro-
8 vided material support in the recruitment or use of
9 child soldiers in violation of section 2339A of title
10 18,” after “Code,”.

11 (i) TECHNICAL AMENDMENTS.—The Immigration
12 and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

13 (1) in section 101(a)(42) (8 U.S.C.
14 1101(a)(42)), by inserting “committed,” before “or-
15 dered”;

16 (2) in section 208(b)(2)(A)(i) (8 U.S.C.
17 1158(b)(2)(A)(i)), by inserting “committed,” before
18 “ordered”; and

19 (3) in section 241(b)(3)(B)(i) (8 U.S.C.
20 1231(b)(3)(B)(i)), by inserting “committed,” before
21 “ordered”.

22 (j) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to any offense committed before,
24 on, or after the date of enactment of this Act.

1 **SEC. 1511. GANG MEMBERSHIP, REMOVAL, AND INCREASED**
2 **CRIMINAL PENALTIES RELATED TO GANG VI-**
3 **OLENCE.**

4 (a) DEFINITION OF CRIMINAL GANG.—Section
5 101(a) of the Immigration and Nationality Act (8 U.S.C.
6 1101(a)) is amended by inserting after subparagraph (52)
7 the following:

8 “(53)(A) The term ‘criminal gang’ means any ongo-
9 ing group, club, organization, or association, inside or out-
10 side the United States, of 2 or more persons that—

11 “(i) has, as 1 of its primary purposes, the com-
12 mission of 1 or more of the criminal offenses de-
13 scribed in subparagraph (B) and the members of
14 which engage, or have engaged within the past 5
15 years, in a continuing series of such offenses; or

16 “(ii) has been designated as a criminal gang by
17 the Secretary, in consultation with the Attorney
18 General, as meeting the criteria set forth in clause
19 (i).

20 “(B) The offenses described in this subparagraph,
21 whether in violation of Federal or State law or the law
22 of a foreign country and regardless of whether the offenses
23 occurred before, on, or after the date of the enactment
24 of the Strong Visa Integrity Secures America Act, are the
25 following:

26 “(i) Any aggravated felony.

1 “(ii) A felony drug offense (as defined in sec-
2 tion 102 of the Controlled Substances Act (21
3 U.S.C. 802)).

4 “(iii) Any criminal offense described in section
5 212 or 237.

6 “(iv) An offense involving illicit trafficking in a
7 controlled substance (as defined in section 102 of
8 the Controlled Substances Act), including a drug
9 trafficking crime (as defined in section 924(c) of
10 title 18, United States Code).

11 “(v) An offense under section 274 (relating to
12 bringing in and harboring certain aliens), section
13 277 (relating to aiding or assisting certain aliens to
14 enter the United States), or section 278 (relating to
15 importation of alien for immoral purpose).

16 “(vi) Any offense under Federal, State, or Trib-
17 al law, that has, as an element of the offense, the
18 use or attempted use of physical force or the threat-
19 ened use of physical force or a deadly weapon.

20 “(vii) Any offense that has, as an element of
21 the offense, the use, attempted use, or threatened
22 use of any physical object to inflict or cause (either
23 directly or indirectly) serious bodily injury, including
24 an injury that may ultimately result in the death of
25 a person.

1 “(viii) An offense involving obstruction of jus-
2 tice, tampering with or retaliating against a witness,
3 victim, or informant.

4 “(ix) Any conduct punishable under section
5 1028 or 1029 of title 18, United States Code (relat-
6 ing to fraud and related activity in connection with
7 identification documents or access devices), sections
8 1581 through 1594 of such title (relating to peon-
9 age, slavery and trafficking in persons), section
10 1952 of such title (relating to interstate and foreign
11 travel or transportation in aid of racketeering enter-
12 prises), section 1956 of such title (relating to the
13 laundering of monetary instruments), section 1957
14 of such title (relating to engaging in monetary trans-
15 actions in property derived from specified unlawful
16 activity), or sections 2312 through 2315 of such title
17 (relating to interstate transportation of stolen motor
18 vehicles or stolen property).

19 “(x) A conspiracy to commit an offense de-
20 scribed in clauses (i) through (v).

21 “(C) Notwithstanding any other provision of law (in-
22 cluding any effective date), a group, club, organization,
23 or association shall be considered a criminal gang regard-
24 less of whether the conduct occurred before, on, or after

1 the date of the enactment of the Strong Visa Integrity
2 Secures America Act.”.

3 (b) INADMISSIBILITY.—Section 212(a)(2) of the Im-
4 migration and Nationality Act (8 U.S.C. 1182(a)(2)) is
5 amended by adding at the end the following:

6 “(J) ALIENS ASSOCIATED WITH CRIMINAL
7 GANGS.—

8 “(i) IN GENERAL.—Any alien who a
9 consular officer, the Secretary, or the At-
10 torney General knows or has reasonable
11 ground to believe—

12 “(I) to be or to have been a
13 member of a criminal gang; or

14 “(II) to have participated in the
15 activities of a criminal gang, knowing
16 or having reason to know that such
17 activities will promote, further, aid, or
18 support the illegal activity of the
19 criminal gang,
20 is inadmissible.

21 “(ii) EXCEPTION.—Clause (i) shall
22 not apply to an alien—

23 “(I) who did not know, or should
24 not reasonably have known, of the ac-

1 tivity causing the alien to be found in-
2 admissible under this section; or

3 “**(II)** whom the consular officer
4 or the Attorney General has reason-
5 able grounds to believe has renounced
6 the activity causing the alien to be
7 found inadmissible under this sec-
8 tion..”.

9 **(c) DEPORTABILITY.**—Section 237(a)(2) of the Im-
10 migration and Nationality Act (8 U.S.C. 1227(a)(2)) is
11 amended by adding at the end the following:

12 “**(G) ALIENS ASSOCIATED WITH CRIMINAL**
13 **GANGS.**—

14 “**(i) IN GENERAL.**—Any alien who the
15 Secretary or the Attorney General knows
16 or has reason to believe—

17 “**(I)** is or has been a member of
18 a criminal gang; or

19 “**(II)** has participated in the ac-
20 tivities of a criminal gang, knowing or
21 having reason to know that such ac-
22 tivities will promote, further, aid, or
23 support the illegal activity of the
24 criminal gang,

25 is deportable.

1 “(ii) EXCEPTION.—Clause (i) shall
2 not apply to an alien—

3 “(I) who did not know, or should
4 not reasonably have known, of the ac-
5 tivity causing the alien to be found
6 deportable under this section; or

7 “(II) whom the consular or At-
8 torney General has reasonable
9 grounds to believe has renounced the
10 activity causing the alien to be found
11 deportable under this section..”.

12 (d) DESIGNATION OF CRIMINAL GANGS.—

13 (1) IN GENERAL.—Chapter 2 of title II of the
14 Immigration and Nationality Act (8 U.S.C. 1181 et
15 seq.) is amended by adding at the end the following:

16 **“SEC. 220. DESIGNATION OF CRIMINAL GANGS.**

17 “(a) IN GENERAL.—The Secretary, in consultation
18 with the Attorney General, and the Secretary of State,
19 may designate a group or association as a criminal gang
20 if their conduct is described in section 101(a)(53) or if
21 the group’s or association’s conduct poses a significant
22 risk that threatens the security and the public safety of
23 United States nationals or the national security, homeland
24 security, foreign policy, or economy of the United States.

1 “(b) EFFECTIVE DATE.—Designations under sub-
2 section (a) shall remain in effect until the designation is
3 revoked, after consultation between the Secretary, the At-
4 torney General, and the Secretary of State, or is termi-
5 nated in accordance with Federal law.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents in the first section of the Immigration and Na-
8 tionality Act is amended by inserting after the item
9 relating to section 219 the following:

“220. Designation of criminal gangs.”

10 (e) ANNUAL REPORT ON DETENTION OF CRIMINAL
11 GANG MEMBERS.—Not later than March 1 of each year
12 (beginning 1 year after the date of the enactment of this
13 Act), the Secretary, after consultation with the heads of
14 appropriate Federal agencies, shall submit a report to the
15 Committee on Homeland Security and Governmental Af-
16 fairs of the Senate, the Committee on the Judiciary of the
17 Senate, the Committee on Homeland Security of the
18 House of Representatives, and the Committee on the Judi-
19 ciary of the House of Representatives on the number of
20 aliens detained who are described in section 212(a)(2)(J)
21 and section 237(a)(2)(G) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1182(a)(2)(J) and 1227(a)(2)(G)), as
23 added by subsections (b) and (c).

24 (f) ASYLUM CLAIMS BASED ON GANG AFFILI-
25 ATION.—

1 evidence that the alien can live in such
2 country (in any legal status) without fear
3 of persecution.”.

4 (g) CANCELLATION OF REMOVAL.—Section 240A(c)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1229b(c)) is amended by adding at the end the following:

7 “(7) An alien who is described in section
8 212(a)(2)(J)(i) or section 237(a)(2)(G)(i)(relating
9 to participation in criminal gangs).”.

10 (h) VOLUNTARY DEPARTURE.—Section 240B(c) of
11 the Immigration and Nationality Act (8 U.S.C. 1229c(e))
12 is amended to read as follows:

13 “(c) LIMITATION ON VOLUNTARY DEPARTURE.—The
14 Attorney General shall not permit an alien to depart vol-
15 untarily under this section if the alien—

16 “(1) was previously permitted to depart volun-
17 tarily after having been found inadmissible under
18 section 212(a)(6)(A); or

19 “(2) is described in section 212(a)(2)(J)(i) or
20 237(a)(2)(G)(i)(relating to participation in criminal
21 gangs).”.

22 (i) EFFECTIVE DATE AND APPLICATION.—The
23 amendments made by this section shall take effect on the
24 date of the enactment of this Act and shall apply to acts

1 that occur before, on, or after the date of the enactment
2 of this Act.

3 **SEC. 1512. BARRING ALIENS WITH CONVICTIONS FOR DRIV-**
4 **ING UNDER THE INFLUENCE OR WHILE IN-**
5 **TOXICATED.**

6 (a) AGGRAVATED FELONY DRIVING WHILE INTOXI-
7 CATED.—

8 (1) DEFINITIONS.—Section 101(a)(43) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1101(a)(43)) is amended—

11 (A) in subparagraph (T), by striking
12 “and”;

13 (B) in subparagraph (U), by striking the
14 period at the end and inserting “; and”; and

15 (C) by inserting after subparagraph (U)
16 the following:

17 “(V) a single conviction for driving while
18 intoxicated (including a conviction for driving
19 while under the influence of or impaired by al-
20 cohol or illicit drugs), when such impaired driv-
21 ing was the cause of the serious bodily injury
22 or death of another person or a second or sub-
23 sequent conviction for driving while intoxicated
24 (including a conviction for driving under the in-
25 fluence of or impaired by alcohol or illicit

1 drugs), without regard to whether the convic-
2 tion is classified as a misdemeanor or felony
3 under State law. For purposes of this para-
4 graph, the Secretary or the Attorney General
5 are not required to prove the first conviction for
6 driving while intoxicated (including a conviction
7 for driving while under the influence of or im-
8 paired by alcohol or illicit drugs) as a predicate
9 offense and need only make a factual deter-
10 mination that the alien was previously convicted
11 for driving while intoxicated (including a convic-
12 tion for driving while under the influence of or
13 impaired by alcohol or illicit drugs).”.

14 (2) EFFECTIVE DATE AND APPLICATION.—The
15 amendments made by this section shall take effect
16 on the date of the enactment of this Act and shall
17 apply to any conviction entered on or after such
18 date.

19 (b) INADMISSIBILITY FOR DRIVING WHILE INTOXI-
20 CATED OR UNDER THE INFLUENCE.—

21 (1) IN GENERAL.—Section 212(a)(2) of the Im-
22 migration and Nationality Act, as amended by sec-
23 tion 1511, is further amended by adding at the end
24 the following:

1 “(K) DRIVING WHILE INTOXICATED AND
2 UNLAWFULLY PRESENT IN THE UNITED
3 STATES.—An alien who is convicted of driving
4 while intoxicated, driving under the influence,
5 or a similar violation of State law is inadmis-
6 sible.”.

7 (2) EFFECTIVE DATE AND APPLICATION.—The
8 amendment made by paragraph (1) shall take effect
9 on the date of the enactment of this Act and shall
10 apply to any conviction entered on or after such
11 date.

12 (c) DEPORTATION FOR DRIVING WHILE INTOXI-
13 CATED OR UNDER THE INFLUENCE.—

14 (1) IN GENERAL.—Section 237(a)(2) of the Im-
15 migration and Nationality Act, as amended by sec-
16 tion 1511, is further amended by adding at the end
17 the following:

18 “(H) DRIVING WHILE INTOXICATED AND
19 WHILE UNLAWFULLY PRESENT IN THE UNITED
20 STATES.—An alien who is convicted of driving
21 while intoxicated, driving under the influence,
22 or a similar violation of State law is deport-
23 able.”.

24 (2) APPLICATION.—The amendment made by
25 paragraph (1) shall take effect on the date of the en-

1 actment of this Act and shall apply to any conviction
2 entered on or after such date.

3 (d) GOOD MORAL CHARACTER BAR FOR DUI OR
4 DWI CONVICTIONS.—

5 (1) IN GENERAL.—Section 101(f) of the Immi-
6 gration and Nationality Act, as amended by section
7 1510, is further amended by inserting after para-
8 graph (1) the following:

9 “(2) inadmissible under section 212(a)(2)(K) or
10 deportable under section 237(a)(2)(H);”.

11 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) IN GENERAL.—Section 212(h) of the Immi-
13 gration and Nationality Act (8 U.S.C. 1182(h)) is
14 amended—

15 (A) by inserting “or the Secretary” after
16 “the Attorney General” each place such term
17 appears; and

18 (B) in the matter preceding paragraph (1),
19 by striking “and (E)” and inserting “(E), and
20 (K)”.

21 (2) EFFECTIVE DATE; APPLICATION.—The
22 amendments made by paragraph (1) shall take effect
23 on the date of the enactment of this Act and apply
24 to any conviction entered on or after such date.

1 **SEC. 1513. BARRING AGGRAVATED FELONS, BORDER**
2 **CHECKPOINT RUNNERS, AND SEX OFFEND-**
3 **ERS FROM ADMISSION TO THE UNITED**
4 **STATES.**

5 (a) INADMISSIBILITY ON CRIMINAL AND RELATED
6 GROUNDS; WAIVERS.—Section 212 of the Immigration
7 and Nationality Act (8 U.S.C. 1182) is amended—

8 (1) in subsection (a)(2)—

9 (A) in subparagraph (A)(i)—

10 (i) in subclause (I), by striking “, or”
11 and inserting a semicolon;

12 (ii) in subclause (II), by striking the
13 comma at the end and inserting “; or”;
14 and

15 (iii) by inserting after subclause (II)
16 the following:

17 “(III) a violation of (or a con-
18 spiracy or attempt to violate) any
19 statute relating to section 208 of the
20 Social Security Act (42 U.S.C. 408)
21 (relating to social security account
22 numbers or social security cards) or
23 section 1028 of title 18, United States
24 Code (relating to fraud and related
25 activity in connection with identifica-

1 tion documents, authentication fea-
2 tures, and information),”; and

3 (B) by inserting after subparagraph (K),
4 as added by section 1512, the following:

5 “(L) CITIZENSHIP FRAUD.—Any alien con-
6 victed of, or who admits having committed, or
7 who admits committing acts which constitute
8 the essential elements of, a violation of, or an
9 attempt or a conspiracy to violate, subsection
10 (a) or (b) of section 1425 of title 18, United
11 States Code (relating to the procurement of
12 citizenship or naturalization unlawfully), is in-
13 admissible.

14 “(M) CERTAIN FIREARM OFFENSES.—Any
15 alien who at any time has been convicted under
16 any law of, admits having committed, or admits
17 committing acts which constitute the essential
18 elements of, any law relating to, purchasing,
19 selling, offering for sale, exchanging, using,
20 owning, possessing, or carrying, or of attempt-
21 ing or conspiring to purchase, sell, offer for
22 sale, exchange, use, own, possess, or carry, any
23 weapon, part, or accessory which is a firearm or
24 destructive device (as defined in section 921(a)

1 of title 18, United States Code) in violation of
2 any law, is inadmissible.

3 “(N) AGGRAVATED FELONS.—Any alien
4 who has been convicted of an aggravated felony
5 at any time is inadmissible.

6 “(O) HIGH SPEED FLIGHT.—Any alien
7 who has been convicted of a violation of section
8 758 of title 18, United States Code (relating to
9 high speed flight from an immigration check-
10 point), is inadmissible.

11 “(P) FAILURE TO REGISTER AS A SEX OF-
12 FENDER.—Any alien convicted under section
13 2250 of title 18, United States Code, is inad-
14 missible.

15 “(Q) CRIMES OF DOMESTIC VIOLENCE,
16 STALKING, OR VIOLATION OF PROTECTION OR-
17 DERS; CRIMES AGAINST CHILDREN.—

18 “(i) DOMESTIC VIOLENCE, STALKING,
19 AND CHILD ABUSE.—

20 “(I) IN GENERAL.—Except as
21 provided in subsection (v), any alien
22 who at any time is or has been con-
23 victed of a crime involving the use or
24 attempted use of physical force, or
25 threatened use of a deadly weapon, a

1 crime of domestic violence, a crime of
2 stalking, or a crime of child abuse,
3 child neglect, or child abandonment is
4 inadmissible.

5 “(II) CRIME OF DOMESTIC VIO-
6 LENCE DEFINED.—For purposes of
7 this clause, the term ‘crime of domes-
8 tic violence’ means any crime of vio-
9 lence or any offense under Federal,
10 State, or Tribal law, that has, as an
11 element, the use or attempted use of
12 physical force or the threatened use of
13 physical force or a deadly weapon
14 against a person committed by a cur-
15 rent or former spouse of the person,
16 by an individual with whom the per-
17 son shares a child in common, by an
18 individual who is cohabiting with or
19 has cohabited with the person as a
20 spouse, by an individual similarly situ-
21 ated to a spouse of the person under
22 the domestic or family violence laws of
23 the jurisdiction where the offense oc-
24 curs, or by any other individual
25 against a person who is protected

1 from that individual's acts under the
2 domestic or family violence laws of the
3 United States or any State, Indian
4 tribal government, or unit of local
5 government.

6 “(ii) VIOLATORS OF PROTECTION OR-
7 DERS.—

8 “(I) IN GENERAL.—Except as
9 provided in subsection (v), any alien
10 who at any time is or has been en-
11 joined under a protection order issued
12 by a court and whom the court deter-
13 mines has engaged in conduct that
14 violates the portion of a protection
15 order that involves protection against
16 credible threats of violence, repeated
17 harassment, or bodily injury to the
18 person or persons for whom the pro-
19 tection order was issued is inadmis-
20 sible.

21 “(II) PROTECTIVE ORDER DE-
22 FINED.—In this clause, the term ‘pro-
23 tection order’ means any injunction
24 issued for the purpose of preventing
25 violent or threatening acts of violence

1 that involve the use or attempted use
2 of physical force, or threatened use of
3 a deadly weapon, committed by a cur-
4 rent or former spouse, parent, or
5 guardian of the victim, by a person
6 with whom the victim shares a child
7 in common, by a person who is cohab-
8 iting with or has cohabited with the
9 victim as a spouse, parent, or guard-
10 ian, or by a person similarly situated
11 to a spouse, parent, or guardian of
12 the victim, including temporary or
13 final orders issued by civil or criminal
14 courts (other than support or child
15 custody orders or provisions) whether
16 obtained by filing an independent ac-
17 tion or as an independent order in an-
18 other proceeding.”;

19 (2) in subsection (h)—

20 (A) in the matter preceding paragraph (1),
21 as amended by this Act, by striking “, and
22 (K)”, and inserting “(K), and (M)”;

23 (B) in the undesignated matter following
24 paragraph (2)—

1 (i) by striking “torture.” and insert-
2 ing “torture, or has been convicted of an
3 aggravated felony.”; and

4 (ii) by striking “if either since the
5 date of such admission the alien has been
6 convicted of an aggravated felony or the
7 alien” and inserting “if since the date of
8 such admission the alien”;

9 (3) by redesignating subsection (t), as added by
10 section 1(b)(2)(B) of Public Law 108–449, as sub-
11 section (u); and

12 (4) by adding at the end the following:

13 “(v) WAIVER FOR VICTIMS OF DOMESTIC VIO-
14 LENCE.—

15 “(1) IN GENERAL.—The Secretary or the Attor-
16 ney General is not limited by the criminal court
17 record and may waive the application of subsection
18 (a)(2)(Q)(i) (with respect to crimes of domestic vio-
19 lence and crimes of stalking) and subsection
20 (a)(2)(Q)(ii), in the case of an alien who has been
21 battered or subjected to extreme cruelty and who is
22 not and was not the primary perpetrator of violence
23 in the relationship, upon a determination that—

24 “(A) the alien was acting in self-defense;

1 “(B) the alien was found to have violated
2 a protection order intended to protect the alien;
3 or

4 “(C) the alien committed, was arrested for,
5 was convicted of, or pled guilty to committing
6 a crime—

7 “(i) that did not result in serious bod-
8 ily injury; and

9 “(ii) where there was a connection be-
10 tween the crime and the alien’s having
11 been battered or subjected to extreme cru-
12 elty.

13 “(2) CREDIBLE EVIDENCE CONSIDERED.—In
14 acting on applications for a waiver under this sub-
15 section, the Secretary or the Attorney General shall
16 consider any credible evidence relevant to the appli-
17 cation. The determination of what evidence is cred-
18 ible and the weight to be given that evidence shall
19 be within the sole discretion of the Secretary or the
20 Attorney General.”.

21 (b) DEPORTABILITY; CRIMINAL OFFENSES.—Section
22 237(a)(3)(B) of the Immigration and Nationality Act (8
23 U.S.C. 1227(a)(3)(B)) is amended—

24 (1) in clause (i), by striking the comma at the
25 end and inserting a semicolon;

1 (2) in clause (ii), by striking “, or” at the end
2 and inserting a semicolon;

3 (3) in clause (iii), by striking the comma at the
4 end and inserting “; or”; and

5 (4) by inserting after clause (iii) the following:

6 “(iv) of a violation of, or an attempt
7 or a conspiracy to violate, subsection (a) or
8 (b) of section 1425 of title 18 (relating to
9 the unlawful procurement of citizenship or
10 naturalization),”.

11 (c) DEPORTABILITY; CRIMINAL OFFENSES.—Section
12 237(a)(2) of the Immigration and Nationality Act (8
13 U.S.C. 1227(a)(2)), as amended by sections 1511 and
14 1512, is further amended by adding at the end the fol-
15 lowing:

16 “(I) IDENTIFICATION FRAUD.—Any alien
17 who is convicted of a violation of (or a con-
18 spiracy or attempt to violate) an offense relat-
19 ing to section 208 of the Social Security Act
20 (42 U.S.C. 408) (relating to social security ac-
21 count numbers or social security cards) or sec-
22 tion 1028 of title 18, United States Code (relat-
23 ing to fraud and related activity in connection
24 with identification), is deportable.”.

1 (d) APPLICABILITY.—The amendments made by this
2 section shall apply to—

3 (1) any act that occurred before, on, or after
4 the date of the enactment of this Act;

5 (2) all aliens who are required to establish ad-
6 missibility on or after such date of enactment; and

7 (3) all removal, deportation, or exclusion pro-
8 ceedings that are filed, pending, or reopened, on or
9 after such date of enactment.

10 (e) RULE OF CONSTRUCTION.—The amendments
11 made by this section may not be construed to create eligi-
12 bility for relief from removal under section 212(c) of the
13 Immigration and Nationality Act (8 U.S.C. 1182(c)), as
14 in effect on the day before the date of the enactment of
15 this Act, if such eligibility did not exist before such date
16 of enactment.

17 **SEC. 1514. PROTECTING IMMIGRANTS FROM CONVICTED**
18 **SEX OFFENDERS.**

19 (a) IMMIGRANTS.—Section 204(a)(1) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
21 ed—

22 (1) in subparagraph (A), by amending clause
23 (viii) to read as follows:

24 “(viii) Clause (i) shall not apply to a citizen of the
25 United States who has been convicted of an offense de-

1 scribed in subparagraph (A), (I), or (K) of section
2 101(a)(43) or a specified offense against a minor as de-
3 fined in section 111(7) of the Adam Walsh Child Protec-
4 tion and Safety Act of 2006 (42 U.S.C. 16911(7)) unless
5 the Secretary, in the Secretary’s sole and unreviewable
6 discretion, determines that the citizen poses no risk to the
7 alien with respect to whom a petition described in clause
8 (i) is filed.”; and

9 (2) in subparagraph (B)(i)—

10 (A) by redesignating the second subclause

11 (I) as subclause (II); and

12 (B) by amending such subclause (II) to

13 read as follows:

14 “(II) Subclause (I) shall not apply to an alien law-
15 fully admitted for permanent residence who has been con-
16 victed of an offense described in subparagraph (A), (I),
17 or (K) of section 101(a)(43) or a specified offense against
18 a minor as defined in section 111(7) of the Adam Walsh
19 Child Protection and Safety Act of 2006 (42 U.S.C.
20 16911(7)) unless the Secretary, in the Secretary’s sole and
21 unreviewable discretion, determines that the alien lawfully
22 admitted for permanent residence poses no risk to the
23 alien with respect to whom a petition described in sub-
24 clause (I) is filed.”.

1 (b) NONIMMIGRANTS.—Section 101(a)(15)(K) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1101(a)(15)(K)) is amended by striking
4 “204(a)(1)(A)(viii)(I)” each place such term appears and
5 inserting “204(a)(1)(A)(viii)”.

6 (c) EFFECTIVE DATE; APPLICATION.—The amend-
7 ments made by this section shall take effect on the date
8 of the enactment of this Act and shall apply to petitions
9 filed on or after such date.

10 **SEC. 1515. ENHANCED CRIMINAL PENALTIES FOR HIGH**
11 **SPEED FLIGHT.**

12 (a) IN GENERAL.—Section 758 of title 18, United
13 States Code, is amended to read as follows:

14 **“§ 758. Unlawful flight from immigration or customs**
15 **controls**

16 “(a) EVADING A CHECKPOINT.—Any person who,
17 while operating a motor vehicle or vessel, knowingly flees
18 or evades a checkpoint operated by the Department of
19 Homeland Security or any other Federal law enforcement
20 agency, and then knowingly or recklessly disregards or dis-
21 obeys the lawful command of any law enforcement agent,
22 shall be fined under this title, imprisoned not more than
23 5 years, or both.

24 “(b) FAILURE TO STOP.—Any person who, while op-
25 erating a motor vehicle, aircraft, or vessel, knowingly or

1 recklessly disregards or disobeys the lawful command of
2 an officer of the Department of Homeland Security en-
3 gaged in the enforcement of the immigration, customs, or
4 maritime laws, or the lawful command of any law enforce-
5 ment agent assisting such officer, shall be fined under this
6 title, imprisoned not more than 2 years, or both.

7 “(c) ALTERNATIVE PENALTIES.—Notwithstanding
8 the penalties provided in subsection (a) or (b), any person
9 who violates such subsection—

10 “(1) shall be fined under this title, imprisoned
11 not more than 10 years, or both, if the violation in-
12 volved the operation of a motor vehicle, aircraft, or
13 vessel—

14 “(A) in excess of the applicable or posted
15 speed limit;

16 “(B) in excess of the rated capacity of the
17 motor vehicle, aircraft, or vessel; or

18 “(C) in an otherwise dangerous or reckless
19 manner;

20 “(2) shall be fined under this title, imprisoned
21 not more than 20 years, or both, if the violation cre-
22 ated a substantial and foreseeable risk of serious
23 bodily injury or death to any person;

1 “(3) shall be fined under this title, imprisoned
2 not more than 30 years, or both, if the violation
3 caused serious bodily injury to any person; or

4 “(4) shall be fined under this title, imprisoned
5 for any term of years or life, or both, if the violation
6 resulted in the death of any person.

7 “(d) ATTEMPT AND CONSPIRACY.—Any person who
8 attempts or conspires to commit any offense under this
9 section shall be punished in the same manner as a person
10 who completes the offense.

11 “(e) FORFEITURE.—Any property, real or personal,
12 constituting or traceable to the gross proceeds of the of-
13 fense and any property, real or personal, used or intended
14 to be used to commit or facilitate the commission of the
15 offense shall be subject to forfeiture.

16 “(f) FORFEITURE PROCEDURES.—Seizures and for-
17 feitures under this section shall be governed by the provi-
18 sions of chapter 46 (relating to civil forfeitures), including
19 section 981(d), except that such duties as are imposed
20 upon the Secretary of the Treasury under the customs
21 laws described in that section shall be performed by such
22 officers, agents, and other persons as may be designated
23 for that purpose by the Secretary of Homeland Security
24 or the Attorney General. Nothing in this section may be
25 construed to limit the authority of the Secretary of Home-

1 land Security to seize and forfeit motor vehicles, aircraft,
2 or vessels under the Customs laws or any other laws of
3 the United States.

4 “(g) DEFINITIONS.—For purposes of this section—

5 “(1) the term ‘checkpoint’ includes any customs
6 or immigration inspection at a port of entry or im-
7 migration inspection at a U.S. Border Patrol check-
8 point;

9 “(2) the term ‘law enforcement agent’ means—

10 “(A) any Federal, State, local or tribal of-
11 ficial authorized to enforce criminal law; and

12 “(B) when conveying a command described
13 in subsection (b), an air traffic controller;

14 “(3) the term ‘lawful command’ includes a com-
15 mand to stop, decrease speed, alter course, or land,
16 whether communicated orally, visually, by means of
17 lights or sirens, or by radio, telephone, or other com-
18 munication;

19 “(4) the term ‘motor vehicle’ means any motor-
20 ized or self-propelled means of terrestrial transpor-
21 tation; and

22 “(5) the term ‘serious bodily injury’ has the
23 meaning given in section 2119(2).”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 for chapter 35 of title 18, United States Code, is amended

1 by striking the item relating to section 758 and inserting
2 the following:

“758. Unlawful flight from immigration or customs controls.”.

3 (c) **RULE OF CONSTRUCTION.**—The amendments
4 made by subsection (a) may not be construed to create
5 eligibility for relief from removal under section 212(c) of
6 the Immigration and Nationality Act (8 U.S.C. 1182(c)),
7 as in effect on the day before the date of the enactment
8 of this Act, if such eligibility did not exist before such date
9 of enactment.

10 **SEC. 1516. PROHIBITION ON ASYLUM AND CANCELLATION**
11 **OF REMOVAL FOR TERRORISTS.**

12 (a) **ASYLUM.**—Section 208(b)(2)(A) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1158(b)(2)(A)), as
14 amended by section 1511 and 1512, is further amended—

15 (1) by inserting “or the Secretary” after “if the
16 Attorney General”; and

17 (2) by amending clause (v) to read as follows:

18 “(v) the alien is described in subpara-
19 graph (B)(i) or (F) of section 212(a)(3),
20 unless, in the case of an alien described in
21 section 212(a)(3)(B)(i)(IX), the Secretary
22 or the Attorney General determines, in his
23 or her sole and unreviewable discretion,
24 that there are not reasonable grounds for

1 regarding the alien as a danger to the se-
2 curity of the United States; or”.

3 (b) CANCELLATION OF REMOVAL.—Section
4 240A(c)(4) of the Immigration and Nationality Act (8
5 U.S.C. 1229b(c)(4)) is amended—

6 (1) by striking “inadmissible under” and insert-
7 ing “described in”; and

8 (2) by striking “deportable under” and insert-
9 ing “described in”.

10 (c) RESTRICTION ON REMOVAL.—

11 (1) IN GENERAL.—Section 241(b)(3)(A) of the
12 Immigration and Nationality Act (8 U.S.C.
13 1231(b)(3)(A)) is amended—

14 (A) by inserting “or the Secretary” after
15 “Attorney General” both places that term ap-
16 pears;

17 (B) by striking “Notwithstanding” and in-
18 serting the following:

19 “(i) IN GENERAL.—Notwithstanding”;

20 and

21 (C) by adding at the end the following:

22 “(ii) BURDEN OF PROOF.—The alien
23 has the burden of proof to establish that
24 the alien’s life or freedom would be threat-
25 ened in such country, and that race, reli-

1 gion, nationality, membership in a par-
2 ticular social group, or political opinion
3 would be at least 1 central reason for such
4 threat.”.

5 (2) EXCEPTION.—Section 241(b)(3)(B) of such
6 Act (8 U.S.C. 1231(b)(3)(B)) is amended—

7 (A) by inserting “or the Secretary” after
8 “Attorney General” both places that term ap-
9 pears;

10 (B) in clause (iii), striking “or” at the end;

11 (C) in clause (iv), striking the period at
12 the end and inserting a semicolon;

13 (D) inserting after clause (iv) the fol-
14 lowing:

15 “(v) the alien is described in subpara-
16 graph (B)(i) or (F) of section
17 212(a)(3)(B), unless, in the case of an
18 alien described in section
19 212(a)(3)(B)(i)(IX), the Secretary or the
20 Attorney General determines, in his or her
21 sole and unreviewable discretion, that there
22 are not reasonable grounds for regarding
23 the alien as a danger to the security of the
24 United States; or

1 “(vi) the alien is convicted of an ag-
2 gravated felony.”; and

3 (E) by striking the undesignated matter at
4 the end.

5 (3) SUSTAINING BURDEN OF PROOF; CREDI-
6 BILITY DETERMINATIONS.—Section 241(b)(3)(C) of
7 such Act (8 U.S.C. 1231(b)(3)(C)) is amended by
8 striking “In determining whether an alien has dem-
9 onstrated that the alien’s life or freedom would be
10 threatened for a reason described in subparagraph
11 (A),” and inserting “For purposes of this para-
12 graph,”.

13 (4) EFFECTIVE DATE; APPLICATION.—The
14 amendments made by paragraphs (1) and (2) shall
15 take effect as if enacted on May 11, 2005, and shall
16 apply to applications for withholding of removal
17 made on or after such date.

18 (d) EFFECTIVE DATES; APPLICATIONS.—Except as
19 provided in subsection (c)(4), the amendments made by
20 this section shall take effect on the date of the enactment
21 of this Act and sections 208(b)(2)(A), 240A(c), and
22 241(b)(3) of the Immigration and Nationality Act, as
23 amended by this section, shall apply to—

24 (1) all aliens in removal, deportation, or exclu-
25 sion proceedings;

1 (2) all applications pending on, or filed after,
2 the date of the enactment of this Act; and

3 (3) with respect to aliens and applications de-
4 scribed in paragraph (1) or (2), acts and conditions
5 constituting a ground for exclusion, deportation, or
6 removal occurring or existing before, on, or after the
7 date of the enactment of this Act.

8 **SEC. 1517. AGGRAVATED FELONIES.**

9 (a) **DEFINITION OF AGGRAVATED FELONY.**—Section
10 101(a)(43) of the Immigration and Nationality Act (8
11 U.S.C. 1101(a)(43)), as amended by section 1512, is fur-
12 ther amended—

13 (1) in subparagraph (A), by striking “sexual
14 abuse of a minor;” and inserting “any conviction for
15 a sex offense, including an offense described in sec-
16 tions 2241 and 2243 of title 18, United States Code,
17 or an offense in which the alien abused or was in-
18 volved in the abuse of any individual younger than
19 18 years of age, or in which the victim was, at the
20 time the offense was committed, younger than 18
21 years of age, regardless of the reason and extent of
22 the act, the sentence imposed, or the elements in the
23 offense that are required for conviction;”;

24 (2) in subparagraph (F), by striking “at least
25 one year” and inserting “is at least 1 year, except

1 that if the conviction records do not conclusively es-
2 tablish whether a crime constitutes a crime of vio-
3 lence or an offense under Federal, State, or Tribal
4 law, that has, as an element, the use or attempted
5 use of physical force or the threatened use of phys-
6 ical force or a deadly weapon, the Attorney General
7 or the Secretary may consider other evidence related
8 to the conviction, including police reports and wit-
9 ness statements, that clearly establishes that the
10 conduct leading to the alien’s conviction constitutes
11 a crime of violence or an offense under Federal,
12 State, or Tribal law, that has, as an element, the use
13 or attempted use of physical force or the threatened
14 use of physical force or a deadly weapon;”;

15 (3) by amending subparagraph (G) to read as
16 follows:

17 “(G) a theft offense under State or Fed-
18 eral law (including theft by deceit, theft by
19 fraud, and receipt of stolen property) or bur-
20 glary offense under State or Federal law for
21 which the term of imprisonment is at least 1
22 year, except that if the conviction records do
23 not conclusively establish whether a crime con-
24 stitutes a theft or burglary offense, the Attor-
25 ney General or Secretary may consider other

1 evidence related to the conviction, including po-
2 lice reports and witness statements, that clearly
3 establishes that the conduct for which the alien
4 was engaged constitutes a theft or burglary of-
5 fense;”;

6 (4) in subparagraph (I), by striking “or 2252”
7 and inserting “2252, or 2252A”;

8 (5) in subparagraph (N)—

9 (A) by striking “paragraph (1)(A) or (2)
10 of”; and

11 (B) by adding a semicolon at the end;

12 (6) by amending subparagraph (O) to read as
13 follows:

14 “(O) an offense described in section 275 or
15 276 for which the term of imprisonment is at
16 least 1 year;”;

17 (7) in subparagraph (P) by striking “(i) which
18 either is falsely making, forging, counterfeiting, mu-
19 tilating, or altering a passport or instrument in vio-
20 lation of section 1543 of title 18, United States
21 Code, or is described in section 1546(a) of such title
22 (relating to document fraud) and (ii)” and inserting
23 “which is described in the first paragraph of section
24 1541, 1542, 1543, 1544, 1546(a), or 1547 of title
25 18, United States Code, and”;

1 (8) in subparagraph (U), by striking “an at-
2 tempt or conspiracy to commit an offense described
3 in this paragraph” and inserting “an attempt to
4 commit, conspiracy to commit, or facilitation of an
5 offense described in this paragraph, or aiding, abet-
6 ting, procuring, commanding, inducing, or soliciting
7 the commission of such an offense”; and

8 (9) by striking the undesignated material at
9 end and inserting the following:

10 “The term applies to an offense described in this para-
11 graph, whether in violation of Federal or State law, or
12 a law of a foreign country, for which the term of imprison-
13 ment was completed within the previous 20 years, and
14 even if the length of the term of imprisonment for the
15 offense is based on recidivist or other enhancements. Not-
16 withstanding any other provision of law (including any ef-
17 fective date), the term applies regardless of whether the
18 conviction was entered before, on, or after September 30,
19 1996.”.

20 (b) DEFINITION OF CONVICTION.—Section
21 101(a)(48) of the Immigration and Nationality Act (8
22 U.S.C. 1101(a)(48)) is amended by adding at the end the
23 following:

24 “(C)(i) Any reversal, vacatur, expungement, or modi-
25 fication of a conviction, sentence, or conviction that was

1 granted to ameliorate the consequences of the conviction,
2 sentence, or conviction, or was granted for rehabilitative
3 purposes shall have no effect on the immigration con-
4 sequences resulting from the original conviction.

5 “(ii) The alien shall have the burden of dem-
6 onstrating that any reversal, vacatur, expungement, or
7 modification, including modification to any sentence for an
8 offense, was not granted to ameliorate the consequences
9 of the conviction, sentence, or conviction record, or for re-
10 habilitative purposes.”

11 (c) EFFECTIVE DATE; APPLICATION.—The amend-
12 ments made by this section shall take effect on the date
13 of the enactment of this Act and apply to any act that
14 occurred before, on, or after such date of enactment.

15 **SEC. 1518. CONVICTIONS.**

16 (a) GROUNDS OF INADMISSIBILITY.—Section
17 212(a)(2) of the Immigration and Nationality Act (8
18 U.S.C. 1182(a)(2)), as amended by sections 1511 through
19 1513, is further amended by adding at the end the fol-
20 lowing:

21 “(L) CONVICTIONS.—

22 “(i) IN GENERAL.—For purposes of
23 determining whether an underlying crimi-
24 nal offense constitutes a ground of inad-
25 missibility under this subsection, all stat-

1 utes or common law offenses are divisible
2 if any of the conduct encompassed by the
3 statute constitutes an offense that is a
4 ground of inadmissibility.

5 “(ii) OTHER EVIDENCE.—If the con-
6 viction records, such as charging docu-
7 ments, plea agreements, plea colloquies,
8 and jury instructions, do not conclusively
9 establish whether a crime constitutes a
10 ground of inadmissibility, the Attorney
11 General, the Secretary of State, or the Sec-
12 retary may consider other evidence related
13 to the conviction, including police reports
14 and witness statements, that clearly estab-
15 lishes that the conduct leading to the
16 alien’s conviction constitutes a ground of
17 inadmissibility.”.

18 (b) GROUNDS OF DEPORTABILITY.—Section
19 237(a)(2) of the Immigration and Nationality Act (8
20 U.S.C. 1227(a)(2)), as amended by sections 1511 through
21 1513, is further amended by adding at the end the fol-
22 lowing:

23 “(J) CRIMINAL OFFENSES.—

24 “(i) IN GENERAL.—For purposes of
25 determining whether an underlying crimi-

1 nal offense constitutes a ground of deport-
2 ability under this subsection, all statutes or
3 common law offenses are divisible if any of
4 the conduct encompassed by the statute
5 constitutes an offense that is a ground of
6 deportability.

7 “(ii) OTHER EVIDENCE.—If the con-
8 viction records, such as charging docu-
9 ments, plea agreements, plea colloquies,
10 and jury instructions, do not conclusively
11 establish whether a crime constitutes a
12 ground of deportability, the Attorney Gen-
13 eral or the Secretary may consider other
14 evidence related to the conviction, includ-
15 ing police reports and witness statements,
16 that clearly establishes that the conduct
17 leading to the alien’s conviction constitutes
18 a ground of deportability.”.

19 **SEC. 1519. FAILURE TO OBEY REMOVAL ORDERS.**

20 (a) IN GENERAL.—Section 243 of the Immigration
21 and Nationality Act (8 U.S.C. 1253) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), in the matter pre-
24 ceding subparagraph (A), by inserting “212(a)
25 or” before “237(a),”; and

1 (B) by striking paragraph (3);

2 (2) by striking subsection (b); and

3 (3) by redesignating subsections (c) and (d) as
4 subsections (b) and (c), respectively.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a)(1) shall take effect on the date of the enact-
7 ment of this Act and shall apply to acts that are described
8 in subparagraphs (A) through (D) of section 243(a)(1) of
9 the Immigration and Nationality Act (8 U.S.C.
10 1253(a)(1)) that occur on or after such date of enactment.

11 **SEC. 1520. SANCTIONS FOR COUNTRIES THAT DELAY OR**
12 **PREVENT REPATRIATION OF THEIR NATION-**
13 **ALS.**

14 Section 243 of the Immigration and Nationality Act
15 (8 U.S.C. 1253) is amended by striking subsection (c),
16 as redesignated by section 1519(a)(3), and inserting the
17 following:

18 “(c) **LISTING OF COUNTRIES WHO DELAY REPATRI-**
19 **ATION OF REMOVED ALIENS.**—

20 “(1) **LISTING OF COUNTRIES.**—Beginning on
21 the date that is 6 months after the date of the en-
22 actment of the Strong Visa Integrity Secures Amer-
23 ica Act, and every 6 months thereafter, the Sec-
24 retary shall publish a report in the Federal Register
25 that includes a list of—

1 “(A) countries that have refused or unrea-
2 sonably delayed repatriation of an alien who is
3 a national of that country since the date of en-
4 actment of this Act and the total number of
5 such aliens, disaggregated by nationality;

6 “(B) countries that have an excessive repa-
7 triation failure rate; and

8 “(C) each country that was reported as
9 noncompliant in the most recent reporting pe-
10 riod.

11 “(2) EXEMPTION.—The Secretary, in the Sec-
12 retary’s sole and unreviewable discretion, and in con-
13 sultation with the Secretary of State, may exempt a
14 country from inclusion on the list under paragraph
15 (1) if there are significant foreign policy or security
16 concerns that warrant such an exemption.

17 “(d) DISCONTINUING GRANTING OF VISAS TO NA-
18 TIONALS OF COUNTRIES DENYING OR DELAYING ACCEPT-
19 ING ALIEN.—

20 “(1) IN GENERAL.—Notwithstanding section
21 221(c), the Secretary shall take the action described
22 in paragraph (2)(A) and may take an action de-
23 scribed in paragraph (2)(B), if the Secretary deter-
24 mines that—

1 “(A) an alien who is a national of a foreign
2 country is inadmissible under section 212 or de-
3 portable under section 237, or the alien has
4 been ordered removed from the United States;
5 and

6 “(B) the government of the foreign coun-
7 try referred to in subparagraph (A) is—

8 “(i) denying or unreasonably delaying
9 accepting aliens who are citizens, subjects,
10 nationals, or residents of that country
11 after the Secretary asks whether the gov-
12 ernment will accept an alien under this
13 section; or

14 “(ii) refusing to issue any required
15 travel or identity documents to allow the
16 alien who is citizen, subject, national, or
17 resident of that country to return to that
18 country.

19 “(2) ACTIONS DESCRIBED.—The actions de-
20 scribed in this paragraph are the following:

21 “(A) An order from the Secretary of State
22 to consular officers in the foreign country re-
23 ferred to in paragraph (1) to discontinue grant-
24 ing visas under section 101(a)(15)(A)(iii) to at-
25 tendants, servants, personal employees, and

1 members of their immediate families, of the of-
2 ficials and employees of that country who re-
3 ceive nonimmigrant status under clause (i) or
4 (ii) of section 101(a)(15)(A).

5 “(B) Denial of admission to any citizens,
6 subjects, nationals, and residents from the for-
7 eign country referred to in paragraph (1), the
8 imposition of any limitations, conditions, or ad-
9 ditional fees on the issuance of visas or travel
10 from that country, or the imposition of any
11 other sanctions against that country that are
12 authorized by law.

13 “(3) RESUMPTION OF VISA ISSUANCE.—Con-
14 sular officers in the foreign country that refused or
15 unreasonably delayed repatriation or refused to issue
16 required identity or travel documents may resume
17 visa issuance after the Secretary notifies the Sec-
18 retary of State that the country has accepted the
19 aliens.”.

20 **SEC. 1521. ENHANCED PENALTIES FOR CONSTRUCTION**
21 **AND USE OF BORDER TUNNELS.**

22 Section 555 of title 18, United States Code, is
23 amended—

1 (1) in subsection (a), by striking “not more
2 than 20 years.” and inserting “not less than 7 years
3 and not more than 20 years.”; and

4 (2) in subsection (b), by striking “not more
5 than 10 years.” and inserting “not less than 3 years
6 and not more than 10 years.”.

7 **SEC. 1522. ENHANCED PENALTIES FOR FRAUD AND MISUSE**
8 **OF VISAS, PERMITS, AND OTHER DOCU-**
9 **MENTS.**

10 Section 1546(a) of title 18, United States Code, is
11 amended—

12 (1) by striking “Commissioner of the Immigra-
13 tion and Naturalization Service” each place that
14 term appears and inserting “Secretary of Homeland
15 Security”;

16 (2) by striking “Shall be fined” and all that fol-
17 lows and inserting “Shall be fined under this title or
18 imprisoned for not less than 12 years and not more
19 than 25 years (if the offense was committed to fa-
20 cilitate an act of international terrorism (as defined
21 in section 2331 of this title)), not less than 10 years
22 and not more than 20 years (if the offense was com-
23 mitted to facilitate a drug trafficking crime (as de-
24 fined in section 929(a) of this title)), not less than
25 5 years and not more than 10 years (for the first

1 or second such offense, if the offense was not com-
2 mitted to facilitate such an act of international ter-
3 rorism or a drug trafficking crime), or not less than
4 7 years and not more than 15 years (for any other
5 offense), or both.”

6 **SEC. 1523. EXPANSION OF CRIMINAL ALIEN REPATRIATION**
7 **PROGRAMS.**

8 (a) **EXPANSION OF CRIMINAL ALIEN REPATRIATION**
9 **FLIGHTS.**—Not later than 90 days after the date of the
10 enactment of this Act, the Secretary of Homeland Security
11 shall increase the number of criminal and illegal alien re-
12 patriation flights from the United States conducted by
13 U.S. Customs and Border Protection and U.S. Immigra-
14 tion and Customs Enforcement Air Operations by not less
15 than 15 percent compared to the number of such flights
16 operated, and authorized to be operated, under existing
17 appropriations and funding on the date of the enactment
18 of this Act.

19 (b) **U.S. IMMIGRATION AND CUSTOMS ENFORCE-**
20 **MENT AIR OPERATIONS.**—Not later than 90 days after
21 the date of the enactment of this Act, the Secretary of
22 Homeland Security shall issue a directive to expand U.S.
23 Immigration and Customs Enforcement Air Operations
24 (referred to in this subsection as “ICE Air Ops”) so that
25 ICE Air Ops provides additional services with respect to

1 aliens who are illegally present in the United States. Such
2 expansion shall include—

3 (1) increasing the daily operations of ICE Air
4 Ops with buses and air hubs in the top 5 geographic
5 regions along the southern border;

6 (2) allocating a set number of seats for such
7 aliens for each metropolitan area; and

8 (3) allowing a metropolitan area to trade or
9 give some of seats allocated to such area under para-
10 graph (2) for such aliens to other areas in the region
11 of such area based on the transportation needs of
12 each area.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
14 tion to the amounts otherwise authorized to be appro-
15 priated, there is authorized to be appropriated
16 \$10,000,000 for each of fiscal years 2018 through 2021
17 to carry out this section.

18 **CHAPTER 2—STRONG VISA INTEGRITY**

19 **SECURES AMERICA ACT**

20 **SEC. 1531. SHORT TITLE.**

21 This chapter may be cited as the “Strong Visa Integ-
22 rity Secures America Act”.

1 **SEC. 1532. VISA SECURITY.**

2 (a) VISA SECURITY UNITS AT HIGH RISK POSTS.—

3 Section 428(e)(1) of the Homeland Security Act of 2002

4 (6 U.S.C. 236(e)(1)) is amended—

5 (1) by striking “The Secretary” and inserting

6 the following:

7 “(A) AUTHORIZATION.—Subject to the

8 minimum number specified in subparagraph

9 (B), the Secretary”; and

10 (2) by adding at the end the following:

11 “(B) RISK-BASED ASSIGNMENTS.—

12 “(i) IN GENERAL.—In carrying out

13 subparagraph (A), the Secretary shall as-

14 sign, in a risk-based manner, and consid-

15 ering the criteria described in clause (ii),

16 employees of the Department to not fewer

17 than 50 diplomatic and consular posts at

18 which visas are issued.

19 “(ii) CRITERIA DESCRIBED.—The cri-

20 teria described in this clause are the fol-

21 lowing:

22 “(I) The number of nationals of

23 a country in which any of the diplo-

24 matic and consular posts referred to

25 in clause (i) are located who were

26 identified in United States Govern-

1 ment databases related to the identi-
2 ties of known or suspected terrorists
3 during the previous year.

4 “(II) Information on cooperation
5 of the country referred to in subclause
6 (I) with the counterterrorism efforts
7 of the United States.

8 “(III) Information analyzing the
9 presence, activity, or movement of ter-
10 rorist organizations (as such term is
11 defined in section 212(a)(3)(B)(vi) of
12 the Immigration and Nationality Act
13 (8 U.S.C. 1182(a)(3)(B)(vi)) within
14 or through the country referred to in
15 subclause (I).

16 “(IV) The number of formal ob-
17 jections based on derogatory informa-
18 tion issued by the Visa Security Advi-
19 sory Opinion Unit pursuant to para-
20 graph (10) regarding nationals of a
21 country in which any of the diplomatic
22 and consular posts referred to in
23 clause (i) are located.

1 “(V) The adequacy of the border
2 and immigration control of the coun-
3 try referred to in subclause (I).

4 “(VI) Any other criteria the Sec-
5 retary determines appropriate.

6 “(iii) RULE OF CONSTRUCTION.—The
7 assignment of employees of the Depart-
8 ment pursuant to this subparagraph is
9 solely the authority of the Secretary and
10 may not be altered or rejected by the Sec-
11 retary of State.”.

12 (b) COUNTERTERRORISM VETTING AND SCREEN-
13 ING.—Section 428(e)(2) of the Homeland Security Act of
14 2002 (6 U.S.C. 236(e)(2)) is amended—

15 (1) by redesignating subparagraph (C) as sub-
16 paragraph (D); and

17 (2) by inserting after subparagraph (B) the fol-
18 lowing:

19 “(C) Screen any such applications against
20 the appropriate criminal, national security, and
21 terrorism databases maintained by the Federal
22 Government.”.

23 (c) TRAINING AND HIRING.—Section 428(e)(6)(A) of
24 the Homeland Security Act of 2002 (6 U.S.C.
25 236(e)(6)(A)) is amended—

1 (1) by striking “The Secretary shall ensure, to
2 the extent possible, that any employees” and insert-
3 ing “The Secretary, acting through the Commis-
4 sioner of U.S. Customs and Border Protection and
5 the Director of U.S. Immigration and Customs En-
6 forcement, shall provide training to any employees”;
7 and

8 (2) by striking “shall be provided the necessary
9 training”.

10 (d) PRE-ADJUDICATED VISA SECURITY ASSISTANCE
11 AND VISA SECURITY ADVISORY OPINION UNIT.—Section
12 428(e) of the Homeland Security Act of 2002 (6 U.S.C.
13 236(e)) is amended by adding at the end the following:

14 “(9) REMOTE PRE-ADJUDICATED VISA SECU-
15 RITY ASSISTANCE.—At the visa-issuing posts at
16 which employees of the Department are not assigned
17 pursuant to paragraph (1), the Secretary shall, in a
18 risk-based manner, assign employees of the Depart-
19 ment to remotely perform the functions required
20 under paragraph (2) at not fewer than 50 of such
21 posts.

22 “(10) VISA SECURITY ADVISORY OPINION
23 UNIT.—The Secretary shall establish within U.S.
24 Immigration and Customs Enforcement a Visa Secu-
25 rity Advisory Opinion Unit to respond to requests

1 from the Secretary of State to conduct a visa secu-
2 rity review using information maintained by the De-
3 partment on visa applicants, including terrorism as-
4 sociation, criminal history, counter-proliferation, and
5 other relevant factors, as determined by the Sec-
6 retary.”.

7 (e) SCHEDULE OF IMPLEMENTATION.—The require-
8 ments established under paragraphs (1) and (10) of sec-
9 tion 428(e) of the Homeland Security Act of 2002, as
10 amended and added by this section, shall be implemented
11 not later than 3 years after the date of the enactment of
12 this Act.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated \$30,000,000 to imple-
15 ment this section and the amendments made by this sec-
16 tion.

17 **SEC. 1533. ELECTRONIC PASSPORT SCREENING AND BIO-**
18 **METRIC MATCHING.**

19 (a) IN GENERAL.—Subtitle B of title IV of the
20 Homeland Security Act of 2002 (6 U.S.C. 231 et seq.),
21 is amended by adding at the end the following:

22 **“SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIO-**
23 **METRIC MATCHING.**

24 “(a) IN GENERAL.—Not later than 1 year after the
25 date of the enactment of the Strong Visa Integrity Secures

1 America Act, the Commissioner of U.S. Customs and Bor-
2 der Protection shall—

3 “(1) screen electronic passports at airports of
4 entry by reading each such passport’s embedded
5 chip; and

6 “(2) to the greatest extent practicable, utilize
7 facial recognition technology or other biometric tech-
8 nology, as determined by the Commissioner, to in-
9 spect travelers at United States airports of entry.

10 “(b) APPLICABILITY.—

11 “(1) ELECTRONIC PASSPORT SCREENING.—
12 Subsection (a)(1) shall apply to passports belonging
13 to individuals who are United States citizens, indi-
14 viduals who are nationals of a program country pur-
15 suant to section 217 of the Immigration and Nation-
16 ality Act (8 U.S.C. 1187), and individuals who are
17 nationals of any other foreign country that issues
18 electronic passports.

19 “(2) FACIAL RECOGNITION MATCHING.—Sub-
20 section (a)(2) shall apply, at a minimum, to individ-
21 uals who are nationals of a program country pursu-
22 ant to section 217 of such Act.

23 “(c) ANNUAL REPORT.—

24 “(1) IN GENERAL.—The Commissioner of U.S.
25 Customs and Border Protection, in collaboration

1 with the Chief Privacy Officer of the Department,
2 shall submit an annual report, through fiscal year
3 2021, to the Committee on Homeland Security and
4 Governmental Affairs of the Senate and the Com-
5 mittee on Homeland Security of the House of Rep-
6 resentatives that describes the utilization of facial
7 recognition technology and other biometric tech-
8 nology pursuant to subsection (a)(2).

9 “(2) REPORT CONTENTS.—Each report sub-
10 mitted pursuant to paragraph (1) shall include—

11 “(A) information on the type of technology
12 used at each airport of entry;

13 “(B) the number of individuals who were
14 subject to inspection using either of such tech-
15 nologies at each airport of entry;

16 “(C) within the group of individuals sub-
17 ject to such inspection, the number of those in-
18 dividuals who were United States citizens and
19 lawful permanent residents;

20 “(D) information on the disposition of data
21 collected during the year covered by such re-
22 port; and

23 “(E) information on protocols for the man-
24 agement of collected biometric data, including
25 time frames and criteria for storing, erasing,

1 destroying, or otherwise removing such data
2 from databases utilized by the Department.

3 **“SEC. 420A. CONTINUOUS SCREENING BY U.S. CUSTOMS**
4 **AND BORDER PROTECTION.**

5 “The Commissioner of U.S. Customs and Border
6 Protection shall, in a risk-based manner, continuously
7 screen individuals issued any visa, and individuals who are
8 nationals of a program country pursuant to section 217
9 of the Immigration and Nationality Act (8 U.S.C. 1187),
10 who are present, or expected to arrive within 30 days, in
11 the United States, against the appropriate criminal, na-
12 tional security, and terrorism databases maintained by the
13 Federal Government.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 is
16 amended by inserting after the item relating to section
17 419 the following:

“Sec. 420. Electronic passport screening and biometric matching.

“Sec. 420A. Continuous screening by U.S. Customs and Border Protection.”.

18 **SEC. 1534. REPORTING VISA OVERSTAYS.**

19 Section 2 of Public Law 105–173 (8 U.S.C. 1376)
20 is amended—

21 (1) in subsection (a)—

22 (A) by striking “Attorney General” and in-
23 serting “Secretary of Homeland Security”; and

1 (B) by inserting before the period at the
2 end the following: “, and any additional infor-
3 mation that the Secretary determines necessary
4 for purposes of the report under subsection
5 (b).”; and

6 (2) by amending subsection (b) to read as fol-
7 lows:

8 “(b) ANNUAL REPORT.—Not later than June 30,
9 2018, and annually thereafter, the Secretary of Homeland
10 Security shall submit a report to the Committee on Home-
11 land Security and Governmental Affairs of the Senate, the
12 Committee on the Judiciary of the Senate, the Committee
13 on Homeland Security of the House of Representatives,
14 and the Committee on the Judiciary of the House of Rep-
15 resentatives that provides, for the preceding fiscal year,
16 numerical estimates (including information on the meth-
17 odology utilized to develop such numerical estimates) of—

18 “(1) for each country, the number of aliens
19 from the country who are described in subsection
20 (a), including—

21 “(A) the total number of such aliens within
22 all classes of nonimmigrant aliens described in
23 section 101(a)(15) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1101(a)(15)); and

1 “(B) the number of such aliens within each
2 of the classes of nonimmigrant aliens, as well as
3 the number of such aliens within each of the
4 subclasses of such classes of nonimmigrant
5 aliens, as applicable;

6 “(2) for each country, the percentage of the
7 total number of aliens from the country who were
8 present in the United States and were admitted to
9 the United States as nonimmigrants who are de-
10 scribed in subsection (a);

11 “(3) the number of aliens described in sub-
12 section (a) who arrived by land at a port of entry
13 into the United States;

14 “(4) the number of aliens described in sub-
15 section (a) who entered the United States using a
16 border crossing identification card (as defined in sec-
17 tion 101(a)(6) of the Immigration and Nationality
18 Act (8 U.S.C. 1101(a)(6)); and

19 “(5) the number of Canadian nationals who en-
20 tered the United States without a visa and whose
21 authorized period of stay in the United States termi-
22 nated during the previous fiscal year, but who re-
23 mained in the United States.”.

1 **SEC. 1535. STUDENT AND EXCHANGE VISITOR INFORMA-**
2 **TION SYSTEM VERIFICATION.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of Homeland Security shall
5 ensure that the information collected under the program
6 established under section 641 of the Illegal Immigration
7 Reform and Immigrant Responsibility Act of 1996 (8
8 U.S.C. 1372) is available to officers of U.S. Customs and
9 Border Protection conducting primary inspections of
10 aliens seeking admission to the United States at each port
11 of entry of the United States.

12 **SEC. 1536. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.**

13 (a) IN GENERAL.—Subtitle C of title IV of the
14 Homeland Security Act of 2002 (6 U.S.C. 231 et. seq.),
15 as amended by section 1117, is further amended by adding
16 at the end the following:

17 **“SEC. 435. SOCIAL MEDIA SCREENING.**

18 “(a) IN GENERAL.—Not later than 180 days after
19 the date of the enactment of the Strong Visa Integrity
20 Secures America Act, the Secretary shall, to the greatest
21 extent practicable, and in a risk based manner and on an
22 individualized basis, review the social media accounts of
23 visa applicants who are citizens of, or who reside in, high
24 risk countries, as determined by the Secretary based on
25 the criteria described in subsection (b).

1 “(b) HIGH-RISK CRITERIA DESCRIBED.—In deter-
2 mining whether a country is high-risk pursuant to sub-
3 section (a), the Secretary shall consider the following cri-
4 teria:

5 “(1) The number of nationals of the country
6 who were identified in United States Government
7 databases related to the identities of known or sus-
8 pected terrorists during the previous year.

9 “(2) The level of cooperation of the country
10 with the counter-terrorism efforts of the United
11 States.

12 “(3) Any other criteria the Secretary deter-
13 mines appropriate.

14 “(c) COLLABORATION.—To develop the technology
15 required to carry out the requirements under subsection
16 (a), the Secretary shall collaborate with—

17 “(1) the head of a national laboratory within
18 the Department’s laboratory network with relevant
19 expertise;

20 “(2) the head of a relevant university-based
21 center within the Department’s centers of excellence
22 network; and

23 “(3) the heads of other appropriate Federal
24 agencies.

1 **“SEC. 436. OPEN SOURCE SCREENING.**

2 “The Secretary shall, to the greatest extent prac-
3 ticable, and in a risk-based manner, review open source
4 information of visa applicants.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of the Homeland Security Act of 2002, as
7 amended by this Act, is further amended by inserting after
8 the item relating to section 433 the following:

“Sec. 434. Social media screening.

“Sec. 435. Open source screening.”.

9 **CHAPTER 3—VISA CANCELLATION AND**
10 **REVOCAATION**

11 **SEC. 1541. CANCELLATION OF ADDITIONAL VISAS.**

12 (a) IN GENERAL.—Section 222(g) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1202(g)) is amended—

14 (1) in paragraph (1)—

15 (A) by striking “Attorney General,” and
16 inserting “Secretary,”; and

17 (B) by inserting “and any other non-
18 immigrant visa issued by the United States that
19 is in the possession of the alien” after “such
20 visa”; and

21 (2) in paragraph (2)(A), by striking “(other
22 than the visa described in paragraph (1)) issued in
23 a consular office located in the country of the alien’s
24 nationality” and inserting “(other than a visa de-

1 scribed in paragraph (1)) issued in a consular office
2 located in the country of the alien’s nationality or
3 foreign residence”.

4 (b) EFFECTIVE DATE AND APPLICATION.—The
5 amendments made by subsection (a) shall take effect on
6 the date of the enactment of this Act and shall apply to
7 a visa issued before, on, or after such date.

8 **SEC. 1542. VISA INFORMATION SHARING.**

9 (a) IN GENERAL.—Section 222(f) of the Immigration
10 and Nationality Act (8 U.S.C. 1202(f)) is amended—

11 (1) in the matter preceding paragraph (1), by
12 striking “issuance or refusal” and inserting
13 “issuance, refusal, or revocation”; and

14 (2) in paragraph (2)—

15 (A) in the matter preceding subparagraph
16 (A), by striking “and on the basis of reci-
17 procity”;

18 (B) in subparagraph (A)—

19 (i) by striking “for the purpose of pre-
20 venting” and inserting the following: “for
21 the purpose of—

22 “(i) preventing”; and

23 (ii) by adding at the end the fol-
24 lowing:

1 “(ii) determining a person’s deport-
2 ability or eligibility for a visa, admission,
3 or other immigration benefit;”;

4 (C) in subparagraph (B)—

5 (i) by striking “for the purposes” and
6 inserting “for 1 of the purposes”; and

7 (ii) by striking “or to deny visas to
8 persons who would be inadmissible to the
9 United States.” and inserting “; or”; and

10 (D) by adding at the end the following:

11 “(C) with regard to any or all aliens in the
12 database, specified data elements from each
13 record, if the Secretary of State determines that
14 it is required for national security or public
15 safety or in the national interest to provide
16 such information to a foreign government.”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
18 subsection (a) shall take effect on the date that is 60 days
19 after the date of the enactment of the Act.

20 **SEC. 1543. VISA INTERVIEWS.**

21 (a) **IN GENERAL.**—Section 222(h) of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1202(h)) is amended—

23 (1) in paragraph (1)—

24 (A) in subparagraph (B), by striking “or”
25 at the end;

1 (B) in subparagraph (C), by striking
2 “and” at the end and inserting “or”; and

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

4 “(D) by the Secretary of State, if the Sec-
5 retary, in his or her sole and unreviewable dis-
6 cretion, determines that an interview is unnec-
7 essary because the alien is ineligible for a visa;
8 and”.

9 (2) in paragraph (2)—

10 (A) in subparagraph (E)(iv), by striking
11 “or” at the end;

12 (B) in subparagraph (F)(iii), by striking
13 the period at the end and inserting “; or”; and

14 (C) by adding at the end the following:

15 “(G) is an individual within a class of
16 aliens that the Secretary, in his or her sole and
17 unreviewable discretion, has determined may
18 pose a threat to national security or public safe-
19 ty.”.

20 **SEC. 1544. JUDICIAL REVIEW OF VISA REVOCATION.**

21 Section 221(i) of the Immigration and Nationality
22 Act (8 U.S.C. 1201(i)) is amended—

23 (1) by inserting “(1)” after “(i)”; and

24 (2) by adding at the end the following:

1 “(2) A revocation under this subsection of a visa or
2 other documentation from an alien shall automatically
3 cancel any other valid visa that is in the alien’s posses-
4 sion.”.

5 **CHAPTER 4—SECURE VISAS ACT**

6 **SEC. 1551. SHORT TITLE.**

7 This chapter may be cited as the “Secure Visas Act”.

8 **SEC. 1552. AUTHORITY OF THE SECRETARY OF HOMELAND**
9 **SECURITY AND THE SECRETARY OF STATE.**

10 (a) IN GENERAL.—Section 428 of the Homeland Se-
11 curity Act of 2002 (6 U.S.C. 236) is amended by striking
12 subsections (b) and (c) and inserting the following:

13 “(b) AUTHORITY OF THE SECRETARY OF HOMELAND
14 SECURITY.—

15 “(1) IN GENERAL.—Notwithstanding section
16 104(a) of the Immigration and Nationality Act (8
17 U.S.C. 1104(a)) and any other provision of law, and
18 except for the authority of the Secretary of State
19 under subparagraphs (A) and (G) of section
20 101(a)(15) of the Immigration and Nationality Act
21 (8 U.S.C. 1101(a)(15)), the Secretary—

22 “(A) shall have exclusive authority to issue
23 regulations, establish policy, and administer and
24 enforce the provisions of the Immigration and
25 Nationality Act (8 U.S.C. 1101 et seq.) and all

1 other immigration or nationality laws relating
2 to the functions of consular officers of the
3 United States in connection with the granting
4 and refusal of a visa; and

5 “(B) may refuse or revoke any visa to any
6 alien or class of aliens if the Secretary, or his
7 or her designee, determines that such refusal or
8 revocation is necessary or advisable in the secu-
9 rity interests of the United States.

10 “(2) EFFECT OF REVOCATION.—The revocation
11 of any visa under paragraph (1)(B)—

12 “(A) shall take effect immediately; and

13 “(B) shall automatically cancel any other
14 valid visa that is in the alien’s possession.

15 “(3) JUDICIAL REVIEW.—Notwithstanding any
16 other provision of law, including section 2241 of title
17 28, United States Code, any other habeas corpus
18 provision, and sections 1361 and 1651 of such title,
19 no United States court has jurisdiction to review a
20 decision by the Secretary to refuse or revoke a visa.

21 “(c) EFFECT OF VISA APPROVAL BY THE SEC-
22 RETARY OF STATE.—

23 “(1) IN GENERAL.—The Secretary of State may
24 direct a consular officer to refuse or revoke a visa
25 to an alien if the Secretary determines that such re-

1 fusal or revocation is necessary or advisable in the
2 foreign policy interests of the United States.

3 “(2) LIMITATION.—No decision by the Sec-
4 retary of State to approve a visa may override a de-
5 cision by the Secretary under subsection (b).”.

6 (b) VISA REVOCATION.—Section 428 of the Home-
7 land Security Act (6 U.S.C. 236) is amended by adding
8 at the end the following:

9 “(j) VISA REVOCATION INFORMATION.—If the Sec-
10 retary or the Secretary of State revokes a visa—

11 “(1) the relevant consular, law enforcement,
12 and terrorist screening databases shall be imme-
13 diately updated on the date of the revocation; and

14 “(2) look-out notices shall be posted to all De-
15 partment port inspectors and Department of State
16 consular officers.”.

17 (c) CONFORMING AMENDMENT.—Section 104(a)(1)
18 of the Immigration and Nationality Act is amended by in-
19 serting “and the power authorized under section 428(c)
20 of the Homeland Security Act of 2002 (6 U.S.C. 236)”
21 after “United States,”.

1 **CHAPTER 5—VISA FRAUD AND SECURITY**
2 **IMPROVEMENT ACT OF 2017**

3 **SEC. 1561. SHORT TITLE.**

4 This chapter may be cited as the “Visa Fraud and
5 Security Improvement Act of 2017”.

6 **SEC. 1562. EXPANDED USAGE OF FRAUD PREVENTION AND**
7 **DETECTION FEES.**

8 Section 286(v)(2)(A) of the Immigration and Nation-
9 ality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

10 (1) in the matter preceding clause (i), by strik-
11 ing “at United States embassies and consulates
12 abroad”;

13 (2) by amending clause (i) to read as follows:

14 “(i) to increase the number of diplo-
15 matic security personnel assigned exclu-
16 sively or primarily to the function of pre-
17 venting and detecting visa fraud;” and

18 (3) in clause (ii), by striking “, including pri-
19 marily fraud by applicants for visas described in
20 subparagraph (H)(i), (H)(ii), or (L) of section
21 101(a)(15)”.

22 **SEC. 1563. VISA INFORMATION SHARING.**

23 Section 222(f) of the Immigration and Nationality
24 Act (8 U.S.C. 1202(f)) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “issuance or refusal” and inserting
3 “issuance, refusal, or revocation”;

4 (2) in paragraph (1), by striking the period at
5 the end and inserting “; and”; and

6 (3) by amending paragraph (2) to read as fol-
7 lows:

8 “(2) the Secretary of State, in the Secretary’s
9 discretion, may provide to a foreign government in-
10 formation in a Department of State computerized
11 visa database and, when necessary and appropriate,
12 other records described in this section related to in-
13 formation in such database—

14 “(A) on the basis of reciprocity, with re-
15 gard to individual aliens, at any time on a case-
16 by-case basis for the purpose of—

17 “(i) preventing, investigating, or pun-
18 ishing acts that would constitute a crime
19 in the United States, including, but not
20 limited to, terrorism or trafficking in con-
21 trolled substances, persons, or illicit weap-
22 ons; or

23 “(ii) determining a person’s remov-
24 ability or eligibility for a visa, admission,
25 or other immigration benefit;

1 “(B) on the basis of reciprocity, with re-
2 gard to any or all aliens in such database, pur-
3 suant to such conditions as the Secretary of
4 State shall establish in an agreement with the
5 foreign government in which that government
6 agrees to use such information and records for
7 1 of the purposes described in subparagraph
8 (A); or

9 “(C) with regard to any or all aliens in
10 such database, if the Secretary of State deter-
11 mines that it is in the national interest to pro-
12 vide such information to a foreign govern-
13 ment.”.

14 **SEC. 1564. INADMISSIBILITY OF SPOUSES AND CHILDREN**
15 **OF TRAFFICKERS.**

16 Section 212(a)(2) of the Immigration and Nationality
17 Act (8 U.S.C. 1182(a)(2)) is amended—

18 (1) in subparagraph (C)(ii), by inserting “, or
19 has been,” after “is”; and

20 (2) in subparagraph (H)(ii), by inserting “, or
21 has been,” after “is”.

22 **SEC. 1565. DNA TESTING.**

23 Section 222(b) of the Immigration and Nationality
24 Act (8 U.S.C. 1202(b)) is amended by inserting after the
25 second sentence the following: “Where considered nec-

1 essary by the consular officer or immigration official, to
2 establish the bona fides of a family relationship, the immi-
3 grant shall provide DNA evidence of such relationship in
4 accordance with procedures established by the Secretary,
5 in consultation with the Secretary of State. The Secretary
6 and the Secretary of State may issue regulations to re-
7 quire the submission of DNA evidence to establish family
8 relationship, from applicants for certain visa classifica-
9 tions.”.

10 **SEC. 1566. ACCESS TO NCIC CRIMINAL HISTORY DATABASE**
11 **FOR DIPLOMATIC VISAS.**

12 Subsection (a) of article V of section 217 of the Na-
13 tional Crime Prevention and Privacy Compact Act of 1998
14 (34 U.S.C. 40316(V)(a)) is amended by inserting “, ex-
15 cept for diplomatic visa applications for which only full
16 biographical information is required” before the period at
17 the end.

18 **SEC. 1567. ELIMINATION OF SIGNED PHOTOGRAPH RE-**
19 **QUIREMENT FOR VISA APPLICATIONS.**

20 Section 221(b) of the Immigration and Nationality
21 Act (8 U.S.C. 1201(b)) is amended by striking the first
22 sentence and insert the following: “Each alien who applies
23 for a visa shall be registered in connection with his or her
24 application and shall furnish copies of his or her photo-
25 graph for such use as may be required by regulation.”.

1 **CHAPTER 6—OTHER MATTERS**

2 **SEC. 1571. REQUIREMENT FOR COMPLETION OF BACK-**
3 **GROUND CHECKS.**

4 (a) IN GENERAL.—Section 103 of Immigration and
5 Nationality Act (8 U.S.C. 1103) is amended by adding
6 at the end the following:

7 “(h) COMPLETION OF BACKGROUND AND SECURITY
8 CHECKS.—

9 “(1) REQUIREMENT TO COMPLETE.—Notwith-
10 standing any other provision of law (statutory or
11 nonstatutory), including section 309 of the En-
12 hanced Border Security and Visa Entry Reform Act
13 of 2002 (8 U.S.C. 1738), sections 1361 and 1651 of
14 title 28, United States Code, and section 706(1) of
15 title 5, United States Code, the Secretary and the
16 Attorney General may not approve or grant to an
17 alien any status, relief, protection from removal, em-
18 ployment authorization, or any other benefit under
19 the immigration laws, including an adjustment of
20 status to lawful permanent residence or a grant of
21 United States citizenship or issue to the alien any
22 documentation evidencing a status or grant of any
23 status, relief, protection from removal, employment
24 authorization, or other benefit under the immigra-
25 tion laws until—

1 “(A) all background and security checks
2 required by statute or regulation or deemed
3 necessary by the Secretary or the Attorney
4 General, in his or her sole and unreviewable dis-
5 cretion, for the alien have been completed; and

6 “(B) the Secretary or the Attorney Gen-
7 eral has determined that the results of such
8 checks do not preclude the approval or grant of
9 any status, relief, protection from removal, em-
10 ployment authorization, or any other benefit
11 under the immigration laws or approval, grant,
12 or the issuance of any documentation evidenc-
13 ing such status, relief, protection, authorization,
14 or benefit.

15 “(2) PROHIBITION ON JUDICIAL ACTION.—No
16 court shall have authority to order the approval of,
17 grant, mandate or require any action in a certain
18 time period, or award any relief for the Secretary’s
19 or Attorney General’s failure to complete or delay in
20 completing any action to provide any status, relief,
21 protection from removal, employment authorization,
22 or any other benefit under the immigration laws, in-
23 cluding an adjustment of status to lawful permanent
24 residence, naturalization, or a grant of United
25 States citizenship for an alien until—

1 “(A) all background and security checks
2 for the alien have been completed; and

3 “(B) the Secretary or the Attorney Gen-
4 eral has determined that the results of such
5 checks do not preclude the approval or grant of
6 such status, relief, protection, authorization, or
7 benefit, or issuance of any documentation evi-
8 dencing such status, relief, protection, author-
9 ization, or benefit.”.

10 (b) **EFFECTIVE DATE.**—The amendment made by
11 subsection (a) shall take effect on the date of the enact-
12 ment of this Act and shall apply to any application, peti-
13 tion, or request for any benefit or relief or any other case
14 or matter under the immigration laws pending with on or
15 filed with the Secretary of Homeland Security, the Attor-
16 ney General, the Secretary of State, the Secretary of
17 Labor, or a consular officer on or after such date of enact-
18 ment.

19 **SEC. 1572. WITHHOLDING OF ADJUDICATION.**

20 (a) **IN GENERAL.**—Section 103 of Immigration and
21 Nationality Act (8 U.S.C. 1103), as amended by sections
22 1112 and 1571, is further amended by adding at the end
23 the following:

24 “(i) **WITHHOLDING OF ADJUDICATION.**—

1 “(1) IN GENERAL.—Except as provided in sub-
2 section (i)(4), nothing in this Act or in any other
3 law, including section 1361 and 1651 of title 28,
4 United States Code, may be construed to require,
5 and no court can order, the Secretary, the Attorney
6 General, the Secretary of State, the Secretary of
7 Labor, or a consular officer to grant any application,
8 approve any petition, or grant or continue any relief,
9 protection from removal, employment authorization,
10 or any other status or benefit under the immigration
11 laws by, to, or on behalf of any alien with respect
12 to whom a criminal proceeding or investigation is
13 open or pending (including the issuance of an arrest
14 warrant or indictment), if such proceeding or inves-
15 tigation is deemed by such official to be material to
16 the alien’s eligibility for the status, relief, protection,
17 or benefit sought.

18 “(2) WITHHOLDING OF ADJUDICATION.—The
19 Secretary, the Attorney General, the Secretary of
20 State, or the Secretary of Labor may, in his or her
21 discretion, withhold adjudication any application, pe-
22 tition, request for relief, request for protection from
23 removal, employment authorization, status or benefit
24 under the immigration laws pending final resolution
25 of the criminal or other proceeding or investigation.

1 “(3) JURISDICTION.—Notwithstanding any
2 other provision of law (statutory or nonstatutory),
3 including section 309 of the Enhanced Border Secu-
4 rity and Visa Entry Reform Act of 2002 (8 U.S.C.
5 1738), sections 1361 and 1651 of title 28, United
6 States Code, and section 706(1) of title 5, United
7 States Code, no court shall have jurisdiction to re-
8 view a decision to withhold adjudication pursuant to
9 this subsection.

10 “(4) WITHHOLDING OF REMOVAL AND TOR-
11 TURE CONVENTION.—This subsection does not limit
12 or modify the applicability of section 241(b)(3) or
13 the United Nations Convention Against Torture and
14 Other Cruel, Inhuman or Degrading Treatment or
15 Punishment, subject to any reservations, under-
16 standings, declarations and provisos contained in the
17 United States Senate resolution of ratification of the
18 Convention, as implemented by section 2242 of the
19 Foreign Affairs Reform and Restructuring Act of
20 1998 (Public Law 105-277) with respect to an alien
21 otherwise eligible for protection under such provi-
22 sions.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the date of the enact-
25 ment of this Act and shall apply to any application, peti-

1 tion, or request for any benefit or relief or any other case
2 or matter under the immigration laws pending with or
3 filed with the Secretary of Homeland Security on or after
4 such date of enactment.

5 **SEC. 1573. ACCESS TO THE NATIONAL CRIME INFORMATION**
6 **CENTER INTERSTATE IDENTIFICATION**
7 **INDEX.**

8 (a) **CRIMINAL JUSTICE ACTIVITIES.**—Section 104 of
9 the Immigration and Nationality Act (8 U.S.C. 1104) is
10 amended by adding at the end the following:

11 “(f) Notwithstanding any other provision of law, any
12 Department of State personnel with authority to grant or
13 refuse visas or passports may carry out activities that have
14 a criminal justice purpose.”.

15 (b) **LIAISON WITH INTERNAL SECURITY OFFICERS;**
16 **DATA EXCHANGE.**—Section 105 of the Immigration and
17 Nationality Act (8 U.S.C. 1105) is amended by striking
18 subsections (b) and (c) and inserting the following:

19 “(b) **ACCESS TO NCIC-III.**—

20 “(1) **IN GENERAL.**—Notwithstanding any other
21 provision of law, the Attorney General and the Di-
22 rector of the Federal Bureau of Investigation shall
23 provide to the Department of Homeland Security
24 and the Department of State access to the criminal
25 history record information contained in the National

1 Crime Information Center's Interstate Identification
2 Index (NCIC-III) and the Wanted Persons File and
3 to any other files maintained by the National Crime
4 Information Center for the purpose of determining
5 whether an applicant or petitioner for a visa, admis-
6 sion, or any benefit, relief, or status under the immi-
7 gration laws, or any beneficiary of an application,
8 petition, relief, or status under the immigration
9 laws, has a criminal history record indexed in the
10 file.

11 “(2) AUTHORIZED ACTIVITIES.—

12 “(A) IN GENERAL.—The Secretary and the
13 Secretary of State—

14 “(i) shall have direct access, without
15 any fee or charge, to the information de-
16 scribed in paragraph (1) to conduct name-
17 based searches, file number searches, and
18 any other searches that any criminal jus-
19 tice or other law enforcement officials are
20 entitled to conduct; and

21 “(ii) may contribute to the records
22 maintained by the National Crime Infor-
23 mation Center.

24 “(B) SECRETARY OF HOMELAND SECU-
25 RITY.—The Secretary shall receive, upon re-

1 quest, access to the information described in
2 paragraph (1) by means of extracts of the
3 records for placement in the appropriate data-
4 base without any fee or charge.

5 “(c) **CRIMINAL JUSTICE AND LAW ENFORCEMENT**
6 **PURPOSES.**—Notwithstanding any other provision of law,
7 adjudication of eligibility for benefits, relief, or status
8 under the immigration laws and other purposes relating
9 to citizenship and immigration services, shall be consid-
10 ered to be criminal justice or law enforcement purposes
11 with respect to access to or use of any information main-
12 tained by the National Crime Information Center or other
13 criminal history information or records.”.

14 **SEC. 1574. APPROPRIATE REMEDIES FOR IMMIGRATION**
15 **LITIGATION.**

16 (a) **LIMITATION ON CLASS ACTIONS.**—

17 (1) **IN GENERAL.**—Except as provided in para-
18 graph (2), no court may certify a class under Rule
19 23 of the Federal Rules of Civil Procedure in any
20 civil action that—

21 (A) is filed after the date of the enactment
22 of this Act; and

23 (B) pertains to the administration or en-
24 forcement of the immigration laws.

1 (2) EXCEPTION.—A court may certify a class
2 upon a motion by the Government if the Govern-
3 ment is requesting such a certification to ensure effi-
4 ciency in case management or uniformity in applica-
5 tion of precedent decisions or interpretations of laws
6 when there is a nationwide class.

7 (b) REQUIREMENTS FOR AN ORDER GRANTING PRO-
8 SPECTIVE RELIEF AGAINST THE GOVERNMENT.—

9 (1) IN GENERAL.—If a court determines that
10 prospective relief should be ordered against the Gov-
11 ernment in any civil action pertaining to the admin-
12 istration or enforcement of the immigration laws,
13 the court shall—

14 (A) limit the relief to the minimum nec-
15 essary to correct the violation of law;

16 (B) adopt the least intrusive means to cor-
17 rect the violation of law;

18 (C) minimize, to the greatest extent prac-
19 ticable, the adverse impact on national security,
20 border security, immigration administration and
21 enforcement, and public safety; and

22 (D) provide for the expiration of the relief
23 on a specific date, which is not later than the
24 earliest date necessary for the Government to
25 remedy the violation.

1 (2) WRITTEN EXPLANATION.—The require-
2 ments described in paragraph (1) shall be discussed
3 and explained in writing in the order granting pro-
4 spective relief and shall be sufficiently detailed to
5 allow review by another court.

6 (3) EXPIRATION OF PRELIMINARY INJUNCTIVE
7 RELIEF.—Preliminary injunctive relief granted
8 under paragraph (1) shall automatically expire on
9 the date that is 90 days after the date on which
10 such relief is entered, unless the court—

11 (A) finds that such relief meets the re-
12 quirements described in subparagraphs (A)
13 through (D) of paragraph (1) for the entry of
14 permanent prospective relief; and

15 (B) orders the preliminary relief to become
16 a final order granting prospective relief before
17 the expiration of such 90-day period.

18 (c) PROCEDURE FOR MOTION AFFECTING ORDER
19 GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERN-
20 MENT.—

21 (1) IN GENERAL.—A court shall promptly rule
22 on a motion made by the United States Government
23 to vacate, modify, dissolve, or otherwise terminate
24 an order granting prospective relief in any civil ac-

1 tion pertaining to the administration or enforcement
2 of the immigration laws.

3 (2) AUTOMATIC STAYS.—

4 (A) IN GENERAL.—A motion to vacate,
5 modify, dissolve, or otherwise terminate an
6 order granting prospective relief made by the
7 United States Government in any civil action
8 pertaining to the administration or enforcement
9 of the immigration laws shall automatically, and
10 without further order of the court, stay the
11 order granting prospective relief on the date
12 that is 15 days after the date on which such
13 motion is filed unless the court previously has
14 granted or denied the Government’s motion.

15 (B) DURATION OF AUTOMATIC STAY.—An
16 automatic stay under subparagraph (A) shall
17 continue until the court enters an order grant-
18 ing or denying the Government’s motion.

19 (C) POSTPONEMENT.—The court, for good
20 cause, may postpone an automatic stay under
21 subparagraph (A) for not longer than 15 days.

22 (D) ORDERS BLOCKING AUTOMATIC
23 STAYS.—Any order staying, suspending, delay-
24 ing, or otherwise barring the effective date of
25 the automatic stay described in subparagraph

1 (A), other than an order to postpone the effec-
2 tive date of the automatic stay for not longer
3 than 15 days under subparagraph (C)—

4 (i) shall be treated as an order refus-
5 ing to vacate, modify, dissolve, or otherwise
6 terminate an injunction; and

7 (ii) shall be immediately appealable
8 under section 1292(a)(1) of title 28,
9 United States Code.

10 (d) SETTLEMENTS.—

11 (1) CONSENT DECREES.—In any civil action
12 pertaining to the administration or enforcement of
13 the immigration laws of the United States, the court
14 may not enter, approve, or continue a consent decree
15 that does not comply with the requirements under
16 subsection (b)(1).

17 (2) PRIVATE SETTLEMENT AGREEMENTS.—
18 Nothing in this subsection may be construed to pre-
19 clude parties from entering into a private settlement
20 agreement that does not comply with subsection
21 (b)(1).

22 (e) EXPEDITED PROCEEDINGS.—It shall be the duty
23 of every court to advance on the docket and to expedite
24 the disposition of any civil action or motion considered
25 under this section.

1 (f) CONSENT DECREE DEFINED.—In this section,
2 the term “consent decree”—

3 (1) means any relief entered by the court that
4 is based in whole or in part on the consent or acqui-
5 escence of the parties; and

6 (2) does not include private settlements.

7 **SEC. 1575. USE OF 1986 IRCA LEGALIZATION INFORMATION**
8 **FOR NATIONAL SECURITY PURPOSES.**

9 (a) SPECIAL AGRICULTURAL WORKERS.—Section
10 210(b)(6) of the Immigration and Nationality Act (8
11 U.S.C. 1160(b)(6)) is amended—

12 (1) by striking “Attorney General” each place
13 that term appears and inserting “Secretary”;

14 (2) in subparagraph (A), in the matter pre-
15 ceding clause (i), by striking “Justice” and inserting
16 “Homeland Security”;

17 (3) by redesignating subparagraphs (C) and
18 (D) as subparagraphs (D) and (E), respectively;

19 (4) inserting after subparagraph (B) the fol-
20 lowing:

21 “(C) AUTHORIZED DISCLOSURES.—

22 “(i) CENSUS PURPOSE.—The Sec-
23 retary may provide, in the Secretary’s dis-
24 cretion, for the furnishing of information
25 furnished under this section in the same

1 manner and circumstances as census infor-
2 mation may be disclosed under section 8 of
3 title 13, United States Code.”.

4 “(ii) NATIONAL SECURITY PUR-
5 POSE.—The Secretary may provide, in the
6 Secretary’s discretion, for the furnishing,
7 use, publication, or release of information
8 furnished under this section in any inves-
9 tigation, case, or matter, or for any pur-
10 pose, relating to terrorism, national intel-
11 ligence or the national security.

12 “(iii) SUBSEQUENT APPLICATIONS
13 FOR IMMIGRATION BENEFITS.—The Sec-
14 retary may use the information furnished
15 under this section to adjudicate subsequent
16 applications, petitions, or requests for im-
17 migration benefits filed by the alien

18 “(iv) ALIEN CONSENT.—The Sec-
19 retary may use the information furnished
20 under this section for any purpose when
21 the alien consents to its disclosure or use
22 by the Secretary.

23 “(v) OTHER CIRCUMSTANCES.—The
24 Secretary may use the information fur-
25 nished under this section for other pur-

1 poses and in other circumstances in which
2 disclosure of the information is not related
3 to removal of the alien from the United
4 States.”; and

5 (5) in subparagraph (D), as redesignated, strik-
6 ing “Service” and inserting “Department of Home-
7 land Security”.

8 (b) ADJUSTMENT OF STATUS.—Section 245A(c)(5)
9 of the Immigration and Nationality Act (8 U.S.C.
10 1255a(c)(5)) is amended—

11 (1) by striking “Attorney General” each place
12 that term appears and inserting “Secretary”;

13 (2) in subparagraph (A), in the matter pre-
14 ceding clause (i), by striking “Justice” and inserting
15 “Homeland Security”; and

16 (3) by amending subparagraph (C) to read as
17 follows:

18 “(C) AUTHORIZED DISCLOSURES.—

19 “(i) CENSUS PURPOSE.—The Sec-
20 retary may provide, in the Secretary’s dis-
21 cretion, for the furnishing of information
22 furnished under this section in the same
23 manner and circumstances as census infor-
24 mation may be disclosed under section 8 of
25 title 13, United States Code.

1 “(ii) NATIONAL SECURITY PUR-
2 POSE.—The Secretary may provide, in the
3 Secretary’s discretion, for the furnishing,
4 use, publication, or release of information
5 furnished under this section in any inves-
6 tigation, case, or matter, or for any pur-
7 pose, relating to terrorism, national intel-
8 ligence or the national security.”.

9 **SEC. 1576. UNIFORM STATUTE OF LIMITATIONS FOR CER-**
10 **TAIN IMMIGRATION, NATURALIZATION, AND**
11 **PEONAGE OFFENSES.**

12 Section 3291 of title 18, United States Code, is
13 amended to read as follows:

14 **“§ 3291. Nationality, citizenship and passports**

15 “No person shall be prosecuted, tried, or punished
16 for a violation of any section of chapter 69 (relating to
17 nationality and citizenship offenses) or 75 (relating to
18 passport, visa, and immigration offenses), for a violation
19 of any criminal provision of sections 243, 274, 275, 276,
20 277, or 278 of the Immigration and Nationality Act (8
21 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328), or for
22 an attempt or conspiracy to violate any such section, un-
23 less the indictment is returned or the information is filed
24 within 10 years after the commission of the offense.”.

1 **SEC. 1577. CONFORMING AMENDMENT TO THE DEFINITION**
2 **OF RACKETEERING ACTIVITY.**

3 Section 1961(1) of title 18, United States Code, is
4 amended by striking “section 1542” and all that follows
5 through “section 1546 (relating to fraud and misuse of
6 visas, permits, and other documents)” and inserting “sec-
7 tions 1541 through 1547 (relating to passports and
8 visas)”.

9 **SEC. 1578. VALIDITY OF ELECTRONIC SIGNATURES.**

10 (a) CIVIL CASES.—

11 (1) IN GENERAL.—Chapter 9 of title II of the
12 Immigration and Nationality Act (8 U.S.C. 1351 et
13 seq.), as amended by section 1126(a), is further
14 amended by adding at the end the following:

15 **“SEC. 296. VALIDITY OF SIGNATURES.**

16 “(a) IN GENERAL.—In any proceeding, adjudication,
17 or any other matter arising under the immigration laws,
18 an individual’s hand written or electronic signature on any
19 petition, application, or any other document executed or
20 provided for any purpose under the immigration laws es-
21 tablishes a rebuttable presumption that the signature exe-
22 cuted is that of the individual signing, that the individual
23 is aware of the contents of the document, and intends to
24 sign it.”.

25 “(b) RECORD INTEGRITY.—The Secretary shall es-
26 tablish procedures to ensure that when any electronic sig-

1 nature is captured for any petition, application, or other
2 document submitted for purposes of obtaining an immi-
3 gration benefit, the identity of the person is verified and
4 authenticated, and the record of such identification and
5 verification is preserved for litigation purposes.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents in the first section of the Immigration and Na-
8 tionality Act is amended by inserting after the item
9 relating to section 295, as added by section
10 1126(a)(2), the following:

“Sec. 296. Validity of signatures.”.

11 (b) CRIMINAL CASES.—

12 (1) IN GENERAL.—Chapter 223 of title 18,
13 United States Code, is amended by adding at the
14 end the following:

15 **“§ 3513. Signatures relating to immigration matters**

16 “In a criminal proceeding in a court of the United
17 States, if an individual’s handwritten or electronic signa-
18 ture appears on a petition, application, or other document
19 executed or provided for any purpose under the immigra-
20 tion laws (as defined in section 101(a)(17) of the Immi-
21 gration and Nationality Act (8 U.S.C. 1101(a)(17)), the
22 trier of fact may infer that the document was signed by
23 that individual, and that the individual knew the contents
24 of the document and intended to sign the document.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions for chapter 223 of title 18, United States
3 Code, is amended by inserting after the item relating
4 to section 3512 the following:

“3513. Signatures relating to immigration matters.”.

5 **Subtitle F—Prohibition on Terror-**
6 **ists Obtaining Lawful Status in**
7 **the United States**

8 **CHAPTER 1—PROHIBITION ON ADJUST-**
9 **MENT TO LAWFUL PERMANENT RESI-**
10 **DENT STATUS**

11 **SEC. 1601. LAWFUL PERMANENT RESIDENTS AS APPLI-**
12 **CANTS FOR ADMISSION.**

13 Section 101(a)(13)(C) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1101(a)(13)(C)) is amended—

15 (1) in clause (v), by striking the “, or” and in-
16 serting a semicolon;

17 (2) in clause (vi), by striking the period at the
18 end and inserting “; or” and

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

20 “(vii) is described in section 212(a)(3) or
21 237(a)(4).”.

22 **SEC. 1602. DATE OF ADMISSION FOR PURPOSES OF ADJUST-**
23 **MENT OF STATUS.**

24 (a) APPLICANTS FOR ADMISSION.—Section
25 101(a)(13) of the Immigration and Nationality Act, as

1 amended by section 1601, is further amended by adding
2 at the end the following:

3 “(D) Notwithstanding subparagraph (A), adjustment
4 of status of an alien to that of an alien lawfully admitted
5 for permanent residence under section 245 or under any
6 other provision of law is an admission of the alien.”.

7 (b) ELIGIBILITY TO BE REMOVED FOR A CRIME IN-
8 VOLVING MORAL TURPITUDE.—Section
9 237(a)(2)(A)(i)(I) of the Immigration and Nationality Act
10 (8 U.S.C. 1227(a)(2)(A)(i)(I)) is amended by striking
11 “date of admission,” inserting “alien’s most recent date
12 of admission;”.

13 **SEC. 1603. PRECLUDING ASYLEE AND REFUGEE ADJUST-**
14 **MENT OF STATUS FOR CERTAIN GROUNDS OF**
15 **INADMISSIBILITY AND DEPORTABILITY.**

16 (a) GROUNDS OF INADMISSIBILITY.—Section 209(c)
17 of the Immigration and Nationality Act (8 U.S.C.
18 1159(c)) is amended by striking “(other than paragraph
19 (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph
20 (3))”, and inserting “(other than subparagraph (C) or (G)
21 of paragraph (2) or subparagraph (A), (B), (C), (E), (F),
22 or (G) of paragraph (3))”.

23 (b) GROUNDS OF DEPORTABILITY.—Section 209 of
24 the Immigration and Nationality Act, as amended by sub-

1 section (a), is further amended by adding at the end the
2 following:

3 “(d) An alien’s status may not be adjusted under this
4 section if the alien is deportable under any provision of
5 section 237 (except subsections (a)(5) of such section).”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to—

8 (1) any act that occurred before, on, or after
9 the date of the enactment of this Act; and

10 (2) all aliens who are required to establish ad-
11 missibility on or after such date, and in all removal,
12 deportation, or exclusion proceedings that are filed,
13 pending, or reopened, on or after such date.

14 **SEC. 1604. REVOCATION OF LAWFUL PERMANENT RESI-**
15 **DENT STATUS FOR HUMAN RIGHTS VIOLA-**
16 **TORS.**

17 Section 240(b)(5) of the Immigration and Nationality
18 Act (8 U.S.C. 1229a(b)(5)) is amended by inserting at
19 the end the following:

20 “(F) ADDITIONAL APPLICATION TO CER-
21 TAIN ALIENS OUTSIDE THE UNITED STATES
22 WHO ARE ASSOCIATED WITH HUMAN RIGHTS
23 VIOLATIONS.—Subparagraphs (A) through (E)
24 shall apply to any alien placed in proceedings
25 under this section who—

1 “(i) is outside of the United States;

2 “(ii) has received notice of pro-
3 ceedings under section 240(a) (either with-
4 in or outside of the United States); and

5 “(iii) is described in section
6 212(a)(2)(G) (officials who have committed
7 particularly severe violations of religious
8 freedom), 212(a)(3)(E) (Nazi persecution,
9 genocide, extrajudicial killing, or torture),
10 or 212(a)(3)(G) (recruitment or use of
11 child soldiers).”.

12 **SEC. 1605. REMOVAL OF CONDITION ON LAWFUL PERMA-**
13 **NENT RESIDENT STATUS PRIOR TO NATU-**
14 **RALIZATION.**

15 Chapter 2 of title II of the Immigration and Nation-
16 ality Act (8 U.S.C. 1181 et seq.) is amended—

17 (1) in section 216(e) (8 U.S.C. 1186a(e)), by
18 inserting “, if the alien has had the conditional basis
19 removed pursuant to this section” before the period
20 at the end; and

21 (2) in section 216A(e) (8 U.S.C. 1186b(e)), by
22 inserting “, if the alien has had the conditional basis
23 removed pursuant to this section” before the period
24 at the end.

1 **SEC. 1606. PROHIBITION ON TERRORISTS AND ALIENS WHO**
2 **POSE A THREAT TO NATIONAL SECURITY OR**
3 **PUBLIC SAFETY FROM RECEIVING AN AD-**
4 **JUSTMENT OF STATUS.**

5 (a) APPLICATION FOR ADJUSTMENT OF STATUS IN
6 THE UNITED STATES.—

7 (1) IN GENERAL.—Section 245 of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1255) is amend-
9 ed by striking the section heading and subsection (a)
10 and inserting the following:

11 **“SEC. 245. ADJUSTMENT OF STATUS TO THAT OF A PERSON**
12 **ADMITTED FOR PERMANENT RESIDENCE.**

13 “(a) IN GENERAL.—

14 “(1) ELIGIBILITY FOR ADJUSTMENT.—The sta-
15 tus of an alien who was inspected and admitted or
16 paroled into the United States or the status of any
17 other alien having an approved petition for classi-
18 fication as a VAWA self-petitioner may be adjusted
19 by the Secretary or the Attorney General, in the dis-
20 cretion of the Secretary or the Attorney General,
21 and under such regulations as the Secretary or the
22 Attorney General may prescribe, to that of an alien
23 lawfully admitted for permanent residence if—

24 “(A) the alien makes an application for
25 such adjustment;

1 “(B) the alien is eligible to receive an im-
2 migrant visa, is admissible to the United States
3 for permanent residence, and is not subject to
4 exclusion, deportation, or removal from the
5 United States; and

6 “(C) an immigrant visa is immediately
7 available to the alien at the time the alien’s ap-
8 plication is filed.

9 “(2) IMMEDIATELY AVAILABLE.—For purposes
10 of this section, the term ‘immediately available’
11 means that on the date of filing of the application
12 for adjustment of status, the visa category under
13 which the alien is seeking permanent residence is
14 current as determined by the Secretary of State and
15 reflected in the Department of State’s visa bulletin
16 for the month in which the application for adjust-
17 ment of status is filed.

18 “(3) REQUIREMENT TO OBTAIN AN IMMIGRANT
19 VISA OUTSIDE THE UNITED STATES.—Notwith-
20 standing any other provision in this section, if the
21 Secretary determines that an alien may be a threat
22 to national security or public safety or if the Sec-
23 retary determines that a favorable exercise of discre-
24 tion to allow an alien to seek to adjust his or her
25 status in the United States rather than to obtain an

1 immigrant visa outside of the United States is not
2 warranted, the Secretary, in the Secretary's sole and
3 unreviewable discretion, may—

4 “(A) prohibit the alien from seeking an ad-
5 justment of status under paragraph (1) while
6 the alien is present in the United States; and

7 “(B) require the alien to seek permanent
8 residence by applying for an immigrant visa at
9 a United States embassy or consulate in the
10 alien's home country or other foreign country,
11 as designated by the Secretary of State.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents in the first section of the Immigration and Na-
14 tionality Act is amended by striking the item relat-
15 ing to section 245 and inserting the following:

“Sec. 245. Adjustment of status to that of a person admitted for permanent residence.”.

16 (b) PROHIBITION ON TERRORISTS AND ALIENS WHO
17 POSE A THREAT TO NATIONAL SECURITY OR PUBLIC
18 SAFETY ON ADJUSTMENT TO LAWFUL PERMANENT RESI-
19 DENT STATUS.—Section 245(c) of the Immigration and
20 Nationality Act (8 U.S.C. 1255(c)) is amended to read
21 as follows:

22 “(c) ALIENS NOT ELIGIBLE FOR ADJUSTMENT OF
23 STATUS.—Except for an alien having an approved petition

1 for classification as a VAWA self-petitioner, subsection (a)
2 shall not apply to—

3 “(1) an alien crewman;

4 “(2) subject to subsection (k), any alien (other
5 than an immediate relative defined in section 201(b)
6 or a special immigrant described in subparagraph
7 (H), (I), (J), or (K) of section 101(a)(27)) who—

8 “(A) continues in or accepts unauthorized
9 employment before filing an application for ad-
10 justment of status;

11 “(B) is in unlawful immigration status on
12 the date he or she files an application for ad-
13 justment of status; or

14 “(C) has failed (other than through no
15 fault of his or her own or for technical reasons)
16 to maintain continuously a lawful status since
17 entry into the United States;

18 “(3) any alien admitted in transit without visa
19 under section 212(d)(4)(C);

20 “(4) an alien (other than an immediate relative
21 as defined in section 201(b)) who was admitted as
22 a nonimmigrant visitor without a visa under section
23 212(l) or section 217;

24 “(5) an alien who was admitted as a non-
25 immigrant under section 101(a)(15)(S);

1 “(6) an alien described in subparagraph (B),
2 (F), or (G) of section 237(a)(4);

3 “(7) any alien who seeks adjustment of status
4 to that of an immigrant under section 203(b) and is
5 not in a lawful nonimmigrant status;

6 “(8) any alien who has committed, ordered, in-
7 cited, assisted, or otherwise participated in the per-
8 secution of any person on account of race, religion,
9 nationality, membership in a particular social group,
10 or political opinion; or

11 “(9) any alien who—

12 “(A) was employed while the alien was an
13 unauthorized alien (as defined in section
14 274A(h)(3)); or

15 “(B) has otherwise violated the terms of a
16 nonimmigrant visa.”.

17 **SEC. 1607. TREATMENT OF APPLICATIONS FOR ADJUST-**
18 **MENT OF STATUS DURING PENDING**
19 **DENATURALIZATION PROCEEDINGS.**

20 Section 245 of the Immigration and Nationality Act
21 (8 U.S.C. 1451), as amended by section 1606, is further
22 amended by adding at the end the following:

23 “(n) An application for adjustment of status may not
24 be considered or approved by the Secretary or the Attor-
25 ney General, and no court may order the approval of an

1 application for adjustment of status if the approved peti-
2 tion for classification under section 204 that is the under-
3 lying basis for the application for adjustment of status was
4 filed by an individual who has a judicial proceeding pend-
5 ing against him or her that would result in the revocation
6 of the individual's naturalization under section 340.”.

7 **SEC. 1608. EXTENSION OF TIME LIMIT TO PERMIT RESCIS-**
8 **SION OF PERMANENT RESIDENT STATUS.**

9 Section 246 of the Immigration and Nationality Act
10 (8 U.S.C. 1256(a)) is amended—

11 (1) in subsection (a)—

12 (A) by inserting “(1)” after “(a)”;

13 (B) by striking “within five years” and in-
14 serting “within 10 years”;

15 (C) by striking “Attorney General” each
16 place that term appears and inserting “Sec-
17 retary”; and

18 (D) by adding at the end the following:

19 “(2) In any removal proceeding involving an alien
20 whose status has been rescinded under this subsection, the
21 determination by the Secretary that the alien was not eli-
22 gible for adjustment of status is not subject to review or
23 reconsideration during such proceedings.”.

24 (2) by redesignating subsection (b) as sub-
25 section (c); and

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) Nothing in subsection (a) may be construed to
4 require the Secretary to rescind the alien’s status before
5 the commencement of removal proceedings under section
6 240. The Secretary may commence removal proceedings
7 at any time against any alien who is removable, including
8 aliens whose status was adjusted to that of an alien law-
9 fully admitted for permanent residence under section 245
10 or 249 or under any other provision of law. There is no
11 statute of limitations with respect to the commencement
12 of removal proceedings under section 240. An order of re-
13 moval issued by an immigration judge shall be sufficient
14 to rescind the alien’s status.”.

15 **SEC. 1609. BARRING PERSECUTORS AND TERRORISTS**
16 **FROM REGISTRY.**

17 Section 249 of the Immigration and Nationality Act
18 (8 U.S.C. 1259) is amended to read as follows:

19 **“SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESI-**
20 **DENCE IN THE CASE OF CERTAIN ALIENS**
21 **WHO ENTERED THE UNITED STATES PRIOR**
22 **TO JANUARY 1, 1972.**

23 “(a) IN GENERAL.—The Secretary, in the discretion
24 of the Secretary and under such regulations as the Sec-
25 retary may prescribe, may enter a record of lawful admis-

1 sion for permanent residence in the case of any alien, if
2 no such record is otherwise available and the alien—

3 “(1) entered the United States before January
4 1, 1972;

5 “(2) has continuously resided in the United
6 States since such entry;

7 “(3) has been a person of good moral character
8 since such entry;

9 “(4) is not ineligible for citizenship;

10 “(5) is not described in paragraph (1)(A)(iv),
11 (2), (3), (6)(C), (6)(E), (8), or (9)(C) of section
12 212(a);

13 “(6) is not described in paragraph (1)(E),
14 (1)(G), (2), (4) of section 237(a); and

15 “(7) did not, at any time, without reasonable
16 cause, fail or refuse to attend or remain in attend-
17 ance at a proceeding to determine the alien’s inad-
18 missibility or deportability.

19 “(b) RECORDATION DATE OF PERMANENT RESI-
20 DENCE.—The record of an alien’s lawful admission for
21 permanence residence shall be the date on which the Sec-
22 retary approves the application for such status under this
23 section.”.

1 **CHAPTER 2—PROHIBITION ON NATU-**
2 **RALIZATION AND UNITED STATES**
3 **CITIZENSHIP**

4 **SEC. 1621. BARRING TERRORISTS FROM BECOMING NATU-**
5 **RALIZED UNITED STATES CITIZENS.**

6 (a) IN GENERAL.—Section 316 of the Immigration
7 and Nationality Act (8 U.S.C. 1427) is amended by add-
8 ing at the end the following:

9 “(g)(1)(A) Except as provided in subparagraph (B),
10 no person may be naturalized if the Secretary makes a
11 determination, in the discretion of the Secretary, that the
12 alien is described in section 212(a)(3) or 237(a)(4) at any
13 time, including any period before or after the filing of an
14 application for naturalization.

15 “(B) Subparagraph (A) shall not apply to an alien
16 described in section 212(a)(3) if—

17 “(i) the alien received an exemption under sec-
18 tion 212(d)(3)(B)(i); and

19 “(ii) the only conduct or actions by the alien
20 that are described in section 212(a)(3) (and would
21 bar the alien from naturalization under this para-
22 graph) are specifically covered by the exemption re-
23 ferred to in clause (i).

1 “(2) A determination under paragraph (1) may be
2 based upon any relevant information or evidence, includ-
3 ing classified, sensitive, or national security information.”.

4 (b) APPLICABILITY TO CITIZENSHIP THROUGH NAT-
5 URALIZATION OF PARENT OR SPOUSE.—Section 340(d) of
6 the Immigration and Nationality Act (8 U.S.C. 1451(e))
7 is amended—

8 (1) by striking the first sentence and inserting
9 the following:

10 “(1) A person who claims United States citizenship
11 through the naturalization of a parent or spouse shall be
12 deemed to have lost his or her citizenship, and any right
13 or privilege of citizenship which he or she may have ac-
14 quired, or may hereafter acquire by virtue of the natu-
15 ralization of such parent or spouse, if the order granting
16 citizenship to such parent or spouse is revoked and set
17 aside under the provisions of—

18 “(A) subsection (a) on the ground that the
19 order and certificate of naturalization were procured
20 by concealment of a material fact or by willful mis-
21 representation; or

22 “(B) subsection (e) pursuant to a conviction
23 under section 1425 of title 18, United States
24 Code.”.

1 (2) by striking “Any person” and inserting the
2 following:

3 “(2) Any person”.

4 **SEC. 1622. TERRORIST BAR TO GOOD MORAL CHARACTER.**

5 (a) DEFINITION OF GOOD MORAL CHARACTER.—

6 Section 101(f) of the Immigration and Nationality Act (8
7 U.S.C. 1101(f)), as amended by sections 1510(e) and
8 1512, is further amended—

9 (1) in paragraph (8), by inserting “, regardless
10 of whether the crime was classified as an aggravated
11 felony at the time of conviction” before the semi-
12 colon at the end;

13 (2) by inserting after paragraph (10), as added
14 by section 1510(e)(3), the following:

15 “(11) one who the Secretary or the Attorney
16 General determines, in the unreviewable discretion of
17 the Secretary or the Attorney General, to have been
18 an alien described in section 212(a)(3) or 237(a)(4),
19 which determination—

20 “(A) may be based upon any relevant in-
21 formation or evidence, including classified, sen-
22 sitive, or national security information; and

23 “(B) shall be binding upon any court re-
24 gardless of the applicable standard of review.”;

25 and

1 (3) in the undesignated matter at the end, by
2 striking the first sentence and inserting following:

3 “The fact that a person is not within any of the foregoing
4 classes shall not preclude a discretionary finding for other
5 reasons that such a person is or was not of good moral
6 character. The Secretary or the Attorney General shall not
7 be limited to the applicant’s conduct during the period for
8 which good moral character is required, but may take into
9 consideration as a basis for determination the applicant’s
10 conduct and acts at any time. The Secretary or the Attor-
11 ney General, in the unreviewable discretion of the Sec-
12 retary or the Attorney General, may determine that para-
13 graph (8) shall not apply to a single aggravated felony
14 conviction (other than murder, manslaughter, homicide,
15 rape, or any sex offense when the victim of such sex of-
16 fense was a minor) for which completion of the term of
17 imprisonment or the sentence (whichever is later) occurred
18 15 years or longer before the date on which the person
19 filed an application under this Act.”.

20 (b) AGGRAVATED FELONS.—Section 509(b) of the
21 Immigration Act of 1990 (Public Law 101–649; 8 U.S.C.
22 1101 note) is amended by striking “convictions” and all
23 that follows and inserting “convictions occurring before,
24 on, or after such date.”.

25 (c) EFFECTIVE DATES; APPLICATION.—

1 (1) SUBSECTIONS (a).—The amendments made
2 by subsection (a) shall take effect on the date of the
3 enactment of this Act, shall apply to any act that oc-
4 curred before, on, or after such date of enactment,
5 and shall apply to any application for naturalization
6 or any other benefit or relief, or any other case or
7 matter under the immigration laws pending on or
8 filed after such date of enactment.

9 (2) SUBSECTION (b).—The amendment made
10 by subsection (b) shall take effect as if included in
11 the enactment of the Intelligence Reform and Ter-
12 rorism Prevention Act of 2004 (Public Law 108–
13 458).

14 **SEC. 1623. PROHIBITION ON JUDICIAL REVIEW OF NATU-**
15 **RALIZATION APPLICATIONS FOR ALIENS IN**
16 **REMOVAL PROCEEDINGS.**

17 Section 318 of the Immigration and Nationality Act
18 (8 U.S.C. 1429) is amended to read as follows:

19 **“SEC. 318. PREREQUISITE TO NATURALIZATION; BURDEN**
20 **OF PROOF.**

21 “(a) IN GENERAL.—Except as otherwise provided in
22 this chapter, no person may be naturalized unless he or
23 she has been lawfully admitted to the United States for
24 permanent residence in accordance with all applicable pro-
25 visions of this chapter.

1 “(b) BURDEN OF PROOF.—Such person shall have
2 the burden of proof to show that he or she entered the
3 United States lawfully, and the time, place, and manner
4 of such entry into the United States, but in presenting
5 such proof the person shall be entitled to the production
6 of his or her immigrant visa, if any, or of other entry docu-
7 ment, if any, and of any other documents and records,
8 not considered by the Secretary to be confidential, per-
9 taining to such entry, in the custody of the Department
10 of Homeland Security.

11 “(c) LIMITATIONS ON REVIEW.—Notwithstanding
12 section 405(b), and except as provided in sections 328 and
13 329—

14 “(1) no person may be naturalized against
15 whom there is outstanding a final finding of re-
16 moval, exclusion, or deportation;

17 “(2) no application for naturalization may be
18 considered by the Secretary or by any court if there
19 is pending against the applicant any removal pro-
20 ceeding or other proceeding to determine whether
21 the applicant’s lawful permanent resident status
22 should be rescinded, regardless of when such pro-
23 ceeding was commenced; and

24 “(3) the findings of the Attorney General in
25 terminating removal proceedings or in cancelling the

1 removal of an alien pursuant to this Act may not be
2 deemed binding in any way upon the Secretary with
3 respect to the question of whether such person has
4 established his or her eligibility for naturalization
5 under this Act.”.

6 **SEC. 1624. LIMITATION ON JUDICIAL REVIEW WHEN AGEN-**
7 **CY HAS NOT MADE DECISION ON NATU-**
8 **RALIZATION APPLICATION AND ON DENIALS.**

9 (a) **LIMITATION ON REVIEW OF PENDING NATU-**
10 **RALIZATION APPLICATIONS.**—Section 336(b) of the Immi-
11 gration and Nationality Act (8 U.S.C. 1447(b)) is amend-
12 ed to read as follows:

13 “(b) **REQUEST FOR HEARING BEFORE DISTRICT**
14 **COURT.**—If no final administrative determination is made
15 on an application for naturalization under section 335 be-
16 fore the end of the 180-day period beginning on the date
17 on which the Secretary completes all examinations and
18 interviews under such section (as such terms are defined
19 by the Secretary, by regulation), the applicant may apply
20 to the district court for the district in which the applicant
21 resides for a hearing on the matter. Such court shall only
22 have jurisdiction to review the basis for delay and remand
23 the matter to the Secretary for the Secretary’s determina-
24 tion on the application.”.

1 (b) LIMITATIONS ON REVIEW OF DENIAL.—Section
2 310(c) of the Immigration and Nationality Act (8 U.S.C.
3 1421(c)) is amended to read as follows:

4 “(c) JUDICIAL REVIEW.—

5 “(1) JUDICIAL REVIEW OF DENIAL.—A person
6 whose application for naturalization under this title
7 is denied may, not later than 120 days after the
8 date of the Secretary’s administratively final deter-
9 mination on the application and after a hearing be-
10 fore an immigration officer under section 336(a),
11 seek review of such denial before the United States
12 district court for the district in which such person
13 resides in accordance with chapter 7 of title 5,
14 United States Code.

15 “(2) BURDEN OF PROOF.—The petitioner shall
16 have burden of proof to show that the Secretary’s
17 denial of the application for naturalization was not
18 supported by facially legitimate and bona fide rea-
19 sons.

20 “(3) LIMITATIONS ON REVIEW.—Except in a
21 proceeding under section 340, and notwithstanding
22 any other provision of law, including section 2241 of
23 title 28, United States Code, any other habeas cor-
24 pus provision, and sections 1361 and 1651 of such
25 title, no court shall have jurisdiction to determine, or

1 to review a determination of the Secretary made at
2 any time regarding, whether, for purposes of an ap-
3 plication for naturalization, an alien—

4 “(A) is a person of good moral character;

5 “(B) understands and is attached to the
6 principles of the Constitution of the United
7 States; or

8 “(C) is well disposed to the good order and
9 happiness of the United States.”.

10 (c) EFFECTIVE DATE; APPLICATION.—The amend-
11 ments made by this section—

12 (1) shall take effect on the date of the enact-
13 ment of this Act;

14 (2) shall apply to any act that occurred before,
15 on, or after such date of enactment; and

16 (3) shall apply to any application for natu-
17 ralization or any other case or matter under the im-
18 migration laws that is pending on, or filed after,
19 such date of enactment.

20 **SEC. 1625. CLARIFICATION OF DENATURALIZATION AU-**
21 **THORITY.**

22 Section 340 of the Immigration and Nationality Act
23 (8 U.S.C. 1451) is amended—

1 (1) in subsection (a), by striking “United
2 States attorneys for the respective districts” and in-
3 serting “Attorney General”; and

4 (2) by amending subsection (c) to read as fol-
5 lows:

6 “(c) The Government shall have the burden of proof
7 to establish, by clear, unequivocal, and convincing evi-
8 dence, that an order granting citizenship to an alien
9 should be revoked and a certificate of naturalization can-
10 celled because such order and certificate were illegally pro-
11 cured or were procured by concealment of a material fact
12 or by willful misrepresentation.”.

13 **SEC. 1626. DENATURALIZATION OF TERRORISTS.**

14 (a) DENATURALIZATION FOR TERRORISTS ACTIVI-
15 TIES.—Section 340 of the Immigration and Nationality
16 Act, as amended by section 1625, is further amended—

17 (1) by redesignating subsections (d) through (h)
18 as subsections (f) through (j), respectively; and

19 (2) by inserting after subsection (c) the fol-
20 lowing:

21 “(d)(1) If a person who has been naturalized, during
22 the 15-year period after such naturalization, participates
23 in any act described in paragraph (2)—

24 “(A) such act shall be considered prima facie
25 evidence that such person was not attached to the

1 principles of the Constitution of the United States
2 and was not well disposed to the good order and
3 happiness of the United States at the time of natu-
4 ralization; and

5 “(B) in the absence of countervailing evidence,
6 such act shall be sufficient in the proper proceeding
7 to authorize the revocation and setting aside of the
8 order admitting such person to citizenship and the
9 cancellation of the certificate of naturalization as
10 having been obtained by concealment of a material
11 fact or by willful misrepresentation; and

12 “(C) such revocation and setting aside of the
13 order admitting such person to citizenship and such
14 canceling of certificate of naturalization shall be ef-
15 fective as of the original date of the order and cer-
16 tificate, respectively.

17 “(2) The acts described in this paragraph that shall
18 subject a person to a revocation and setting aside of his
19 or her naturalization under paragraph (1)(B) are—

20 “(A) any activity a purpose of which is the op-
21 position to, or the control or overthrow of, the Gov-
22 ernment of the United States by force, violence, or
23 other unlawful means;

24 “(B) engaging in a terrorist activity (as defined
25 in clauses (iii) and (iv) of section 212(a)(3)(B));

1 “(A) such proceedings have concluded; and

2 “(B) the period for appeal has expired or any
3 appeals have been finally decided, if applicable.”.

4 (b) WITHHOLDING OF IMMIGRATION BENEFITS.—
5 Section 340 of the Immigration and Nationality Act (8
6 U.S.C. 1451), as amended by section 1626, is further
7 amended by inserting after subsection (d), as added by
8 section 1626(a)(2), the following:

9 “(e) The Secretary may not approve any application,
10 petition, or request for any immigration benefit from an
11 individual against whom there is a judicial proceeding
12 pending that would result in the individual’s
13 denaturalization under this section until—

14 “(1) such proceedings have concluded; and

15 “(2) the period for appeal has expired or any
16 appeals have been finally decided, if applicable.”.

17 **SEC. 1628. NATURALIZATION DOCUMENT RETENTION.**

18 (a) IN GENERAL.—Chapter 2 of title III of the Immi-
19 gration and Nationality Act (8 U.S.C. 1421 et seq.) is
20 amended by inserting after section 344 the following:

21 **“SEC. 345. NATURALIZATION DOCUMENT RETENTION.**

22 “(a) IN GENERAL.—The Secretary shall retain all
23 documents described in subsection (b) for a minimum of
24 7 years for law enforcement and national security inves-
25 tigations and for litigation purposes, regardless of whether

1 such documents are scanned into U.S. Citizenship and Im-
2 migration Services' electronic immigration system or
3 stored in any electronic format.

4 “(b) DOCUMENTS TO BE RETAINED.—The docu-
5 ments described in this subsection are—

6 “(1) the original paper naturalization applica-
7 tion and all supporting paper documents submitted
8 with the application at the time of filing, subsequent
9 to filing, and during the course of the naturalization
10 interview; and

11 “(2) any paper documents submitted in connec-
12 tion with an application for naturalization that is
13 filed electronically.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in the first section of the Immigration and Nationality Act
16 is amended by inserting after the item relating to section
17 344 the following:

“Sec. 345. Naturalization document retention.”.

18 **CHAPTER 3—FORFEITURE OF PROCEEDS**
19 **FROM PASSPORT AND VISA OFFENSES,**
20 **AND PASSPORT REVOCATION.**

21 **SEC. 1631. FORFEITURE OF PROCEEDS FROM PASSPORT**
22 **AND VISA OFFENSES.**

23 Section 981(a)(1) of title 18, United States Code, is
24 amended by adding at the end the following:

1 “(B)(i) whom the Secretary has deter-
2 mined is a member of or is otherwise affiliated
3 with an organization the Secretary has des-
4 ignated as a foreign terrorist organization pur-
5 suant to section 219 of the Immigration and
6 Nationality Act (8 U.S.C. 1189); or

7 “(ii) has aided, abetted, or provided mate-
8 rial support to such an organization.

9 “(2) REVOCATION.—The Secretary of State
10 shall revoke a passport previously issued to any indi-
11 vidual described in paragraph (1).

12 “(b) EXCEPTIONS.—

13 “(1) EMERGENCY CIRCUMSTANCES, HUMANI-
14 TARIAN REASONS, AND LAW ENFORCEMENT PUR-
15 POSES.—Notwithstanding subsection (a), the Sec-
16 retary of State may issue, or decline to revoke, a
17 passport of an individual described in such sub-
18 section in emergency circumstances, for humani-
19 tarian reasons, or for law enforcement purposes.

20 “(2) LIMITATION FOR RETURN TO UNITED
21 STATES.—Notwithstanding subsection (a)(2), the
22 Secretary of State, before revocation, may—

23 “(A) limit a previously issued passport for
24 use only for return travel to the United States;
25 or

1 “(B) issue a limited passport that only
2 permits return travel to the United States.

3 “(c) RIGHT OF REVIEW.—Any individual who, in ac-
4 cordance with this section, is denied issuance of a passport
5 by the Secretary of State, or whose passport is revoked
6 or otherwise limited by the Secretary of State, may re-
7 quest a hearing before the Secretary of State not later
8 than 60 days after receiving notice of such denial, revoca-
9 tion, or limitation.

10 “(d) REPORT.—If the Secretary of State denies,
11 issues, limits, or declines to revoke a passport or passport
12 card under subsection (b), the Secretary, not later than
13 30 days after such denial, issuance, limitation, or revoca-
14 tion, shall submit a report to Congress that describes such
15 denial, issuance, limitation, or revocation, as the case may
16 be.”.

17 **TITLE II—ASYLUM REFORM AND**
18 **BORDER PROTECTION ACT**
19 **OF 2017**

20 **SEC. 2001. SHORT TITLE.**

21 This title may be cited as the “Asylum Reform and
22 Border Protection Act of 2017”.

1 **SEC. 2002. CLARIFICATION OF INTENT REGARDING TAX-**
2 **PAYER-PROVIDED COUNSEL.**

3 Section 292 of the Immigration and Nationality Act
4 (8 U.S.C. 1362) is amended—

5 (1) by striking “(at no expense to the Govern-
6 ment)”; and

7 (2) by adding at the end the following: “Not-
8 withstanding any other provision of law, the Govern-
9 ment may not bear any expense for counsel for any
10 person in removal proceedings or in any appeal pro-
11 ceedings before the Attorney General from any such
12 removal proceedings.”.

13 **SEC. 2003. UNACCOMPANIED ALIEN CHILD DEFINED.**

14 (a) **IN GENERAL.**—Section 462(g)(2) of the Home-
15 land Security Act of 2002 (6 U.S.C. 279(g)(2)) is amend-
16 ed to read as follows:

17 “(2) the term ‘unaccompanied alien child’—

18 “(A) means an alien who—

19 “(i) has no lawful immigration status
20 in the United States;

21 “(ii) has not attained 18 years of age;

22 and

23 “(iii) with respect to whom—

24 “(I) there is no parent or legal
25 guardian in the United States;

1 “(II) no parent or legal guardian
2 in the United States is available to
3 provide care and physical custody; or

4 “(III) no sibling older than 18
5 years of age and no aunt, uncle,
6 grandparent, or cousin older than 18
7 years of age is available to provide
8 care and physical custody; and

9 “(B) does not include an alien if, at any
10 time, the alien’s parent, legal guardian, sibling
11 older than 18 years of age, or aunt, uncle,
12 grandparent, or cousin older than 18 years of
13 age is found in the United States and is avail-
14 able to provide care and physical custody.”.

15 (b) REVOCATION OF DESIGNATION.—The Secretary
16 of Homeland Security and the Secretary of Health and
17 Human Services shall revoke any designation of an alien
18 as an unaccompanied alien child under section 462(g)(2)
19 of the Homeland Security Act of 2002, as amended by
20 subsection (a), upon the discovery of a relative of such
21 alien described in subparagraph (B) of such section.

1 **SEC. 2004. MODIFICATIONS TO PREFERENTIAL AVAIL-**
2 **ABILITY FOR ASYLUM FOR UNACCOMPANIED**
3 **ALIEN MINORS.**

4 Section 208 of the Immigration and Nationality Act
5 (8 U.S.C. 1158) is amended—

6 (1) in subsection (a)(2), by striking subpara-
7 graph (E); and

8 (2) in subsection (b)(3), by striking subpara-
9 graph (C).

10 **SEC. 2005. INFORMATION SHARING BETWEEN THE DEPART-**
11 **MENT OF HEALTH AND HUMAN SERVICES**
12 **AND THE DEPARTMENT OF HOMELAND SECU-**
13 **RITY.**

14 Section 235(b) of the William Wilberforce Trafficking
15 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
16 1232(b)) is amended by adding at the end the following:

17 “(5) INFORMATION SHARING.—The Secretary
18 of Health and Human Services shall share with the
19 Secretary of Homeland Security any information re-
20 quested on a child who has been determined to be
21 an unaccompanied alien child and who is or has
22 been in the custody of the Secretary of Health and
23 Human Services, including the location of the child
24 and any person to whom custody of the child has
25 been transferred, for any legitimate law enforcement

1 objective, including enforcement of the immigration
2 laws.”.

3 **SEC. 2006. REPORTS.**

4 (a) IN GENERAL.—Not later than 6 months after the
5 date of the enactment of this Act, and annually thereafter,
6 the Secretary of State and the Secretary of Health and
7 Human Services, with assistance from the Secretary of
8 Homeland Security, shall submit a report to the Com-
9 mittee on the Judiciary of the Senate and the Committee
10 on the Judiciary of the House of Representatives that de-
11 scribes efforts to improve repatriation programs for unac-
12 companied alien children (as defined in section 462(g)(2)
13 of the Homeland Security Act of 2002 (6 U.S.C.
14 279(g)(2)), including—

15 (1) the average time such a child is detained
16 after apprehension until removal;

17 (2) the number of such children detained im-
18 properly beyond the required periods described in
19 paragraphs (2) and (3) of section 235(b) of the Wil-
20 liam Wilberforce Trafficking Victims Protection Re-
21 authorization Act of 2008 (8 U.S.C. 1232(b)); and

22 (3) a statement of the funds used to effectuate
23 the repatriation of such children, including any
24 funds that were reallocated from foreign assistance
25 accounts as of the date of the enactment of this Act.

1 (b) EFFECTIVE DATE.—This section shall take effect
2 on the date of the enactment of this Act and shall apply
3 with respect to any unaccompanied alien child (as defined
4 in section 462(g)(2) of the Homeland Security Act of 2002
5 (6 U.S.C. 279(g)(2)) apprehended on or after such date.

6 **SEC. 2007. TERMINATION OF ASYLUM STATUS PURSUANT**
7 **TO RETURN TO HOME COUNTRY.**

8 (a) TERMINATION OF STATUS.—Except as provided
9 in subsections (b) and (c), any alien who is granted asylum
10 or refugee status under the Immigration and Nationality
11 Act (8 U.S.C. 1101 et seq.) shall have his or her asylum
12 status terminated if the alien—

13 (1) applied for such status because of persecu-
14 tion or a well-founded fear of persecution in that
15 country on account of race, religion, nationality,
16 membership in a particular social group, or political
17 opinion; and

18 (2) without a compelling reason, as determined
19 by the Secretary of Homeland Security—

20 (A) subsequently returns to the country of
21 such alien's nationality; or

22 (B) in the case of an alien having no na-
23 tionality, subsequently returns to any country
24 in which such alien last habitually resided.

1 (b) WAIVER.—The Secretary may waive the applica-
2 tion of subsection (a) if the Secretary determines that the
3 alien had a compelling reason for a return described in
4 subsection (a). The waiver may be sought before the
5 alien’s departure from the United States or upon the
6 alien’s return to the United States.

7 (c) EXCEPTION FOR CERTAIN ALIENS FROM
8 CUBA.—Subsection (a) shall not apply to an alien who is
9 eligible for adjustment to the status of an alien lawfully
10 admitted for permanent residence pursuant to the Cuban
11 Adjustment Act of 1966 (Public Law 89–732).

12 **SEC. 2008. ASYLUM CASES FOR HOME SCHOOLERS.**

13 (a) IN GENERAL.—Section 101(a)(42) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1101(a)(42)) is
15 amended by adding at the end the following: “For pur-
16 poses of determinations under this Act, a person who has
17 been persecuted for failure or refusal to comply with any
18 law or regulation that prevents the exercise of the indi-
19 vidual right of that person to direct the upbringing and
20 education of a child of that person (including any law or
21 regulation preventing homeschooling), or for other resist-
22 ance to such a law or regulation, shall be deemed to have
23 been persecuted on account of membership in a particular
24 social group, and a person who has a well founded fear
25 that he or she will be subject to persecution for such fail-

1 ure, refusal, or resistance shall be deemed to have a well
2 founded fear of persecution on account of membership in
3 a particular social group.”.

4 (b) NUMERICAL LIMITATION.—Section 207(a) of the
5 Immigration and Nationality Act (8 U.S.C. 1157(a)) is
6 amended by adding at the end the following:

7 “(5) For any fiscal year, not more than 500 aliens
8 may be admitted under this section, or granted asylum
9 under section 208, pursuant to a determination under sec-
10 tion 101(a)(42) that the alien is described in the last sen-
11 tence of section 101(a)(42), as added by section 2008 of
12 the Asylum Reform and Border Protection Act of 2017.”.

13 (c) EFFECTIVE DATES.—

14 (1) IN GENERAL.—The amendment made by
15 subsection (a) shall take effect on the date of the en-
16 actment of this Act and shall apply to failure or re-
17 fusals to comply with a law or regulation, or other re-
18 sistance to a law or regulation, occurring before, on,
19 or after such date.

20 (2) NUMERICAL LIMITATION.—The amendment
21 made by subsection (b) shall take effect beginning
22 on the first day of the first fiscal year beginning
23 after the date of the enactment of this Act.

1 **SEC. 2009. NOTICE CONCERNING FRIVOLOUS ASYLUM AP-**
2 **PLICATIONS:.**

3 (a) IN GENERAL.—Section 208(d)(4) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1158(d)(4)) is
5 amended—

6 (1) in the matter preceding subparagraph (A),
7 by inserting “the Secretary of Homeland Security
8 or” before “the Attorney General”;

9 (2) in subparagraph (A), by striking “and of
10 the consequences, under paragraph (6), of knowingly
11 filing a frivolous application for asylum”;

12 (3) in subparagraph (B), by striking the period
13 and inserting “; and”; and

14 (4) by adding at the end the following:

15 “(C) ensure that a written warning ap-
16 pears on the asylum application advising the
17 alien of the consequences of filing a frivolous
18 application and serving as notice to the alien of
19 the consequences of filing a frivolous applica-
20 tion.”.

21 (b) CONFORMING AMENDMENT.—Section 208(d)(6)
22 of the Immigration and Nationality Act (8 U.S.C.
23 1158(d)(6)) is amended by striking “paragraph (4)(A)”
24 and inserting “paragraph (4)(C)”.

1 **SEC. 2010. TERMINATION OF ASYLUM STATUS.**

2 Section 208(c) of the Immigration and Nationality
3 Act (8 U.S.C. 1158(c)) is amended by adding at the end
4 the following:

5 “(4) If an alien’s asylum status is subject to
6 termination under paragraph (2), the immigration
7 judge shall—

8 “(A) determine whether the conditions
9 specified under paragraph (2) have been met;
10 and

11 “(B) if such conditions have been met, ter-
12minate the alien’s asylum status before consid-
13ering whether the alien is eligible for adjust-
14ment of status under section 209.”.

15 **SEC. 2011. TIME LIMITS FOR APPLYING FOR ASYLUM.**

16 Section 208(a)(2) of the Immigration and Nationality
17 Act (8 U.S.C. 1158(a)(2)) is amended—

18 (1) by amending subparagraph (B) to read as
19 follows:

20 “(B) TIME LIMIT.—Subject to subpara-
21graph (D), paragraph (1) shall not apply to an
22alien unless the alien demonstrates, by clear
23and convincing evidence, that the alien filed an
24application for asylum not later than 6 months
25after the date of the alien’s arrival in the
26United States.”;

1 (2) by amending subparagraph (D) to read as
2 follows:

3 “(D) EXCEPTION.—

4 “(i) IN GENERAL.—The Secretary of
5 Homeland Security, in the Secretary’s dis-
6 cretion, may permit an alien to apply for
7 asylum outside of the time limit prescribed
8 under subparagraph (B) if the Secretary
9 determines that there has been such an ex-
10 traordinary and material change in cir-
11 cumstances that the alien’s life or freedom
12 would be threatened, because of the alien’s
13 race, religion, nationality, or membership
14 in a particular social group, or political
15 opinion, if the alien were returned to his or
16 her country of origin, nationality, or citi-
17 zenship.

18 “(ii) JUDICIAL REVIEW.—Notwith-
19 standing any other provision of law (statu-
20 tory or nonstatutory), including section
21 2241 of title 28, United States Code, or
22 any other habeas corpus provisions, and
23 sections 1361 and 1651 of such title, no
24 court shall have jurisdiction to review a de-

1 cision by the Secretary under clause (i).”;

2 and

3 (3) by striking subparagraph (E).

4 **SEC. 2012. LIMITS ON CONTINUANCES IN REMOVAL PRO-**

5 **CEEDINGS. Section 240(c) of the Immigration**

6 **and Nationality Act (8 U.S.C. 1229a(c)) is amend-**

7 **ed by adding at the end the following:**

8 “(8) MOTION FOR CONTINUANCE.—

9 “(A) IN GENERAL.—An immigration judge
10 may grant a motion for continuance in a case
11 if the immigration judge determines that there
12 are emergent or extraordinary circumstances
13 justifying such a continuance.

14 “(B) LIMITATIONS.—Not more than 2 con-
15 tinuances may be granted in a specific alien’s
16 case. Each continuance shall be limited to a pe-
17 riod of not longer than 180 days.”.

18 **TITLE III—E—VERIFY**

19 **SEC. 3001. PERMANENT REAUTHORIZATION.**

20 Section 401(b) of the Illegal Immigration Reform and
21 Immigrant Responsibility Act of 1996 (division C of Pub-
22 lic Law 104–208; 8 U.S.C. 1324a note) is amended by
23 striking “Unless the Congress otherwise provides, the Sec-
24 retary of Homeland Security shall terminate a pilot pro-
25 gram on September 30, 2015.”.

1 **SEC. 3002. PREEMPTION; LIABILITY.**

2 Section 402 of the Illegal Immigration Reform and
3 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
4 note) is amended by adding at the end the following:

5 “(g) **LIMITATION ON STATE AUTHORITY.**—

6 “(1) **PREEMPTION.**—A State or local govern-
7 ment may not prohibit a person or other entity from
8 verifying the employment authorization of new hires
9 or current employees through E-Verify.

10 “(2) **LIABILITY.**—A person or other entity that
11 participates in E-Verify may not be held liable under
12 any Federal, State, or local law for any employment-
13 related action taken with respect to the wrongful
14 termination of an individual in good faith reliance on
15 information provided through E-Verify.”.

16 **SEC. 3003. INFORMATION SHARING.**

17 The Commissioner of Social Security, the Secretary
18 of Homeland Security, and the Secretary of the Treasury
19 shall jointly establish a program to share information
20 among their respective agencies that could lead to the
21 identification of unauthorized aliens (as defined in section
22 274A(h)(3) of the Immigration and Nationality Act (8
23 U.S.C. 1324a(h)(3)), including no-match letters and any
24 information in the earnings suspense file.

1 **SEC. 3004. SMALL BUSINESS DEMONSTRATION PROGRAM.**

2 Section 403 of the Illegal Immigration Reform and
3 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
4 note) is amended—

5 (1) by redesignating subsection (d) as sub-
6 section (e); and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(d) SMALL BUSINESS DEMONSTRATION PRO-
10 GRAM.—Not later than 9 months after the date of the en-
11 actment of the SECURE Act of 2017, the Director of U.S.
12 Citizenship and Immigration Services shall establish a
13 demonstration program that assists small businesses in
14 rural areas or areas without internet capabilities to verify
15 the employment eligibility of newly hired employees solely
16 through the use of publicly accessible internet terminals.”.

17 **SEC. 3005. FRAUD PREVENTION.**

18 (a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT
19 NUMBERS.—The Secretary of Homeland Security, in con-
20 sultation with the Commissioner of Social Security, shall
21 establish a program in which Social Security account num-
22 bers that have been identified to be subject to unusual
23 multiple use in the employment eligibility verification sys-
24 tem established under section 274A(d) of the Immigration
25 and Nationality Act (8 U.S.C. 1324a(d)), or that are oth-
26 erwise suspected or determined to have been compromised

1 by identity fraud or other misuse, shall be blocked from
2 use for such system purposes unless the individual using
3 such number is able to establish, through secure and fair
4 additional security procedures, that the individual is the
5 legitimate holder of the number.

6 (b) ALLOWING SUSPENSION OF USE OF CERTAIN SO-
7 CIAL SECURITY ACCOUNT NUMBERS.—The Secretary of
8 Homeland Security, in consultation with the Commis-
9 sioner of Social Security, shall establish a program that
10 provides a reliable, secure method by which victims of
11 identity fraud and other individuals may suspend or limit
12 the use of their Social Security account number or other
13 identifying information for purposes of the employment
14 eligibility verification system established under section
15 274A(d) of the Immigration and Nationality Act (8 U.S.C.
16 1324a(d)). The Secretary may implement the program on
17 a limited pilot program basis before making it fully avail-
18 able to all individuals.

19 (c) ALLOWING PARENTS TO PREVENT THEFT OF
20 THEIR CHILD'S IDENTITY.—The Secretary of Homeland
21 Security, in consultation with the Commissioner of Social
22 Security, shall establish a program that provides a reli-
23 able, secure method by which parents or legal guardians
24 may suspend or limit the use of the Social Security ac-
25 count number or other identifying information of a minor

1 under their care for the purposes of the employment eligi-
2 bility verification system established under 274A(d) of the
3 Immigration and Nationality Act (8 U.S.C. 1324a(d)).
4 The Secretary may implement the program on a limited
5 pilot program basis before making it fully available to all
6 individuals.

7 **SEC. 3006. IDENTITY AUTHENTICATION EMPLOYMENT ELI-**
8 **GIBILITY VERIFICATION PILOT PROGRAMS.**

9 (a) IN GENERAL.—Not later than 2 years after the
10 date of the enactment of this Act, the Secretary of Home-
11 land Security, after consultation with the Commissioner
12 of Social Security and the Director of the National Insti-
13 tute of Standards and Technology, shall establish, by reg-
14 ulation, not fewer than 2 Identity Authentication Employ-
15 ment Eligibility Verification pilot programs (referred to in
16 this section as the “Authentication Pilots”), each of which
17 shall use a separate and distinct technology.

18 (b) PURPOSE.—The purpose of the Authentication
19 Pilots shall be to provide for identity authentication and
20 employment eligibility verification with respect to enrolled
21 new employees to any employer that elects to participate
22 in an Authentication Pilot.

23 (c) CANCELLATION.—Any participating employer
24 may cancel the employer’s participation in an Authentica-

1 tion Pilot after 1 year after electing to participate without
2 prejudice to future participation.

3 (d) REPORT.—Not later than 12 months after com-
4 mencement of the Authentication Pilots, the Secretary
5 shall submit a report to the Committee on the Judiciary
6 of the Senate and the Committee on the Judiciary of the
7 House of Representatives that includes the Secretary’s
8 findings on the Authentication Pilots and the authentica-
9 tion technologies chosen.

10 **TITLE IV—BRIDGE ACT**

11 **SEC. 4001. SHORT TITLE.**

12 This title may be cited as the “Bar Removal of Indi-
13 viduals who Dream and Grow our Economy Act” or the
14 “BRIDGE Act”.

15 **SEC. 4002. PROVISIONAL PROTECTED PRESENCE FOR** 16 **YOUNG INDIVIDUALS.**

17 (a) IN GENERAL.—Chapter 4 of title II of the Immi-
18 gration and Nationality Act (8 U.S.C. 1221 et seq.) is
19 amended by adding at the end the following:

20 **“SEC. 244A. PROVISIONAL PROTECTED PRESENCE.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) DACA RECIPIENT.—The term ‘DACA re-
23 cipient’ means an alien who is in deferred action sta-
24 tus on the date of the enactment of this section pur-

1 suant to the Deferred Action for Childhood Arrivals
2 (‘DACA’) Program announced on June 15, 2012.

3 “(2) FELONY.—The term ‘felony’ means a Fed-
4 eral, State, or local criminal offense (excluding a
5 State or local offense for which an essential element
6 was the alien’s immigration status) punishable by
7 imprisonment for a term exceeding 1 year.

8 “(3) MISDEMEANOR.—The term ‘misdemeanor’
9 means a Federal, State, or local criminal offense
10 (excluding a State or local offense for which an es-
11 sential element was the alien’s immigration status, a
12 significant misdemeanor, and a minor traffic of-
13 fense) for which—

14 “(A) the maximum term of imprisonment
15 is greater than 5 days and not greater than 1
16 year; and

17 “(B) the individual was sentenced to time
18 in custody of 90 days or less.

19 “(4) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of Homeland Security.

21 “(5) SIGNIFICANT MISDEMEANOR.—The term
22 ‘significant misdemeanor’ means a Federal, State, or
23 local criminal offense (excluding a State or local of-
24 fense for which an essential element was the alien’s
25 immigration status), for which the maximum term of

1 imprisonment is greater than 5 days and not greater
2 than 1 year, that—

3 “(A) regardless of the sentence imposed, is
4 a crime of domestic violence (as defined in sec-
5 tion 237(a)(2)(E)(i)) or an offense of sexual
6 abuse or exploitation, burglary, unlawful posses-
7 sion or use of a firearm, drug distribution or
8 trafficking, or driving under the influence if the
9 State law requires, as an element of the offense,
10 the operation of a motor vehicle and a finding
11 of impairment or a blood alcohol content of .08
12 or higher; or

13 “(B) resulted in a sentence of time in cus-
14 tody of more than 90 days, excluding an offense
15 for which the sentence was suspended.

16 “(6) THREAT TO NATIONAL SECURITY.—An
17 alien is a ‘threat to national security’ if the alien
18 is—

19 “(A) inadmissible under section 212(a)(3);
20 or

21 “(B) deportable under section 237(a)(4).

22 “(7) THREAT TO PUBLIC SAFETY.—An alien is
23 a ‘threat to public safety’ if the alien—

24 “(A) has been convicted of an offense for
25 which an element was participation in a crimi-

1 nal street gang (as defined in section 521(a) of
2 title 18, United States Code); or

3 “(B) has engaged in a continuing criminal
4 enterprise (as defined in section 408(c) of the
5 Comprehensive Drug Abuse Prevention and
6 Control Act of 1970 (21 U.S.C. 848(c))).

7 “(b) AUTHORIZATION.—The Secretary—

8 “(1) shall grant provisional protected presence
9 to any alien who files an application demonstrating
10 that he or she meets the eligibility criteria under
11 subsection (c) and pays the appropriate application
12 fee;

13 “(2) may not remove an alien described in
14 paragraph (1) from the United States during the pe-
15 riod in which such provisional protected presence is
16 in effect unless such status is rescinded pursuant to
17 subsection (g); and

18 “(3) shall provide an alien granted provisional
19 protected presence with employment authorization.

20 “(c) ELIGIBILITY CRITERIA.—An alien is eligible for
21 provisional protected presence under subsection (b)(1) and
22 employment authorization under subsection (b)(3) if the
23 alien—

24 “(1) was born after June 15, 1981;

1 “(2) entered the United States before reaching
2 16 years of age;

3 “(3) continuously resided in the United States
4 between June 15, 2007, and the date on which the
5 alien files an application under this section;

6 “(4) was physically present in the United
7 States on June 15, 2012, and on the date on which
8 the alien files an application under this section;

9 “(5) was unlawfully present in the United
10 States on June 15, 2012;

11 “(6) on the date on which the alien files an ap-
12 plication for provisional protected presence—

13 “(A) is enrolled in school or in an edu-
14 cation program assisting students in obtaining
15 a regular high school diploma or its recognized
16 equivalent under State law, or in passing a gen-
17 eral educational development exam or other
18 State-authorized exam;

19 “(B) has graduated or obtained a certifi-
20 cate of completion from high school;

21 “(C) has obtained a general educational
22 development certificate; or

23 “(D) is an honorably discharged veteran of
24 the Coast Guard or Armed Forces of the
25 United States;

1 “(7) has not been convicted of—

2 “(A) a felony;

3 “(B) a significant misdemeanor; or

4 “(C) 3 or more misdemeanors not occur-
5 ring on the same date and not arising out of
6 the same act, omission, or scheme of mis-
7 conduct; and

8 “(8) does not otherwise pose a threat to na-
9 tional security or a threat to public safety.

10 “(d) DURATION OF PROVISIONAL PROTECTED PRES-
11 ENCE AND EMPLOYMENT AUTHORIZATION.—Provisional
12 protected presence and the employment authorization pro-
13 vided under this section shall be effective until the date
14 that is 3 years after the date of the enactment of this
15 section.

16 “(e) STATUS DURING PERIOD OF PROVISIONAL PRO-
17 TECTED PRESENCE.—

18 “(1) IN GENERAL.—An alien granted provi-
19 sional protected presence is not considered to be un-
20 lawfully present in the United States during the pe-
21 riod beginning on the date such status is granted
22 and ending on the date described in subsection (d).

23 “(2) STATUS OUTSIDE PERIOD.—The granting
24 of provisional protected presence under this section

1 does not excuse previous or subsequent periods of
2 unlawful presence.

3 “(f) APPLICATION.—

4 “(1) AGE REQUIREMENT.—

5 “(A) IN GENERAL.—An alien who has
6 never been in removal proceedings, or whose
7 proceedings have been terminated before mak-
8 ing a request for provisional protected presence,
9 shall be at least 15 years of age on the date on
10 which the alien submits an application under
11 this section.

12 “(B) EXCEPTION.—The age requirement
13 set forth in subparagraph (A) shall not apply to
14 an alien who, on the date on which the alien ap-
15 plies for provisional protected presence, is in re-
16 moval proceedings, has a final removal order, or
17 has a voluntary departure order.

18 “(2) APPLICATION FEE.—

19 “(A) IN GENERAL.—The Secretary may re-
20 quire aliens applying for provisional protected
21 presence and employment authorization under
22 this section to pay a reasonable fee that is com-
23 mensurate with the cost of processing the appli-
24 cation.

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
5 age;

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 United States poverty level;
11 and

12 “(III) is in foster care or otherwise
13 lacking any parental or other familial sup-
14 port;

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

17 “(iii)(I) cannot care for himself or
18 herself because of a serious, chronic dis-
19 ability; and

20 “(II) received total income during the
21 12-month period immediately preceding the
22 date on which the alien files an application
23 under this section that is less than 150
24 percent of the United States poverty level;
25 or

1 “(iv)(I) as of the date on which the
2 alien files an application under this sec-
3 tion, has accumulated \$10,000 or more in
4 debt in the past 12 months as a result of
5 unreimbursed medical expenses incurred by
6 the alien or an immediate family member
7 of the alien; and

8 “(II) received total income during the
9 12-month period immediately preceding the
10 date on which the alien files an application
11 under this section that is less than 150
12 percent of the United States poverty level.

13 “(3) REMOVAL STAYED WHILE APPLICATION
14 PENDING.—The Secretary may not remove an alien
15 from the United States who appears *prima facie* eli-
16 gible for provisional protected presence while the
17 alien’s application for provisional protected presence
18 is pending.

19 “(4) ALIENS NOT IN IMMIGRATION DETEN-
20 TION.—An alien who is not in immigration deten-
21 tion, but who is in removal proceedings, is the sub-
22 ject of a final removal order, or is the subject of a
23 voluntary departure order, may apply for provisional
24 protected presence under this section if the alien ap-

1 appears prima facie eligible for provisional protected
2 presence.

3 “(5) ALIENS IN IMMIGRATION DETENTION.—

4 The Secretary shall provide any alien in immigration
5 detention, including any alien who is in removal pro-
6 ceedings, is the subject of a final removal order, or
7 is the subject of a voluntary departure order, who
8 appears prima facie eligible for provisional protected
9 presence, upon request, with a reasonable oppor-
10 tunity to apply for provisional protected presence
11 under this section.

12 “(6) CONFIDENTIALITY.—

13 “(A) IN GENERAL.—The Secretary shall
14 protect information provided in applications for
15 provisional protected presence under this sec-
16 tion and in requests for consideration of DACA
17 from disclosure to U.S. Immigration and Cus-
18 toms Enforcement and U.S. Customs and Bor-
19 der Protection for the purpose of immigration
20 enforcement proceedings.

21 “(B) REFERRALS PROHIBITED.—The Sec-
22 retary may not refer individuals whose cases
23 have been deferred pursuant to DACA or who
24 have been granted provisional protected pres-

1 ence under this section to U.S. Immigration
2 and Customs Enforcement.

3 “(C) LIMITED EXCEPTION.—The informa-
4 tion submitted in applications for provisional
5 protected presence under this section and in re-
6 quests for consideration of DACA may be
7 shared with national security and law enforce-
8 ment agencies—

9 “(i) for assistance in the consideration
10 of the application for provisional protected
11 presence;

12 “(ii) to identify or prevent fraudulent
13 claims;

14 “(iii) for national security purposes;
15 and

16 “(iv) for the investigation or prosecu-
17 tion of any felony not related to immigra-
18 tion status.

19 “(7) ACCEPTANCE OF APPLICATIONS.—Not
20 later than 60 days after the date of the enactment
21 of this section, the Secretary shall begin accepting
22 applications for provisional protected presence and
23 employment authorization.

24 “(g) RESCISSION OF PROVISIONAL PROTECTED
25 PRESENCE.—The Secretary may not rescind an alien’s

1 provisional protected presence or employment authoriza-
2 tion granted under this section unless the Secretary deter-
3 mines that the alien—

4 “(1) has been convicted of—

5 “(A) a felony;

6 “(B) a significant misdemeanor; or

7 “(C) 3 or more misdemeanors not occur-
8 ring on the same date and not arising out of
9 the same act, omission, or scheme of mis-
10 conduct;

11 “(2) poses a threat to national security or a
12 threat to public safety;

13 “(3) has traveled outside of the United States
14 without authorization from the Secretary; or

15 “(4) has ceased to continuously reside in the
16 United States.

17 “(h) TREATMENT OF BRIEF, CASUAL, AND INNO-
18 CENT DEPARTURES AND CERTAIN OTHER ABSENCES.—

19 For purposes of subsections (c)(3) and (g)(4), an alien
20 shall not be considered to have failed to continuously re-
21 side in the United States due to—

22 “(1) brief, casual, and innocent absences from
23 the United States during the period beginning on
24 June 15, 2007, and ending on August 14, 2012; or

1 “(2) travel outside of the United States on or
2 after August 15, 2012, if such travel was authorized
3 by the Secretary.

4 “(i) TREATMENT OF EXPUNGED CONVICTIONS.—For
5 purposes of subsections (e)(7) and (g)(1), an expunged
6 conviction shall not automatically be treated as a disquali-
7 fying felony, significant misdemeanor, or misdemeanor,
8 but shall be evaluated on a case-by-case basis according
9 to the nature and severity of the offense to determine
10 whether, under the particular circumstances, the alien
11 should be eligible for provisional protected presence under
12 this section.

13 “(j) EFFECT OF DEFERRED ACTION UNDER DE-
14 FERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM.—

15 “(1) PROVISIONAL PROTECTED PRESENCE.—A
16 DACA recipient is deemed to have provisional pro-
17 tected presence under this section through the expi-
18 ration date of the alien’s deferred action status, as
19 specified by the Secretary in conjunction with the
20 approval of the alien’s DACA application.

21 “(2) EMPLOYMENT AUTHORIZATION.—If a
22 DACA recipient has been granted employment au-
23 thorization by the Secretary in addition to deferred
24 action, the employment authorization shall continue
25 through the expiration date of the alien’s deferred

1 action status, as specified by the Secretary in con-
2 junction with the approval of the alien’s DACA ap-
3 plication.

4 “(3) EFFECT OF APPLICATION.—If a DACA re-
5 cipient files an application for provisional protected
6 presence under this section not later than the expi-
7 ration date of the alien’s deferred action status, as
8 specified by the Secretary in conjunction with the
9 approval of the alien’s DACA application, the alien’s
10 provisional protected presence, and any employment
11 authorization, shall remain in effect pending the ad-
12 judication of such application.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 for the Immigration and Nationality Act (8 U.S.C. 1101
15 note) is amended by inserting after the item relating to
16 section 244 the following:

“Sec. 244A. Provisional protected presence.”.

17 **TITLE V—REFORMING AMER-**
18 **ICAN IMMIGRATION FOR A**
19 **STRONG ECONOMY ACT**

20 **SEC. 5001. SHORT TITLE.**

21 This title may be cited as the “Reforming American
22 Immigration for a Strong Economy Act” or the “RAISE
23 Act”.

1 **SEC. 5002. FAMILY-SPONSORED IMMIGRATION PRIORITIES.**

2 (a) REDEFINITION OF IMMEDIATE RELATIVE.—The
3 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)
4 is amended—

5 (1) in section 101(b)(1), in the matter pre-
6 ceding subparagraph (A), by striking “under twenty-
7 one years of age who” and inserting “who is younger
8 than 18 years of age and”; and

9 (2) in section 201 (8 U.S.C. 1151)—

10 (A) in subsection (b)(2)(A)—

11 (i) in clause (i), by striking “children,
12 spouses, and parents of a citizen of the
13 United States, except that, in the case of
14 parents, such citizens shall be at least 21
15 years of age.” and inserting “children and
16 spouse of a citizen of the United States.”;
17 and

18 (ii) in clause (ii), by striking “such an
19 immediate relative” and inserting “the im-
20 mediate relative spouse of a United States
21 citizen”;

22 (B) by amending subsection (c) to read as
23 follows:

24 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED
25 IMMIGRANTS.—(1) The worldwide level of family-spon-
26 sored immigrants under this subsection for a fiscal year

1 is equal to 39 percent of 226,000 minus the number com-
2 puted under paragraph (2).

3 “(2) The number computed under this paragraph for
4 a fiscal year is the number of aliens who were paroled into
5 the United States under section 212(d)(5) in the second
6 preceding fiscal year who—

7 “(A) did not depart from the United States
8 (without advance parole) within 1 year; and

9 “(B)(i) did not acquire the status of an alien
10 lawfully admitted to the United States for perma-
11 nent residence during the 2 preceding fiscal years;
12 or

13 “(ii) acquired such status during such period
14 under a provision of law (other than subsection (b))
15 that exempts adjustment to such status from the nu-
16 merical limitation on the worldwide level of immigra-
17 tion under this section.”; and

18 (C) in subsection (f)—

19 (i) in paragraph (2), by striking “sec-
20 tion 203(a)(2)(A)” and inserting “section
21 203(a)”;

22 (ii) by striking paragraph (3);

23 (iii) by redesignating paragraph (4) as
24 paragraph (3); and

1 (iv) in paragraph (3), as redesignated,
2 by striking “(1) through (3)” and inserting
3 “(1) and (2)”.

4 (b) FAMILY-BASED VISA PREFERENCES.—Section
5 203(a) of the Immigration and Nationality Act (8 U.S.C.
6 1153(a)) is amended to read as follows:

7 “(a) SPOUSES AND MINOR CHILDREN OF PERMA-
8 NENT RESIDENT ALIENS.—Family-sponsored immigrants
9 described in this subsection are qualified immigrants who
10 are the spouse or a child of an alien lawfully admitted
11 for permanent residence.”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) DEFINITION OF V NONIMMIGRANT.—Section
14 101(a)(15)(V) of the Immigration and Nationality
15 Act (8 U.S.C. 1101(a)(15)(V)) is amended by strik-
16 ing “section 203(a)(2)(A)” each place such term ap-
17 pears and inserting “section 203(a)”.

18 (2) NUMERICAL LIMITATION TO ANY SINGLE
19 FOREIGN STATE.—Section 202 of such Act (8
20 U.S.C. 1152) is amended—

21 (A) in subsection (a)(4)—

22 (i) by striking subparagraphs (A) and
23 (B) and inserting the following:

24 “(A) 75 PERCENT OF FAMILY-SPONSORED
25 IMMIGRANTS NOT SUBJECT TO PER COUNTRY

1 LIMITATION.—Of the visa numbers made avail-
2 able under section 203(a) in any fiscal year, 75
3 percent shall be issued without regard to the
4 numerical limitation under paragraph (2).

5 “(B) TREATMENT OF REMAINING 25 PER-
6 CENT FOR COUNTRIES SUBJECT TO SUB-
7 SECTION (e).—

8 “(i) IN GENERAL.—Of the visa num-
9 bers made available under section 203(a)
10 in any fiscal year, 25 percent shall be
11 available, in the case of a foreign state or
12 dependent area that is subject to sub-
13 section (e) only to the extent that the total
14 number of visas issued in accordance with
15 subparagraph (A) to natives of the foreign
16 state or dependent area is less than the
17 subsection (e) ceiling.

18 “(ii) SUBSECTION (e) CEILING DE-
19 FINED.—In clause (i), the term ‘subsection
20 (e) ceiling’ means, for a foreign state or
21 dependent area, 77 percent of the max-
22 imum number of visas that may be made
23 available under section 203(a) to immi-
24 grants who are natives of the state or area,
25 consistent with subsection (e).”; and

- 1 (ii) by striking subparagraphs (C) and
2 (D); and
3 (B) in subsection (e)—
4 (i) in paragraph (1), by adding “and”
5 at the end;
6 (ii) by striking paragraph (2);
7 (iii) by redesignating paragraph (3) as
8 paragraph (2); and
9 (iv) in the undesignated matter after
10 paragraph (2), as redesignated, by striking
11 “, respectively,” and all that follows and
12 inserting a period.

13 (3) RULES FOR DETERMINING WHETHER CER-
14 TAIN ALIENS ARE CHILDREN.—Section 203(h) of
15 such Act (8 U.S.C. 1153(h)) is amended by striking
16 “(a)(2)(A)” each place such term appears and in-
17 serting “(a)(2)”.

18 (4) PROCEDURE FOR GRANTING IMMIGRANT
19 STATUS.—Section 204 of such Act (8 U.S.C. 1154)
20 is amended—

- 21 (A) in subsection (a)(1)—
22 (i) in subparagraph (A)(i), by striking
23 “to classification by reason of a relation-
24 ship described in paragraph (1), (3), or (4)
25 of section 203(a) or”;

1 (ii) in subparagraph (B)—

2 (I) in clause (i), by redesignating
3 the second subclause (I) as subclause
4 (II); and

5 (II) by striking “203(a)(2)(A)”
6 each place such term appears and in-
7 serting “203(a)”; and

8 (iii) in subparagraph (D)(i)(I), by
9 striking “a petitioner” and all that follows
10 through “(a)(1)(B)(iii).” and inserting “an
11 individual younger than 21 years of age for
12 purposes of adjudicating such petition and
13 for purposes of admission as an immediate
14 relative under section 201(b)(2)(A)(i) or a
15 family-sponsored immigrant under section
16 203(a), as appropriate, notwithstanding
17 the actual age of the individual.”;

18 (B) in subsection (f)(1), by striking “,
19 203(a)(1), or 203(a)(3), as appropriate”; and

20 (C) by striking subsection (k).

21 (5) WAIVERS OF INADMISSIBILITY.—Section
22 212 of such Act (8 U.S.C. 1182) is amended—

23 (A) in subsection (a)(6)(E)(ii), by striking
24 “section 203(a)(2)” and inserting “section
25 203(a)”; and

1 (B) in subsection (d)(11), by striking
2 “(other than paragraph (4) thereof)”.

3 (6) EMPLOYMENT OF V NONIMMIGRANTS.—Sec-
4 tion 214(q)(1)(B)(i) of such Act (8 U.S.C.
5 1184(q)(1)(B)(i)) is amended by striking “section
6 203(a)(2)(A)” each place such term appears and in-
7 serting “section 203(a)”.

8 (7) DEFINITION OF ALIEN SPOUSE.—Section
9 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C))
10 is amended by striking “section 203(a)(2)” and in-
11 serting “section 203(a)”.

12 (8) CLASSES OF DEPORTABLE ALIENS.—Sec-
13 tion 237(a)(1)(E)(ii) of such Act (8 U.S.C.
14 1227(a)(1)(E)(ii)) is amended by striking “section
15 203(a)(2)” and inserting “section 203(a)”.

16 (d) CREATION OF NONIMMIGRANT CLASSIFICATION
17 FOR ALIEN PARENTS OF ADULT UNITED STATES CITI-
18 ZENS.—

19 (1) IN GENERAL.—Section 101(a)(15) of the
20 Immigration and Nationality Act (8 U.S.C.
21 1101(a)(15)) is amended—

22 (A) in subparagraph (T)(ii)(III), by strik-
23 ing the period at the end and inserting a semi-
24 colon;

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

3 (C) in subparagraph (V)(ii)(II), by striking
4 the period at the end and inserting “; or”; and

5 (D) by adding at the end the following:

6 “(W) Subject to section 214(s), an alien who is
7 a parent of a citizen of the United States, if the cit-
8 izen is at least 21 years of age.”.

9 (2) CONDITIONS ON ADMISSION.—Section 214
10 of such Act (8 U.S.C. 1184) is amended by adding
11 at the end the following:

12 “(s)(1) The initial period of authorized admission for
13 a nonimmigrant described in section 101(a)(15)(W) shall
14 be 5 years, but may be extended by the Secretary of
15 Homeland Security for additional 5-year periods if the
16 United States citizen son or daughter of the nonimmigrant
17 is still residing in the United States.

18 “(2) A nonimmigrant described in section
19 101(a)(15)(W)—

20 “(A) is not authorized to be employed in the
21 United States; and

22 “(B) is not eligible for any Federal, State, or
23 local public benefit.

24 “(3) Regardless of the resources of a nonimmigrant
25 described in section 101(a)(15)(W), the United States cit-

1 izen son or daughter who sponsored the nonimmigrant
2 parent shall be responsible for the nonimmigrant's support
3 while the nonimmigrant resides in the United States.

4 “(4) An alien is ineligible to receive a visa or to be
5 admitted into the United States as a nonimmigrant de-
6 scribed in section 101(a)(15)(W) unless the alien provides
7 satisfactory proof that the United States citizen son or
8 daughter has arranged for health insurance coverage for
9 the alien, at no cost to the alien, during the anticipated
10 period of the alien's residence in the United States.”.

11 (e) EFFECTIVE DATE; APPLICABILITY.—

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

16 (2) VALID OFFER OF ADMISSION.—Notwith-
17 standing the termination by this Act of the family-
18 sponsored and employment-based immigrant visa
19 categories, any alien who was granted admission to
20 the United States under subsection (a) or (b) of sec-
21 tion 203 of the Immigration and Nationality Act, as
22 in effect on the day before the date of the enactment
23 of this Act, and is scheduled to receive an immigrant
24 visa in the applicable preference category not later
25 than 1 year after the date of the enactment of this

1 Act, shall be entitled to such visa if the alien enters
2 the United States not later than 1 year after such
3 date of enactment.

4 **TITLE VI—OTHER MATTERS**

5 **SEC. 6001. OTHER IMMIGRATION AND NATIONALITY ACT** 6 **AMENDMENTS.**

7 (a) NOTICE OF ADDRESS CHANGE.—Section 265(a)
8 of the Immigration and Nationality Act (8 U.S.C.
9 1305(a)) is amended to read as follows:

10 “(a) Each alien required to be registered under this
11 Act who is physically present in the United States shall
12 notify the Secretary of Homeland Security of each change
13 of address and new address not later than 10 days after
14 the date of such change and shall furnish such notice in
15 the manner prescribed by the Secretary.”.

16 (b) PHOTOGRAPHS FOR NATURALIZATION CERTIFI-
17 CATES.—Section 333 of the Immigration and Nationality
18 Act (8 U.S.C. 1444) is amended—

19 (1) in subsection (b)—

20 (A) by redesignating paragraphs (1)
21 through (7) as subparagraphs (A) through (G);

22 (B) by inserting “(1)” after “(b)”; and

23 (C) by striking the undesignated matter at
24 the end and inserting the following:

1 “(2) Of the photographs furnished pursuant to para-
2 graph (1)—

3 “(A) 1 shall be affixed to each certificate issued
4 by the Attorney General; and

5 “(B) 1 shall be affixed to the copy of such cer-
6 tificate retained by the Department.”; and

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

8 “(c) The Secretary may modify the technical require-
9 ments under this section in the Secretary’s discretion and
10 as the Secretary may consider necessary to provide for
11 photographs to be furnished and used in a manner that
12 is efficient, secure, and consistent with the latest develop-
13 ments in technology.”.

14 **SEC. 6002. EXEMPTION FROM THE ADMINISTRATIVE PRO-**
15 **CEDURE ACT.**

16 Except for regulations promulgated pursuant to this
17 Act, section 552 of title 5, United States Code (commonly
18 known as the “Freedom of Information Act” (5 U.S.C.
19 522)), and section 552a of such title (commonly known
20 as the “Privacy Act” (5 U.S.C. 552a)), chapter 5 of title
21 5, United States Code (commonly known as the “Adminis-
22 trative Procedures Act”), and any other law relating to
23 rulemaking, information collection, or publication in the
24 Federal Register, shall not apply to any action to imple-
25 ment this Act or the amendments made by this Act, to

1 the extent the Secretary, the Secretary of State, or the
2 Attorney General determines that compliance with any
3 such law would impede the expeditious implementation of
4 this Act or the amendments made by this Act.

5 **SEC. 6003. EXEMPTION FROM THE PAPERWORK REDUC-**
6 **TION ACT.**

7 Chapter 35 of title 44, United States Code, shall not
8 apply to any action to implement this Act or the amend-
9 ments made by this Act to the extent the Secretary of
10 Homeland Security, the Secretary of State, or the Attor-
11 ney General determines that compliance with such law
12 would impede the expeditious implementation of this Act
13 or the amendments made by this Act.

14 **SEC. 6004. ABILITY TO FILL AND RETAIN DEPARTMENT OF**
15 **HOMELAND SECURITY POSITIONS IN UNITED**
16 **STATES TERRITORIES.**

17 (a) IN GENERAL.—Section 530C of title 28, United
18 States Code, is amended—

19 (1) in subsection (a), in the matter preceding
20 paragraph (1)—

21 (A) by inserting “or the Department of
22 Homeland Security” after “Department of Jus-
23 tice”; and

24 (B) by inserting “or the Secretary of
25 Homeland Security” after “Attorney General”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in the matter preceding subpara-
4 graph (A), by inserting “or to the Sec-
5 retary of Homeland Security” after “At-
6 torney General”; and

7 (ii) in subparagraph (K)—

8 (I) in clause (i)—

9 (aa) by inserting “or within
10 United States territories or com-
11 monwealths” after “outside
12 United States”; and

13 (bb) by inserting “or the
14 Secretary of Homeland Security”
15 after “Attorney General”;

16 (II) in clause (ii), by inserting
17 “or the Secretary of Homeland Secu-
18 rity” after “Attorney General”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by striking
21 “for the Drug Enforcement Administra-
22 tion, and for the Immigration and Natu-
23 ralization Service” and inserting “and for
24 the Drug Enforcement Administration”;
25 and

1 (ii) in subparagraph (B), in the mat-
2 ter preceding clause (i), by striking “the
3 Immigration and Naturalization Service”
4 and inserting “the Department of Home-
5 land Security”;

6 (C) in paragraph (5), by striking “IMMI-
7 GRATION AND NATURALIZATION SERVICE.—
8 Funds available to the Attorney General” and
9 replacing with “DEPARTMENT OF HOMELAND
10 SECURITY.—Funds available to the Secretary of
11 Homeland Security”; and

12 (D) in paragraph (7)—

13 (i) by inserting “or the Secretary of
14 Homeland Security” after “Attorney Gen-
15 eral”; and

16 (ii) by striking “the Immigration and
17 Naturalization Service” and inserting
18 “U.S. Immigration and Customs Enforce-
19 ment”; and

20 (3) in subsection (d), by inserting “or the De-
21 partment of Homeland Security” after “Department
22 of Justice”.

23 **SEC. 6005. SEVERABILITY.**

24 If any provision of this Act or any amendment made
25 by this Act, or any application of such provision or amend-

1 ment to any person or circumstance, is held to be uncon-
2 stitutional, the remainder of the provisions of this Act and
3 the amendments made by this Act and the application of
4 the provision or amendment to any other person or cir-
5 cumstance shall not be affected.

6 **SEC. 6006. FUNDING.**

7 (a) IMPLEMENTATION.—The Director of the Office of
8 Management and Budget shall determine and identify—

9 (1) the appropriation accounts which have un-
10 obligated funds that could be rescinded and used to
11 fund the provisions of this Act; and

12 (2) the amount of the rescission that shall be
13 applied to each such account.

14 (b) REPORT.—Not later than 60 days after the date
15 of the enactment of this Act, the Director of the Office
16 of Management and Budget shall submit a report to Con-
17 gress and to the Secretary of the Treasury that describes
18 the accounts and amounts determined and identified for
19 rescission pursuant to subsection (a).

20 (c) EXCEPTIONS.—This section shall not apply to un-
21 obligated funds of—

22 (1) the Department of Homeland Security;

23 (2) the Department of Defense; or

24 (3) the Department of Veterans Affairs.

1 **TITLE VII—TECHNICAL**
2 **AMENDMENTS**

3 **SEC. 7001. REFERENCES TO THE IMMIGRATION AND NA-**
4 **TIONALITY ACT.**

5 Except as otherwise expressly provided, whenever in
6 this title an amendment or repeal is expressed in terms
7 of an amendment to, or repeal of, a section or other provi-
8 sion, the reference shall be considered to be made to a
9 section or other provision of the Immigration and Nation-
10 ality Act (8 U.S.C. 1101 et seq.).

11 **SEC. 7002. TECHNICAL AMENDMENTS TO TITLE I OF THE**
12 **IMMIGRATION AND NATIONALITY ACT.**

13 (a) SECTION 101.—

14 (1) DEPARTMENT.—Section 101(a)(8) (8
15 U.S.C. 1101(a)(8)) is amended to read as follows:

16 “(8) The term ‘Department’ means the Department
17 of Homeland Security.”.

18 (2) IMMIGRANT.—Section 101(a)(15) (8 U.S.C.
19 1101(a)(15)) is amended—

20 (A) in subparagraph (F)(i)—

21 (i) by striking the term “Attorney
22 General” each place that term appears and
23 inserting “Secretary”; and

24 (ii) by striking “214(l)” and inserting
25 “214(m)”;

1 (B) in subparagraph (H)(i)—

2 (i) in subclause (b), by striking “cer-
3 tifies to the Attorney General that the in-
4 tending employer has filed with the Sec-
5 retary” and inserting “certifies to the Sec-
6 retary of Homeland Security that the in-
7 tending employer has filed with the Sec-
8 retary of Labor”; and

9 (ii) in subclause (c), by striking “cer-
10 tifies to the Attorney General” and insert-
11 ing “certifies to the Secretary of Homeland
12 Security”; and

13 (C) in subparagraph (M)(i), by striking the
14 term “Attorney General” each place that term
15 appears and inserting “Secretary”.

16 (3) IMMIGRATION OFFICER.—Section
17 101(a)(18) (8 U.S.C. 1101(a)(18)) is amended by
18 striking “Service or of the United States designated
19 by the Attorney General,” and inserting “Depart-
20 ment or of the United States designated by the Sec-
21 retary,”.

22 (4) SECRETARY.—Section 101(a)(34) (8 U.S.C.
23 1101(a)(34)) is amended to read as follows:

1 “(34) The term ‘Secretary’ means the Secretary of
2 Homeland Security, except as provided in section
3 219(d)(4).”.

4 (5) SPECIAL IMMIGRANT.—Section
5 101(a)(27)(L)(iii) (8 U.S.C. 1101(a)(27)(L)(iii)) is
6 amended by adding “; or” at the end.

7 (6) MANAGERIAL CAPACITY; EXECUTIVE CAPAC-
8 ITY.—Section 101(a)(44)(C) (8 U.S.C.
9 1101(a)(44)(C)) is amended by striking “Attorney
10 General” and inserting “Secretary”.

11 (7) ORDER OF REMOVAL.—Section
12 101(a)(47)(A) (8 U.S.C. 1101(a)(47)(A)) is amend-
13 ed to read as follows:

14 “(A) The term ‘order of removal’ means the
15 order of the immigration judge, or other such ad-
16 ministrative officer to whom the Attorney General or
17 the Secretary has delegated the responsibility for de-
18 termining whether an alien is removable, concluding
19 that the alien is removable or ordering removal.”.

20 (8) TITLE I AND II DEFINITIONS.—Section
21 101(b) (8 U.S.C. 1101(b)) is amended—

22 (A) in paragraph (1)(F)(i), by striking
23 “Attorney General” and inserting “Secretary”;
24 and

1 (B) in paragraph (4), by striking “Immi-
2 gration and Naturalization Service.” and insert-
3 ing “Department.”.

4 (b) SECTION 103.—

5 (1) IN GENERAL.—Section 103 (8 U.S.C. 1103)
6 is amended by striking the section heading and sub-
7 section (a)(1) and inserting the following:

8 **“SEC. 103. POWERS AND DUTIES.**

9 “(a)(1) The Secretary shall be charged with the ad-
10 ministration and enforcement of this Act and all other
11 laws relating to the immigration and naturalization of
12 aliens, except insofar as this Act or such laws relate to
13 the powers, functions, and duties conferred upon the
14 President, the Attorney General, the Secretary of Labor,
15 the Secretary of Agriculture, the Secretary of Health and
16 Human Services, the Commissioner of Social Security, the
17 Secretary of State, the officers of the Department of
18 State, or diplomatic or consular officers. A determination
19 and ruling by the Attorney General with respect to all
20 questions of law shall be controlling.”.

21 (2) TECHNICAL AND CONFORMING CORREC-
22 TIONS.—Section 103 (8 U.S.C. 1103), as amended
23 by paragraph (1), is further amended—

24 (A) in subsection (a)—

- 1 (i) in paragraph (2), by striking “He”
2 and inserting “The Secretary”;
- 3 (ii) in paragraph (3)—
- 4 (I) by striking “He” and insert-
5 ing “The Secretary”;
- 6 (II) by striking “he” and insert-
7 ing “the Secretary”; and
- 8 (III) by striking “his authority”
9 and inserting “the authority of the
10 Secretary”;
- 11 (iii) in paragraph (4)—
- 12 (I) by striking “He” and insert-
13 ing “The Secretary”; and
- 14 (II) by striking “Service or the
15 Department of Justice” and insert the
16 “Department”;
- 17 (iv) in paragraph (5)—
- 18 (I) by striking “He” and insert-
19 ing “The Secretary”;
- 20 (II) by striking “his discretion,”
21 and inserting “the discretion of the
22 Secretary,” and
- 23 (III) by striking “him” and in-
24 serting “the Secretary”;
- 25 (v) in paragraph (6)—

1 (I) by striking “He” and insert-
2 ing “The Secretary”;

3 (II) by striking “Department”
4 and inserting “agency, department,”;
5 and

6 (III) by striking “Service.” and
7 inserting “Department or upon con-
8 sular officers with respect to the
9 granting or refusal of visas”;

10 (vi) in paragraph (7)—

11 (I) by striking “He” and insert-
12 ing “The Secretary”;

13 (II) by striking “countries;” and
14 inserting “countries”;

15 (III) by striking “he” and insert-
16 ing “the Secretary”; and

17 (IV) by striking “his judgment”
18 and inserting “the judgment of the
19 Secretary”;

20 (vii) in paragraph (8), by striking
21 “Attorney General” and inserting “Sec-
22 retary”;

23 (viii) in paragraph (10), by striking
24 “Attorney General” each place that term
25 appears and inserting “Secretary”; and

1 (ix) in paragraph (11), by striking
2 “Attorney General,” and inserting “Sec-
3 retary,”;

4 (B) by amending subsection (c) to read as
5 follows:

6 “(c) SECRETARY; APPOINTMENT.—The Secretary
7 shall be a citizen of the United States and shall be ap-
8 pointed by the President, by and with the advice and con-
9 sent of the Senate. The Secretary shall be charged with
10 any and all responsibilities and authority in the adminis-
11 tration of the Department and of this Act. The Secretary
12 may enter into cooperative agreements with State and
13 local law enforcement agencies for the purpose of assisting
14 in the enforcement of the immigration laws.”;

15 (C) in subsection (e)—

16 (i) in paragraph (1), by striking
17 “Commissioner” and inserting “Sec-
18 retary”; and

19 (ii) in paragraph (2), by striking
20 “Service” and inserting “U.S. Citizenship
21 and Immigration Services”;

22 (D) in subsection (f)—

23 (i) by striking “Attorney General”
24 and inserting “Secretary”;

1 (ii) by striking “Immigration and
2 Naturalization Service” and inserting “De-
3 partment”; and

4 (iii) by striking “Service,” and insert-
5 ing “Department,”; and

6 (E) in subsection (g)(1), by striking “Im-
7 migration Reform, Accountability and Security
8 Enhancement Act of 2002” and inserting
9 “Homeland Security Act of 2002 (Public Law
10 107–296; 116 Stat. 2135)”.

11 (3) CLERICAL AMENDMENT.—The table of con-
12 tents in the first section is amended by striking the
13 item relating to section 103 and inserting the fol-
14 lowing:

“Sec. 103. Powers and duties.”.

15 (c) SECTION 105.—Section 105(a) is amended (8
16 U.S.C. 1105(a)) by striking “Commissioner” each place
17 that term appears and inserting “Secretary”.

18 **SEC. 7003. TECHNICAL AMENDMENTS TO TITLE II OF THE**
19 **IMMIGRATION AND NATIONALITY ACT.**

20 (a) SECTION 202.—Section 202(a)(1)(B) (8 U.S.C.
21 1152(a)(1)(B)) is amended by inserting “the Secretary
22 or” after “the authority of”.

23 (b) SECTION 203.—Section 203 (8 U.S.C. 1153) is
24 amended—

25 (1) in subsection (b)(2)(B)(ii)—

1 (A) in subclause (II)—

2 (i) by inserting “the Secretary or” be-
3 fore “the Attorney General”; and

4 (ii) by moving such subclause 4 ems
5 to the left; and

6 (B) by moving subclauses (III) and (IV) 4
7 ems to the left; and

8 (2) in subsection (g)—

9 (A) by striking “Secretary’s” and inserting
10 “Secretary of State’s”; and

11 (B) by inserting “of State” after “but the
12 Secretary”.

13 (c) SECTION 204.—Section 204 (8 U.S.C. 1154) is
14 amended—

15 (1) in subsection (a)(1)—

16 (A) in subparagraph (B)(i)—

17 (i) by redesignating the second sub-
18 clause (I), as added by section
19 402(a)(3)(B) of the Adam Walsh Child
20 Protection and Safety Act of 2006 (Public
21 Law 109–248), as subclause (II); and

22 (ii) indenting the left margin of such
23 subclause two ems from the left margin;
24 and

1 (B) in subparagraph (G)(ii), by inserting
2 “of State” after “by the Secretary”;

3 (2) in subsection (c), by inserting “the Sec-
4 retary or” before “the Attorney General” each place
5 that term appears; and

6 (3) in subsection (e), by inserting “to” after
7 “admitted”.

8 (d) SECTION 208.—Section 208 (8 U.S.C. 1158) is
9 amended—

10 (1) in subsection (a)(2)—

11 (A) by inserting “the Secretary or” before
12 “Attorney General” in subparagraph (A);

13 (B) by inserting “the Secretary or” before
14 “Attorney General” in subparagraph (D);

15 (2) in subsection (b)(2) by inserting “the Sec-
16 retary or” before “Attorney General” wherever the
17 term appears;

18 (3) in subsection (c)—

19 (A) in paragraph (1), by striking “the At-
20 torney General” and inserting “the Secretary”;

21 (B) in paragraphs (2) and (3), by inserting
22 “the Secretary or” before “Attorney General”
23 each place that term appears; and

24 (4) in subsection (d)—

1 (A) in paragraph (1), by inserting “the
2 Secretary or” before “the Attorney General”,

3 (B) in paragraph (2), by striking “Attor-
4 ney General” and inserting “Secretary”;

5 (C) in paragraph (3)—

6 (i) by striking “Attorney General”
7 each place that term appears and inserting
8 “Secretary”; and

9 (ii) by striking “Attorney General’s”
10 and inserting “Secretary’s”; and

11 (D) in paragraphs (4) through (6), by in-
12 serting “the Secretary or” before “the Attorney
13 General”; and

14 (e) SECTION 209.—Section 209(a)(1)(A) (8 U.S.C.
15 1159(a)(1)(A)) is amended by striking “Secretary of
16 Homeland Security or the Attorney General” each place
17 that term appears and inserting “Secretary”.

18 (f) SECTION 212.—Section 212 (8 U.S.C. 1182) is
19 amended—

20 (1) in subsection (a)—

21 (A) in paragraph (2), in subparagraphs
22 (C), (H)(ii), and (I), by inserting “, the Sec-
23 retary,” before “or the Attorney General” each
24 place that term appears;

25 (B) in paragraph (3)—

1 (i) in subparagraphs (A) and
2 (B)(ii)(II), by inserting “, the Secretary,”
3 before “or the Attorney General” each
4 place that term appears; and

5 (ii) in subparagraph (D), by inserting
6 “the Secretary or” before “the Attorney
7 General” each place that term appears;

8 (C) in paragraph (4)—

9 (i) in subparagraph (A), by inserting
10 “the Secretary or” before “the Attorney
11 General”; and

12 (ii) in subparagraph (B), by inserting
13 “, the Secretary,” before “or the Attorney
14 General” each place that term appears;

15 (D) in paragraph (5)(C), by striking “or,
16 in the case of an adjustment of status, the At-
17 torney General, a certificate from the Commis-
18 sion on Graduates of Foreign Nursing Schools,
19 or a certificate from an equivalent independent
20 credentialing organization approved by the At-
21 torney General” and inserting “or, in the case
22 of an adjustment of status, the Secretary or the
23 Attorney General, a certificate from the Com-
24 mission on Graduates of Foreign Nursing
25 Schools, or a certificate from an equivalent

1 independent credentialing organization ap-
2 proved by the Secretary”;

3 (E) in paragraph (9)—

4 (i) in subparagraph (B)(v)—

5 (I) by inserting “or the Sec-
6 retary” after “Attorney General” each
7 place that term appears; and

8 (II) by striking “has sole discre-
9 tion” and inserting “have discretion”;
10 and

11 (ii) in subparagraph (C)(iii), by in-
12 serting “or the Attorney General” after
13 “Secretary of Homeland Security”; and

14 (F) in paragraph (10)(C), in clauses
15 (ii)(III) and (iii)(II), by striking “Secretary’s”
16 and inserting “Secretary of State’s”;

17 (2) in subsection (d), in paragraphs (11) and
18 (12), by inserting “or the Secretary” after “Attor-
19 ney General” each place that term appears;

20 (3) in subsection (e), by striking the first pro-
21 viso and inserting the following: “Provided, That
22 upon the favorable recommendation of the Director,
23 pursuant to the request of an interested United
24 States Government agency (or, in the case of an
25 alien described in clause (iii), pursuant to the re-

1 quest of a State Department of Public Health, or its
2 equivalent), or of the Secretary after the Secretary
3 has determined that departure from the United
4 States would impose exceptional hardship upon the
5 alien's spouse or child (if such spouse or child is a
6 citizen of the United States or a lawfully resident
7 alien), or that the alien cannot return to the country
8 of his or her nationality or last residence because the
9 alien would be subject to persecution on account of
10 race, religion, or political opinion, the Secretary may
11 waive the requirement of such two-year foreign resi-
12 dence abroad in the case of any alien whose admis-
13 sion to the United States is found by the Secretary
14 to be in the public interest except that in the case
15 of a waiver requested by a State Department of
16 Public Health, or its equivalent, or in the case of a
17 waiver requested by an interested United States
18 Government agency on behalf of an alien described
19 in clause (iii), the waiver shall be subject to the re-
20 quirements under section 214(l)";

21 (4) in subsections (g), (h), (i), and (k), by in-
22 serting "or the Secretary" after "Attorney General"
23 each place that term appears;

1 (5) in subsection (m)(2)(E)(iv), by inserting “of
2 Labor” after “Secretary” the second and third place
3 that term appears;

4 (6) in subsection (n), by inserting “of Labor”
5 after “Secretary” each place that term appears, ex-
6 cept that this amendment shall not apply to ref-
7 erences to the “Secretary of Labor”; and

8 (7) in subsection (s), by inserting “, the Sec-
9 retary,” before “or the Attorney General”.

10 (g) SECTION 213A.—Section 213A (8 U.S.C. 1183a)
11 is amended—

12 (1) in subsection (a)(1), in the matter pre-
13 ceding paragraph (1), by inserting “, the Secretary,”
14 after “the Attorney General”; and

15 (2) in subsection (f)(6)(B), by inserting “the
16 Secretary,” after “The Secretary of State,”.

17 (h) SECTION 214.—Section 214(c)(9)(A) (8 U.S.C.
18 1184(c)(9)(A) is amended, in the matter preceding clause
19 (i), by striking “before”.

20 (i) SECTION 217.—Section 217 (8 U.S.C. 1187) is
21 amended—

22 (1) in subsection (e)(3)(A), by inserting a
23 comma after “Regulations”;

1 (2) in subsection (f)(2)(A), by striking “section
2 (c)(2)(C),” and inserting “subsection (c)(2)(C),”;
3 and

4 (3) in subsection (h)(3)(A), by striking “the
5 alien” and inserting “an alien”.

6 (j) SECTION 218.—Section 218 (8 U.S.C. 1188) is
7 amended—

8 (1) by inserting “of Labor” after “Secretary”
9 each place that term appears, except that this
10 amendment shall not apply to references to the
11 “Secretary of Labor” or to the “Secretary of Agri-
12 culture”;

13 (2) in subsection (c)(3)(B)(iii), by striking
14 “Secretary’s” and inserting “Secretary of Labor’s”;
15 and

16 (3) in subsection (g)(4), by striking “Sec-
17 retary’s” and inserting “Secretary of Agriculture’s”.

18 (k) SECTION 219.—Section 219 (8 U.S.C. 1189) is
19 amended—

20 (1) in subsection (a)(1)(B)—

21 (A) by inserting a close parenthesis after
22 “section 212(a)(3)(B)”;

23 (B) by striking the close parenthesis before
24 the semicolon;

1 (2) in subsection (c)(3)(D), by striking “(2),”
2 and inserting “(2);”; and

3 (3) in subsection (d)(4), by striking “the Sec-
4 retary of the Treasury” and inserting “the Secretary
5 of Homeland Security, the Secretary of the Treas-
6 ury,”.

7 (l) SECTION 222.—Section 222 (8 U.S.C. 1202)—

8 (1) by inserting “or the Secretary” after “Sec-
9 retary of State” each place that term appears; and

10 (2) in subsection (f)—

11 (A) in the matter preceding paragraph (1),
12 by inserting “, the Department,” after “De-
13 partment of State”; and

14 (B) in paragraph (2), by striking “Sec-
15 retary’s” and inserting “their”.

16 (m) SECTION 231.—Section 231 (8 U.S.C. 1221) is
17 amended—

18 (1) in subsection (c)(10), by striking “Attorney
19 General,” and inserting “Secretary,”;

20 (2) in subsection (f), by striking “Attorney
21 General” each place that term appears and inserting
22 “Secretary”;

23 (3) in subsection (g)—

1 (A) by striking “Attorney General” each
2 places that term appears and inserting “Sec-
3 retary”;

4 (B) by striking “Commissioner” each place
5 that term appears and inserting “Secretary”;
6 and

7 (4) in subsection (h), by striking “Attorney
8 General” each place that term appears and inserting
9 “Secretary”.

10 (n) SECTION 236.—Section 236 (8 U.S.C. 1226) is
11 amended—

12 (1) in subsection (a)(2)(A), by inserting “the
13 Secretary or” before “the Attorney General” the
14 third place that term appears; and

15 (2) in subsection (e)—

16 (A) by striking “review.” and inserting
17 “review, other than administrative review by the
18 Attorney General pursuant to the authority
19 granted under section 103(g).”; and

20 (B) by inserting “the Secretary or” before
21 “the Attorney General under”.

22 (o) SECTION 236A.—Section 236A(a)(4) (8 U.S.C.
23 1226a(a)(4)) is amended by striking “Deputy Attorney
24 General” both places that term appears and inserting
25 “Deputy Secretary of Homeland Security”.

1 (p) SECTION 237.—Section 237(a) (8 U.S.C.
2 1227(a)) is amended—

3 (1) in the matter preceding paragraph (1), by
4 inserting “following the initiation by the Secretary
5 of removal proceedings” after “upon the order of the
6 Attorney General”; and

7 (2) in paragraph (2)(E), in the subparagraph
8 heading, by striking “, CRIMES AGAINST CHILDREN
9 AND” and inserting “; CRIMES AGAINST CHILDREN”.

10 (q) SECTION 238.—Section 238 (8 U.S.C. 1228) is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (2), by striking “Attor-
14 ney General” each place that term appears and
15 inserting “Secretary”; and

16 (B) in paragraphs (3) and (4)(A), by in-
17 serting “and the Secretary” after “Attorney
18 General” each place that term appears; and

19 (2) in subsection (e), as redesignated by section
20 1503(a)(4)—

21 (A) by striking “Commissioner” each place
22 that term appears and inserting “Secretary”;

23 (B) by striking “Attorney General” each
24 place that term appears and inserting “Sec-
25 retary”; and

1 (C) in subparagraph (D)(iv), by striking
2 “Attorney General” and inserting “United
3 States Attorney”.

4 (r) SECTION 239.—Section 239(a)(1) (8 U.S.C.
5 1229(a)(1)) is amended by inserting “and the Secretary”
6 after “Attorney General” each place that term appears.

7 (s) SECTION 240.—Section 240 (8 U.S.C. 1229a) is
8 amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by inserting “, with
11 the concurrence of the Secretary with respect to
12 employees of the Department” after “Attorney
13 General”; and

14 (B) in paragraph (5)(A), by inserting “the
15 Secretary or” before “the Attorney General”;
16 and

17 (2) in subsection (c)—

18 (A) in paragraph (2), by inserting “, the
19 Secretary of State, or the Secretary” before “to
20 be confidential”; and

21 (B) in paragraph (7)(C)(iv)(I), by striking
22 “240A(b)(2)” and inserting “section
23 240A(b)(2)”.

24 (t) SECTION 240A.—Section 240A(b) (8 U.S.C.
25 1229b(b)) is amended—

1 (1) in paragraph (3), by striking “Attorney
2 General shall” and inserting “Secretary shall”; and

3 (2) in paragraph (4)(A), by striking “Attorney
4 General” and inserting “Secretary”.

5 (u) SECTION 240B.—Section 240B (8 U.S.C. 1229c)
6 is amended—

7 (1) in subsection (a), in paragraphs (1) and
8 (3), by inserting “or the Secretary” after “Attorney
9 General” each place that term appears; and

10 (2) in subsection (c), by inserting “and the Sec-
11 retary” after “Attorney General”.

12 (v) SECTION 241.—Section 241 (8 U.S.C. 1231) is
13 amended—

14 (1) in subsection (a)(4)(B)(i), by inserting a
15 close parenthesis after “(L)”;

16 (2) in subsection (g)(2)—

17 (A) by striking the paragraph heading and
18 inserting “DETENTION FACILITIES OF THE DE-
19 PARTMENT OF HOMELAND SECURITY.—”; and

20 (B) by striking “Service, the Commis-
21 sioner” and inserting “Department, the Sec-
22 retary”.

23 (w) SECTION 242.—Section 242(g) (8 U.S.C.
24 1252(g)) is amended by inserting “the Secretary or” be-
25 fore “the Attorney General”.

1 (x) SECTION 243.—Section 243 (8 U.S.C. 1253) is
2 amended—

3 (1) in subsection (c)(1)—

4 (A) by striking “Attorney General” each
5 place that term appears and inserting “Sec-
6 retary”; and

7 (B) by striking “Commissioner” each place
8 that term appears and inserting “Secretary”;
9 and

10 (2) in subsection (d), by inserting “of State”
11 after “notifies the Secretary”.

12 (y) SECTION 244.—Section 244 (8 U.S.C. 1254a) is
13 amended—

14 (1) in subsection (c)(2), by inserting “or the
15 Secretary” after “Attorney General” each place the
16 term appears; and

17 (2) in subsection (g), by inserting “or the Sec-
18 retary” after “Attorney General”.

19 (z) SECTION 245.—Section 245 (8 U.S.C. 1255) is
20 amended—

21 (1) by inserting “or the Secretary” after “At-
22 torney General” each place that term appears except
23 in subsections (j) (other than the first reference), (l),
24 and (m);

1 (2) in subsection (c)(5), by striking the comma
2 after “section 101(a)(15)(S)” and inserting a semi-
3 colon;

4 (3) in subsection (k)(1), adding an “and” at
5 the end;

6 (4) in subsection (l)—

7 (A) in paragraph (1), by inserting a
8 comma after “appropriate”; and

9 (B) in paragraph (2)—

10 (i) in the matter preceding paragraph
11 (1), by striking “Attorney General’s” and
12 inserting “Secretary’s”; and

13 (ii) in subparagraph (B), by striking
14 “(10(E))” and inserting “(10(E))”.

15 (aa) SECTION 245A.—Section 245A (8 U.S.C.
16 1255a) is amended—

17 (1) in subsection (c)(7), by striking subpara-
18 graph (C); and

19 (2) in subsection (h)—

20 (A) in paragraph (4)(C), by striking “The
21 The” and inserting “The”; and

22 (B) in paragraph (5), by striking “(Public
23 Law 96–122),” and inserting “(8 U.S.C. 1522
24 note),”.

1 (bb) SECTION 246.—Section 246(a) (8 U.S.C.
2 1256(a)) is amended—

3 (1) by inserting “or the Secretary” after “of
4 the Attorney General”;

5 (2) by inserting “or the Secretary” after “sta-
6 tus, the Attorney General”; and

7 (3) by striking “Attorney General to rescind”
8 and inserting “Secretary to rescind”.

9 (cc) SECTION 249.—Section 249 (8 U.S.C. 1259) is
10 amended by inserting “or the Secretary” after “Attorney
11 General” each place that term appears.

12 (dd) SECTION 251.—Section 251(d) (8 U.S.C.
13 1281(d)) is amended—

14 (1) by striking “Attorney General” each place
15 that term appears and inserting “Secretary”; and

16 (2) by striking “Commissioner” each place that
17 term appears and inserting “Secretary”.

18 (ee) SECTION 254.—Section 254(a) (8 U.S.C.
19 1284(a)) is amended by striking “Commissioner” each
20 place that term appears and inserting “Secretary”.

21 (ff) SECTION 255.—Section 255 (8 U.S.C. 1285) is
22 amended by striking “Commissioner” each place that term
23 appears and inserting “Secretary”.

24 (gg) SECTION 256.—Section 256 (8 U.S.C. 1286) is
25 amended—

1 (1) by striking “Commissioner” each place that
2 term appears and inserting “Secretary”;

3 (2) in the first and second sentences, by strik-
4 ing “Attorney General” each place that term ap-
5 pears and inserting “Secretary”.

6 (hh) SECTION 258.—Section 258 (8 U.S.C. 1288) is
7 amended—

8 (1) by inserting “of Labor” after “Secretary”
9 each place that term appears (except for in sub-
10 section (e)(2)), except that this amendment shall not
11 apply to references to the “Secretary of Labor”,
12 “the Secretary of State”;

13 (2) in subsection (d)(2)(A), by striking “at”
14 after “while”; and

15 (3) in subsection (e)(2), by striking “the Sec-
16 retary shall” and inserting “the Secretary of State
17 shall”.

18 (ii) SECTION 264.—Section 264(f) (8 U.S.C.
19 1304(f)) is amended by striking “Attorney General is”
20 and inserting “Attorney General and the Secretary are”.

21 (jj) SECTION 272.—Section 272 (8 U.S.C. 1322) is
22 amended by striking “Commissioner” each place that term
23 appears and inserting “Secretary”.

24 (kk) SECTION 273.—Section 273 (8 U.S.C. 1323) is
25 amended—

1 (1) by striking “Commissioner” each place that
2 term appears and inserting “Secretary”; and

3 (2) by striking “Attorney General” each place
4 that term appears (except in subsection (e), in the
5 matter preceding paragraph (1)) and inserting “Sec-
6 retary”.

7 (ll) SECTION 274.—Section 274(b)(2) (8 U.S.C.
8 1324(b)(2)) is amended by striking “Secretary of the
9 Treasury” and inserting “Secretary”.

10 (mm) SECTION 274B.—Section 274B(f)(2) (8 U.S.C.
11 1324b(f)(2)) is amended by striking “subsection” and in-
12 serting “section”.

13 (nn) SECTION 274C.—Section 274C(d)(2)(A) (8
14 U.S.C. 1324c(d)(2)(A)) is amended by inserting “or the
15 Secretary” after “subsection (a), the Attorney General”.

16 (oo) SECTION 274D.—Section 274D(a)(2) (8 U.S.C.
17 1324d(a)(2)) is amended by striking “Commissioner” and
18 inserting “Secretary”.

19 (pp) SECTION 286.—Section 286 (8 U.S.C. 1356) is
20 amended—

21 (1) in subsection (q)(1)(B), by striking “, in
22 consultation with the Secretary of the Treasury,”;

23 (2) in subsection (r)(2), by striking “section
24 245(i)(3)(b)” and inserting “section 245(i)(3)(B)”;

25 (3) in subsection (s)(5)—

1 (A) by striking “5 percent” and inserting
2 “USE OF FEES FOR DUTIES RELATING TO PETI-
3 TIONS.—Five percent”; and

4 (4) by striking “paragraph (1) (C) or (D) of
5 section 204” and inserting “subparagraph (C) or
6 (D) of section 204(a)(1)”; and

7 (5) in subsection (v)(2)(A)(i), by adding “of”
8 after “number”.

9 (qq) SECTION 294.—Section 294 (8 U.S.C. 1363a)
10 is amended—

11 (1) in subsection (a), in the undesignated mat-
12 ter following paragraph (4), by striking “Commis-
13 sioner, in consultation with the Deputy Attorney
14 General,” and inserting “Secretary”; and

15 (2) in subsection (d), by striking “Deputy At-
16 torney General” and inserting “Secretary”.

17 **SEC. 7004. TECHNICAL AMENDMENTS TO TITLE III OF THE**
18 **IMMIGRATION AND NATIONALITY ACT.**

19 (a) SECTION 316.—Section 316 (8 U.S.C. 1427) is
20 amended—

21 (1) in subsection (d), by inserting “or by the
22 Secretary” after “Attorney General”; and

23 (2) in subsection (f)(1), by striking “Intel-
24 ligence, the Attorney General and the Commissioner

1 of Immigration” and inserting “Intelligence and the
2 Secretary”.

3 (b) SECTION 322.—Section 322(a)(1) (8 U.S.C.
4 1433(a)(1)) is amended—

5 (1) by inserting “is” before “(or,”; and

6 (2) by striking “is” before “a citizen”.

7 (c) SECTION 342.—

8 (1) SECTION HEADING.—

9 (A) IN GENERAL.—Section 342 (8 U.S.C.
10 1453) is amended by striking the section head-
11 ing and inserting “**CANCELLATION OF CER-**
12 **TIFICATES; ACTION NOT TO AFFECT CITI-**
13 **ZENSHIP STATUS**”.

14 (B) CLERICAL AMENDMENT.—The table of
15 contents in the first section is amended by
16 striking the item relating to section 342 and in-
17 serting the following:

“Sec. 342. Cancellation of certificates; action not to affect citizenship status.”.

18 (2) IN GENERAL.—Section 342 (8 U.S.C. 1453)
19 is amended—

20 (A) by striking “heretofore issued or made
21 by the Commissioner or a Deputy Commis-
22 sioner or hereafter made by the Attorney Gen-
23 eral”; and

24 (B) by striking “practiced upon, him or
25 the Commissioner or a Deputy Commissioner;”.

1 **SEC. 7005. TECHNICAL AMENDMENT TO TITLE IV OF THE**
2 **IMMIGRATION AND NATIONALITY ACT.**

3 Section 412(a)(2)(C)(i) (8 U.S.C. 1522(a)(2)(C)(i))
4 is amended by striking “insure” and inserting “ensure”.

5 **SEC. 7006. TECHNICAL AMENDMENTS TO TITLE V OF THE**
6 **IMMIGRATION AND NATIONALITY ACT.**

7 (a) SECTION 504.—Section 504 (8 U.S.C. 1534) is
8 amended—

9 (1) in subsection (a)(1)(A), by striking “a” be-
10 fore “removal proceedings”;

11 (2) in subsection (i), by striking “Attorney Gen-
12 eral” inserting “Government”; and

13 (3) in subsection (k)(2), by striking “by”.

14 (b) SECTION 505.—Section 505(e)(2) (8 U.S.C.
15 1535(e)(2)) is amended by inserting “and the Secretary”
16 after “Attorney General”.

17 **SEC. 7007. OTHER AMENDMENTS.**

18 (a) CORRECTION OF COMMISSIONER OF IMMIGRA-
19 TION AND NATURALIZATION.—

20 (1) IN GENERAL.—The Immigration and Na-
21 tionality Act (8 U.S.C. 1101 et seq.) as amended by
22 this Act, is further amended by striking “Commis-
23 sioner” and “Commissioner of Immigration and
24 Naturalization” each place those terms appear and
25 inserting “Secretary”.

1 (2) EXCEPTION FOR COMMISSIONER OF SOCIAL
2 SECURITY.—The amendment made by paragraph (1)
3 shall not apply to any reference to the “Commis-
4 sioner of Social Security”.

5 (b) CORRECTION OF IMMIGRATION AND NATU-
6 RALIZATION SERVICE.—The Immigration and Nationality
7 Act (8 U.S.C. 1101 et seq.), as amended by this Act, is
8 further amended by striking “Service” and “Immigration
9 and Naturalization Service” each place those terms appear
10 and inserting “Department”.

11 (c) CORRECTION OF DEPARTMENT OF JUSTICE.—

12 (1) IN GENERAL.—The Immigration and Na-
13 tionality Act (8 U.S.C. 1101 et seq.), as amended by
14 this Act, is further amended by striking “Depart-
15 ment of Justice” each place that term appears and
16 inserting “Department”.

17 (2) EXCEPTIONS.—The amendment made by
18 paragraph (1) shall not apply in—

19 (A) subsections (d)(3)(A) and (r)(5)(A) of
20 section 214 (8 U.S.C. 1184);

21 (B) section 274B(c)(1) (8 U.S.C.
22 1324b(c)(1)); or

23 (C) title V (8 U.S.C. 1531 et seq.).

24 (d) CORRECTION OF ATTORNEY GENERAL.—The Im-
25 migration and Nationality Act (8 U.S.C. 1101 et seq.) as

1 amended by this Act, is further amended by striking “At-
2 torney General” each place that term appears and insert-
3 ing “Secretary”, except for in the following:

4 (1) Any joint references to the “Attorney Gen-
5 eral and the Secretary of Homeland Security” or
6 “the Secretary of Homeland Security and the Attor-
7 ney General”.

8 (2) Section 101(a)(5).

9 (3) Subparagraphs (S), (T), and (V) of section
10 101(a)(15).

11 (4) Section 101(a)(47)(A).

12 (5) Section 101(b)(4).

13 (6) Subsections (a)(1) and (g) of section 103.

14 (7) Subsections (b)(1) and (c) of section 105.

15 (8) Section 204(c).

16 (9) Section 208.

17 (10) Subparagraphs (C), (H), and (I) of section
18 212(a)(2).

19 (11) Subparagraphs (A), (B)(ii)(II), and (D) of
20 section 212(a)(3).

21 (12) Section 212(a)(9)(C)(iii).

22 (13) Paragraphs (11) and (12) of section
23 212(d).

24 (14) Subsections (g), (h), (i), (k), and (s) of
25 section 212.

- 1 (15) Subsections (a)(1) and (f)(6)(B) of section
- 2 213A.
- 3 (16) Section 216(d)(2)(c).
- 4 (17) Section 219(d)(4).
- 5 (18) Section 235(b)(1)(B)(iii)(III).
- 6 (19) The second sentence of section 236(e).
- 7 (20) Section 237.
- 8 (21) Paragraphs (1), (3), and (4)(A) of section
- 9 238(a).
- 10 (22) Paragraphs (1) and (5) of section 238(b).
- 11 (23) Section 238(c)(2)(D)(iv).
- 12 (24) Subsections (a) and (b) of section 239.
- 13 (25) Section 240.
- 14 (26) Section 240A.
- 15 (27) Subsections (a)(1), (a)(3), (b), and (c) of
- 16 section 240B.
- 17 (28) The first reference in section
- 18 241(a)(4)(B)(i).
- 19 (29) Section 241(b)(3) (except for the first ref-
- 20 erence in subparagraph (A), to which the amend-
- 21 ment shall apply).
- 22 (30) Section 241(i) (except for paragraph
- 23 (3)(B)(i), to which the amendment shall apply).
- 24 (31) Section 242(a)(2)(B).

1 (32) Section 242(b) (except for paragraph (8),
2 to which the amendment shall apply).

3 (33) Section 242(g).

4 (34) Subsections (a)(3)(C), (c)(2), (e), and (g)
5 of section 244.

6 (35) Section 245 (except for subsection
7 (i)(1)(B)(i), subsection (i)(3)) and the first reference
8 to the Attorney General in subsection 245(j)).

9 (36) Section 245A(a)(1)(A).

10 (37) Section 246(a).

11 (38) Section 249.

12 (39) Section 264(f).

13 (40) Section 274(e).

14 (41) Section 274A.

15 (42) Section 274B.

16 (43) Section 274C.

17 (44) Section 292.

18 (45) Subsections (d) and (f)(1) of section 316.

19 (46) Section 342.

20 (47) Section 412(f)(1)(A).

21 (48) Title V (except for subsections 506(a)(1)
22 and 507(b), (c), and (d) (first reference), to which
23 the amendment shall apply).

24 **SEC. 7008. REPEALS; RULE OF CONSTRUCTION.**

25 (a) REPEALS.—

1 (1) IMMIGRATION AND NATURALIZATION SERV-
2 ICE.—

3 (A) IN GENERAL.—Section 4 of the Act of
4 February 14, 1903 (32 Stat. 826, chapter 552;
5 8 U.S.C. 1551) is repealed.

6 (B) 8 U.S.C. 1551.—The language of the
7 compilers set out in section 1551 of title 8 of
8 the United States Code shall be removed from
9 the compilation of such title 8.

10 (2) COMMISSIONER OF IMMIGRATION AND NAT-
11 URALIZATION; OFFICE.—

12 (A) IN GENERAL.—Section 7 of the Act of
13 March 3, 1891 (26 Stat. 1085, chapter 551; 8
14 U.S.C. 1552) is repealed.

15 (B) 8 U.S.C. 1552.—The language of the
16 compilers set out in section 1552 of title 8 of
17 the United States Code shall be removed from
18 the compilation of such title 8.

19 (3) ASSISTANT COMMISSIONERS AND DISTRICT
20 DIRECTOR; COMPENSATION AND SALARY GRADE.—
21 Title II of the Department of Justice Appropriation
22 Act, 1957 (70 Stat. 307, chapter 414; 8 U.S.C.
23 1553) is amended, in the matter under the heading
24 “Immigration and Naturalization Service” and
25 under the subheading “SALARIES AND EX-

1 PENSES”, by striking “That the compensation of
2 the five assistant commissioners and one district di-
3 rector shall be at the rate of grade GS–16: Provided
4 further”.

5 (4) SPECIAL IMMIGRANT INSPECTORS AT WASH-
6 INGTON.—The Act of March 2, 1895 (28 Stat. 780,
7 chapter 177; 8 U.S.C. 1554) is amended in the mat-
8 ter following the heading “Bureau of Immigration:”
9 by striking “That hereafter special immigrant in-
10 spectors, not to exceed three, may be detailed for
11 duty in the Bureau at Washington: And provided
12 further,”.

13 (b) RULE OF CONSTRUCTION.—Nothing in this title
14 may be construed to repeal or limit the applicability of
15 sections 462 and 1512 of the Homeland Security Act of
16 2002 (6 U.S.C. 279 and 552) with respect to any provi-
17 sion of law or matter not specifically addressed by the
18 amendments made by this title.

19 **SEC. 7009. MISCELLANEOUS TECHNICAL CORRECTION.**

20 Section 7 of the Central Intelligence Agency Act of
21 1949 (50 U.S.C. 3508) is amended by striking “Commis-
22 sioner of Immigration” and inserting “Secretary of Home-
23 land Security”.