

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) SHORT TITLES.—This Act may be cited as the
5 “Uniting and Securing America Act of 2019” or as the
6 “USA Act of 2019”.

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

Sec. 1. Short titles; table of contents.

2

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

- Sec. 101. Definitions.
- Sec. 102. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children.
- Sec. 103. Terms of permanent resident status on a conditional basis.
- Sec. 104. Removal of conditional basis of permanent resident status.
- Sec. 105. Documentation requirements.
- Sec. 106. Rulemaking.
- Sec. 107. Confidentiality of information.
- Sec. 108. Restoration of State option to determine residency for purposes of higher education benefits.

TITLE II—SECURE MILES WITH ALL RESOURCES AND
TECHNOLOGY

- Sec. 201. Definitions.

Subtitle A—Infrastructure and Equipment

- Sec. 211. Strengthening the requirements for border security technology along the southern border.
- Sec. 212. Comprehensive southern border strategy.
- Sec. 213. Control or eradication of carrizo cane and salt cedar.
- Sec. 214. Air and Marine Operations flight hours.
- Sec. 215. Ports of entry infrastructure.

Subtitle B—Grants

- Sec. 221. Operation Stonegarden.
- Sec. 222. Southern border region emergency communications grant.

TITLE III—REDUCING SIGNIFICANT DELAYS IN IMMIGRATION
COURT

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

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

- Sec. 401. Definitions.

Subtitle A—Effectively Coordinating United States Engagement in Central
America

- Sec. 411. United States Coordinator for Engagement in Central America.
- Sec. 412. FBI legal attaché.

Subtitle B—Targeting Assistance to Appropriate Communities in the
Northern Triangle

- Sec. 421. Targeting assistance to appropriate communities.

Subtitle C—Regional Millennium Challenge Corporation Compacts

Sec. 431. Millennium Challenge Corporation compacts.

Subtitle D—United States Leadership for Engaging International Donors and Partners

Sec. 441. Requirement for strategy to secure support of international donors and partners.

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

6 **SEC. 101. DEFINITIONS.**

7 In this title:

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

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

17 (3) DISABILITY.—The term “disability” has the
18 meaning given such term in section 3(1) of the
19 Americans with Disabilities Act of 1990 (42 U.S.C.
20 12102(1)).

21 (4) EARLY CHILDHOOD EDUCATION PRO-
22 GRAM.—The term “early childhood education pro-

1 gram” has the meaning given such term in section
2 103 of the Higher Education Act of 1965 (20
3 U.S.C. 1003).

4 (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-
5 ONDARY SCHOOL.—The terms “elementary school”,
6 “high school”, and “secondary school” have the
7 meanings given such terms in section 8101 of the
8 Elementary and Secondary Education Act of 1965
9 (20 U.S.C. 7801).

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

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

16 (A) except as provided in subparagraph
17 (B), has the meaning given such term in section
18 102 of the Higher Education Act of 1965 (20
19 U.S.C. 1002); and

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

22 (8) PERMANENT RESIDENT STATUS ON A CON-
23 DITIONAL BASIS.—The term “permanent resident
24 status on a conditional basis” means status as an

1 alien lawfully admitted for permanent residence on
2 a conditional basis under this subtitle.

3 (9) POVERTY LINE.—The term “poverty line”
4 has the meaning given such term in section 673 of
5 the Community Services Block Grant Act (42 U.S.C.
6 9902).

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

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

14 **SEC. 102. PERMANENT RESIDENT STATUS ON A CONDI-**
15 **TIONAL BASIS FOR CERTAIN LONG-TERM**
16 **RESIDENTS WHO ENTERED THE UNITED**
17 **STATES AS CHILDREN.**

18 (a) CONDITIONAL BASIS FOR STATUS.—Notwith-
19 standing any other provision of law, and except as pro-
20 vided in section 104(c)(2), an alien shall be considered,
21 at the time of obtaining the status of an alien lawfully
22 admitted for permanent residence under this section, to
23 have obtained such status on a conditional basis subject
24 to the provisions under this title.

25 (b) REQUIREMENTS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Secretary shall cancel the re-
3 moval of, and adjust to the status of an alien law-
4 fully admitted for permanent residence on a condi-
5 tional basis, or without such conditional basis as
6 provided in section 104(c)(2), an alien who is inad-
7 missible or deportable from the United States or is
8 in temporary protected status under section 244 of
9 the Immigration and Nationality Act (8 U.S.C.
10 1254a) if—

11 (A) the alien has been continuously phys-
12 ically present in the United States since Decem-
13 ber 31, 2013;

14 (B) the alien was younger than 18 years of
15 age on the date on which the alien initially en-
16 tered the United States;

17 (C) subject to paragraphs (2) and (3), the
18 alien—

19 (i) is not inadmissible under para-
20 graph (2), (3), (6)(E), (6)(G), (8),
21 (10)(A), (10)(C), or (10)(D) of section
22 212(a) of the Immigration and Nationality
23 Act (8 U.S.C. 1182(a));

24 (ii) has not ordered, incited, assisted,
25 or otherwise participated in the persecution

1 of any person on account of race, religion,
2 nationality, membership in a particular so-
3 cial group, or political opinion; and

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

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

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

18 (III) a crime of domestic violence
19 (as such term is defined in section
20 237(a)(2)(E)(i) of the Immigration
21 and Nationality Act (8 U.S.C.
22 1227(a)(2)(E)(i))), unless the alien—

23 (aa) has filed an application
24 under section 101(a)(15)(T),
25 101(a)(15)(U), 106, or

1 240A(b)(2) of the Immigration
2 and Nationality Act (8 U.S.C.
3 1101(a)(15)(T), 1101(a)(15)(U),
4 1105a, and 1229b(b)(2)) or sec-
5 tion 244(a)(3) of such Act (as in
6 effect on March 31, 1997);

7 (bb) is a VAWA self-peti-
8 tioner (as defined in section
9 101(a)(51) of the Immigration
10 and Nationality Act (8 U.S.C.
11 1101(a)(51));

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

1 (dd) is a witness involved in
2 a pending criminal or govern-
3 ment agency investigation or
4 prosecution related to the crime
5 of domestic violence; and

6 (D) the alien—

7 (i) has been admitted to an institution
8 of higher education;

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

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

19 (I) obtaining a regular high
20 school diploma or its recognized equiv-
21 alent under State law; or

22 (II) in passing a general edu-
23 cational development exam, a high
24 school equivalence diploma examina-

1 tion, or other similar State-authorized
2 exam.

3 (2) WAIVER.—With respect to any benefit
4 under this subtitle, the Secretary may waive sub-
5 clauses (I), (II), and (III) of subsection (b)(1)(C)(iii)
6 and the grounds of inadmissibility under paragraph
7 (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1182(a)) for humanitarian purposes, family unity, or
10 if the waiver is otherwise in the public interest.

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

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

1 alien was granted DACA that would make the alien
2 ineligible for DACA.

3 (5) APPLICATION FEE.—

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

9 (B) EXEMPTION.—An applicant may be
10 exempted from paying the fee required under
11 subparagraph (A) if the alien—

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

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

18 (III) is in foster care or otherwise
19 lacking any parental or other familial sup-
20 port;

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

23 (iii)(I) cannot care for himself or her-
24 self because of a serious, chronic disability;
25 and

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

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

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

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

1 are unable to provide such biometric or biographic
2 data because of a physical impairment.

3 (7) BACKGROUND CHECKS.—

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

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

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

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

24 (8) MEDICAL EXAMINATION.—

1 (A) REQUIREMENT.—An alien applying for
2 permanent resident status on a conditional
3 basis under this section shall undergo a medical
4 examination.

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

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

17 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

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

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

3 (A) IN GENERAL.—Except as provided in
4 subparagraphs (B) and (C), an alien shall be
5 considered to have failed to maintain contin-
6 uous physical presence in the United States
7 under subsection (b)(1)(A) if the alien has de-
8 parted from the United States for any period
9 exceeding 90 days or for any periods, in the ag-
10 gregate, exceeding 180 days.

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

20 (C) TRAVEL AUTHORIZED BY THE SEC-
21 RETARY.—Any period of travel outside of the
22 United States by an alien that was authorized
23 by the Secretary may not be counted toward
24 any period of departure from the United States
25 under subparagraph (A).

1 (d) LIMITATION ON REMOVAL OF CERTAIN
2 ALIENS.—

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

6 (2) ALIENS SUBJECT TO REMOVAL.—The Sec-
7 retary shall provide an alien with a reasonable op-
8 portunity to apply for relief under this section if the
9 alien—

10 (A) requests such an opportunity or ap-
11 pears prima facie eligible for relief under this
12 section; and

13 (B) is in removal proceedings, is the sub-
14 ject of a final removal order, or is the subject
15 of a voluntary departure order.

16 (3) CERTAIN ALIENS ENROLLED IN ELEMEN-
17 TARY OR SECONDARY SCHOOL.—

18 (A) STAY OF REMOVAL.—The Attorney
19 General shall stay the removal proceedings of
20 an alien who—

21 (i) meets all of the requirements
22 under subparagraphs (A), (B), and (C) of
23 subsection (b)(1), subject to paragraphs
24 (2) and (3) of subsection (b);

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

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

4 (B) COMMENCEMENT OF REMOVAL PRO-
5 CEEDINGS.—The Secretary may not commence
6 removal proceedings for an alien described in
7 subparagraph (A).

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

14 (D) LIFT OF STAY.—The Secretary or the
15 Attorney General may not lift the stay granted
16 to an alien under subparagraph (A) unless the
17 alien ceases to meet the requirements under
18 such subparagraph.

19 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—
20 Nothing in this section or in any other law may be con-
21 strued to apply a numerical limitation on the number of
22 aliens who may be granted permanent resident status, on
23 a conditional basis or otherwise, under this title.

1 **SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A**
2 **CONDITIONAL BASIS.**

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

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

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

8 (b) NOTICE OF REQUIREMENTS.—At the time an
9 alien obtains permanent resident status on a conditional
10 basis, the Secretary shall provide notice to the alien re-
11 garding the provisions of this title and the requirements
12 to have the conditional basis of such status removed.

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

16 (1) determines that the alien ceases to meet the
17 requirements under section 102(b)(1)(C), subject to
18 paragraphs (2) and (3) of section 102(b); and

19 (2) before the termination, provides the alien
20 with—

21 (A) notice of the proposed termination;
22 and

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

26 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), an alien whose permanent resident status
3 on a conditional basis expires under subsection
4 (a)(1) or is terminated under subsection (c) or
5 whose application for such status is denied shall re-
6 turn to the immigration status that the alien had
7 immediately before receiving permanent resident sta-
8 tus on a conditional basis or applying for such sta-
9 tus, as appropriate.

10 (2) SPECIAL RULE FOR TEMPORARY PRO-
11 TECTED STATUS.—An alien whose permanent resi-
12 dent status on a conditional basis expires under sub-
13 section (a)(1) or is terminated under subsection (c)
14 or whose application for such status is denied and
15 who had temporary protected status under section
16 244 of the Immigration and Nationality Act (8
17 U.S.C. 1254a) immediately before receiving or ap-
18 plying for such permanent resident status on a con-
19 ditional basis, as appropriate, may not return to
20 such temporary protected status if—

21 (A) the relevant designation under section
22 244(b) of the Immigration and Nationality Act
23 (8 U.S.C. 1254a(b)) has been terminated; or

24 (B) the Secretary determines that the rea-
25 son for terminating the permanent resident sta-

1 tus on a conditional basis renders the alien in-
2 eligible for such temporary protected status.

3 **SEC. 104. REMOVAL OF CONDITIONAL BASIS OF PERMA-**
4 **NENT RESIDENT STATUS.**

5 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL
6 BASIS.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary shall remove the conditional basis of
9 an alien’s permanent resident status granted under
10 this title and grant the alien status as an alien law-
11 fully admitted for permanent residence if the alien—

12 (A) is described in section 102(b)(1)(C),
13 subject to paragraphs (2) and (3) of section
14 102(b);

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

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

23 (ii) has served in the Uniformed Services
24 for at least the period for which the alien was

1 obligated to serve on active duty and, if dis-
2 charged, received an honorable discharge; or

3 (iii) has been employed for periods totaling
4 at least 3 years and at least 80 percent of the
5 time that the alien has had a valid employment
6 authorization, except that any period during
7 which the alien is not employed while having a
8 valid employment authorization and is enrolled
9 in an institution of higher education, a sec-
10 ondary school, or an education program de-
11 scribed in section 102(b)(1)(D)(iii), shall not
12 count toward the time requirements under this
13 clause.

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

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

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

24 (C) demonstrates that—

25 (i) the alien has a disability;

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

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

9 (3) CITIZENSHIP REQUIREMENT.—

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

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

21 (4) APPLICATION FEE.—

22 (A) IN GENERAL.—The Secretary shall re-
23 quire aliens applying for lawful permanent resi-
24 dent status under this section to pay a reason-

1 able fee that is commensurate with the cost of
2 processing the application.

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

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

7 (II) received total income, during the
8 12-month period immediately preceding the
9 date on which the alien files an application
10 under this section, that is less than 150
11 percent of the poverty line; 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 her-
18 self because of a serious, chronic disability;
19 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 poverty line; or

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

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

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

23 (6) BACKGROUND CHECKS.—

24 (A) REQUIREMENT FOR BACKGROUND
25 CHECKS.—The Secretary shall utilize biometric,

1 biographic, and other data that the Secretary
2 determines appropriate—

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

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

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

19 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
20 TION.—

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

1 in the United States, as an alien lawfully admitted
2 for permanent residence.

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

7 (c) TIMING OF APPROVAL OF LAWFUL PERMANENT
8 RESIDENCE STATUS.—

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

14 (2) APPROVAL WITH REGARD TO INITIAL APPLI-
15 CATIONS.—The Secretary shall provide lawful per-
16 manent residence status without conditional basis to
17 any alien who demonstrates eligibility for lawful per-
18 manent residence status on a conditional basis under
19 section 102, if such alien has already fulfilled the re-
20 quirements of subsection (a) at the time such alien
21 first submits an application for benefits under this
22 title.

1 **SEC. 105. DOCUMENTATION REQUIREMENTS.**

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

5 (1) a passport or national identity document
6 from the alien’s country of origin that includes the
7 alien’s name and the alien’s photograph or finger-
8 print;

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

11 (3) a school identification card that includes the
12 alien’s name and photograph, and school records
13 showing the alien’s name and that the alien is or
14 was enrolled at the school;

15 (4) a Uniformed Services identification card
16 issued by the Department of Defense;

17 (5) any immigration or other document issued
18 by the United States Government bearing the alien’s
19 name and photograph; or

20 (6) a State-issued identification card bearing
21 the alien’s name and photograph.

22 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-
23 ICAL PRESENCE IN THE UNITED STATES.—To establish
24 that an alien has been continuously physically present in
25 the United States, as required under section 102(b)(1)(A),
26 or to establish that an alien has not abandoned residence

1 in the United States, as required under section
2 104(a)(1)(B), the alien may submit documents to the Sec-
3 retary, including—

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

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

8 (3) records of service from the Uniformed Serv-
9 ices;

10 (4) official records from a religious entity con-
11 firming the alien's participation in a religious cere-
12 mony;

13 (5) passport entries;

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

16 (7) automobile license receipts or registration;

17 (8) deeds, mortgages, or rental agreement con-
18 tracts;

19 (9) tax receipts;

20 (10) insurance policies;

21 (11) remittance records;

22 (12) rent receipts or utility bills bearing the
23 alien's name or the name of an immediate family
24 member of the alien, and the alien's address;

1 (13) copies of money order receipts for money
2 sent in or out of the United States;

3 (14) dated bank transactions; or

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

8 (A) the name, address, and telephone num-
9 ber of the affiant; and

10 (B) the nature and duration of the rela-
11 tionship between the affiant and the alien.

12 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY
13 INTO THE UNITED STATES.—To establish under section
14 102(b)(1)(B) that an alien was younger than 18 years of
15 age on the date on which the alien initially entered the
16 United States, an alien may submit documents to the Sec-
17 retary, including—

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

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

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

24 (4) hospital or medical records showing medical
25 treatment or hospitalization, the name of the med-

1 ical facility or physician, and the date of the treat-
2 ment or hospitalization;

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

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

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

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

13 (9) automobile license receipts or registration;

14 (10) deeds, mortgages, or rental agreement con-
15 tracts;

16 (11) tax receipts;

17 (12) travel records;

18 (13) copies of money order receipts sent in or
19 out of the country;

20 (14) dated bank transactions;

21 (15) remittance records; or

22 (16) insurance policies.

23 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN
24 INSTITUTION OF HIGHER EDUCATION.—To establish that
25 an alien has been admitted to an institution of higher edu-

1 cation, the alien shall submit to the Secretary a document
2 from the institution of higher education certifying that the
3 alien—

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

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

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

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

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

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

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

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

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

6 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
7 EDUCATIONAL PROGRAM.—To establish that an alien is
8 enrolled in any school or education program described in
9 section 102(b)(1)(D)(iii), 102(d)(3)(A)(iii), or
10 104(a)(1)(C), the alien shall submit school records from
11 the United States school that the alien is currently attend-
12 ing that include—

13 (1) the name of the school; and

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

16 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM
17 APPLICATION FEES.—To establish that an alien is exempt
18 from an application fee under section 102(b)(5)(B) or
19 104(a)(4)(B), the alien shall submit to the Secretary the
20 following relevant documents:

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

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

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

7 (B) bank records; or

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

12 (i) the name, address, and telephone
13 number of the affiant; and

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

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

1 (A) a statement that the alien is in foster
2 care, otherwise lacks any parental or other fa-
3 miliar support, is homeless, or has a serious,
4 chronic disability, as appropriate;

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

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

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

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

15 (B) bear the name of the individual receiv-
16 ing treatment; and

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

22 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
23 HARDSHIP EXEMPTION.—To establish that an alien satis-
24 fies 1 of the criteria for the hardship exemption set forth
25 in section 104(a)(2)(A)(iii), the alien shall submit to the

1 Secretary at least 2 sworn affidavits from individuals who
2 are not related to the alien and who have direct knowledge
3 of the circumstances that warrant the exemption, that
4 contain—

5 (1) the name, address, and telephone number of
6 the affiant; and

7 (2) the nature and duration of the relationship
8 between the affiant and the alien.

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

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

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

18 (3) personnel records for such service from the
19 appropriate Uniformed Service; or

20 (4) health records from the appropriate Uni-
21 formed Service.

22 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

23 (1) IN GENERAL.—An alien may satisfy the em-
24 ployment requirement under section
25 104(a)(1)(C)(iii) by submitting records that—

1 (A) establish compliance with such employ-
2 ment requirement; and

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

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

12 (A) bank records;

13 (B) business records;

14 (C) employer records;

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

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

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

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

1 (F) remittance records.

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

10 **SEC. 106. RULEMAKING.**

11 (a) INITIAL PUBLICATION.—Not later than 90 days
12 after the date of the enactment of this Act, the Secretary
13 shall publish regulations implementing this title in the
14 Federal Register. Such regulations shall allow eligible indi-
15 viduals to immediately apply affirmatively for the relief
16 available under section 102 without being placed in re-
17 moval proceedings.

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

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

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

9 **SEC. 107. CONFIDENTIALITY OF INFORMATION.**

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

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

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

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

4 (2) to identify or prevent fraudulent claims;

5 (3) for national security purposes; or

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

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

11 **SEC. 108. RESTORATION OF STATE OPTION TO DETERMINE**
12 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
13 **CATION BENEFITS.**

14 (a) IN GENERAL.—Section 505 of the Illegal Immi-
15 gration Reform and Immigrant Responsibility Act of 1996
16 (8 U.S.C. 1623) is repealed.

17 (b) EFFECTIVE DATE.—The repeal under subsection
18 (a) shall take effect as if included in the original enact-
19 ment of the Illegal Immigration Reform and Immigrant
20 Responsibility Act of 1996 (division C of Public Law 104–
21 208; 110 Stat. 3009–546).

1 **TITLE II—SECURE MILES WITH**
2 **ALL RESOURCES AND TECH-**
3 **NOLOGY**

4 **SEC. 201. DEFINITIONS.**

5 In this title:

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

10 (2) **SECRETARY.**—The term “Secretary” means
11 the Secretary of Homeland Security.

12 (3) **SITUATIONAL AWARENESS.**—The term “sit-
13 uational awareness” has the meaning given the term
14 in section 1092(a)(7) of the National Defense Au-
15 thorization Act for Fiscal Year 2017 (Public Law
16 114–328).

17 (4) **SOUTHERN BORDER.**—The term “southern
18 border” means the international border between the
19 United States and Mexico.

1 for achieving situational awareness and operational con-
2 trol of the border.

3 “(e) DEFINITIONS.—In this section:

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

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

9 “(B) have significant unlawful cross-border
10 activity.

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

15 “(3) SITUATIONAL AWARENESS.—The term ‘sit-
16 uational awareness’ has the meaning given such
17 term in section 1092(a)(7) of the National Defense
18 Authorization Act for Fiscal Year 2017 (Public Law
19 114–328).

20 “(4) TECHNOLOGY.—The term ‘technology’ in-
21 cludes border surveillance and detection technology,
22 including—

23 “(A) radar surveillance systems;

24 “(B) Vehicle and Dismount Exploitation
25 Radars (VADER);

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

4 “(D) sensors;

5 “(E) unmanned cameras;

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

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

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

13 (a) **REQUIREMENT.**—Not later than 1 year after the
14 date of the enactment of this Act, the Secretary shall sub-
15 mit a comprehensive southern border strategy to the Com-
16 mittee on Homeland Security and Governmental Affairs
17 of the Senate and the Committee on Homeland Security
18 of the House of Representatives.

19 (b) **CONTENTS.**—The strategy submitted under sub-
20 section (a) shall include—

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

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

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

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

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

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

22 (C) the information collected and evaluated
23 from—

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

- 1 (ii) the Joint Task Force Commander;
2 (iii) the appropriate State Governor;
3 (iv) tribal government officials;
4 (v) border county and city elected offi-
5 cials;
6 (vi) local law enforcement officials;
7 (vii) private property owners;
8 (viii) local community groups, includ-
9 ing human rights organizations; and
10 (ix) other affected stakeholders; and
11 (D) a privacy evaluation conducted by the
12 Privacy Officer of the Department of Homeland
13 Security, in accordance with the responsibilities
14 and authorities under section 222 of the Home-
15 land Security Act of 2002 (6 U.S.C. 142), for
16 each such physical barrier, levee, technology,
17 tool, or other device;
18 (5) a per mile cost calculation for each linear
19 mile of the southern border given the type of phys-
20 ical barrier, levee, technology, tool, or other device
21 chosen to achieve and maintain situational aware-
22 ness and operational control for each linear mile;
23 and
24 (6) a cost justification for each time a more ex-
25 pensive physical barrier, levee, technology, tool, or

1 other device is chosen over a less expensive option,
2 as established by the per mile cost estimates re-
3 quired in paragraph (2).

4 **SEC. 213. CONTROL OR ERADICATION OF CARRIZO CANE**
5 **AND SALT CEDAR.**

6 Not later than January 20, 2020, the Secretary, after
7 coordinating with the heads of relevant Federal, State,
8 and local agencies, shall begin controlling or eradicating,
9 as appropriate, the carrizo cane plant and any salt cedar
10 along the Rio Grande River and the Lower Colorado
11 River.

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

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

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

22 (c) STUDY AND REPORT.—

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

1 (A) to identify deficiencies and opportuni-
2 ties for improvement in the capability of Air
3 and Marine Operations to fulfill air and marine
4 support requirements for the U.S. Border Pa-
5 trol and other components of the Department of
6 Homeland Security, including support in critical
7 source and transit zones;

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

12 (C) to identify deficiencies and opportuni-
13 ties for improvement in the capabilities of the
14 U.S. Border Patrol and other departmental
15 components to develop rigorous estimates of
16 such requirements.

17 (2) REPORT.—Not later than 180 days after
18 the date of the enactment of this Act, the Secretary
19 shall submit a report to the Committee on Home-
20 land Security and Governmental Affairs of the Sen-
21 ate and the Committee on Homeland Security of the
22 House of Representatives that contains the results
23 of the study required under paragraph (1), including
24 recommendations and time frames for implementing
25 the recommendations contained in such study.

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

2 (a) **ADDITIONAL PORTS OF ENTRY.—**

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

7 (2) **CONSULTATION.—**

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

17 (B) **CONSIDERATIONS.—**The purpose of
18 the consultations required under subparagraph
19 (A) shall be to minimize any negative impacts
20 of any proposed new port on the environment,
21 culture, commerce, and quality of life of the
22 communities and residents located near such
23 new port.

24 (b) **EXPANSION AND MODERNIZATION OF HIGH-VOL-**
25 **UME SOUTHERN BORDER PORTS OF ENTRY.—**Not later
26 than September 30, 2020, the Secretary shall submit a

1 plan to the Committee on Homeland Security and Govern-
2 mental Affairs of the Senate, the Committee on Com-
3 merce, Science, and Transportation of the Senate, the
4 Committee on Homeland Security of the House of Rep-
5 resentatives, and the Committee on Transportation and
6 Infrastructure of the House of Representatives for ex-
7 panding the primary and secondary inspection lanes for
8 vehicle, cargo, and pedestrian inbound and outbound in-
9 spection lanes at the top 10 high-volume ports of entry
10 on the southern border, as determined by the Secretary.

11 (c) ESTIMATES OF INSPECTION PROCESSING GOALS
12 AND WAIT-TIME STANDARDS.—The plan required under
13 subsection (b) shall be based on estimates by the Secretary
14 of the number of such inspection lanes required to meet
15 inspection processing goals and wait-time standards estab-
16 lished by the Secretary.

17 (d) PORT OF ENTRY PRIORITIZATION.—The Sec-
18 retary shall complete the expansion and modernization of
19 ports of entry pursuant to subsection (b), to the extent
20 practicable, before constructing any new ports of entry
21 pursuant to subsection (a).

Subtitle B—Grants

1

2 **SEC. 221. OPERATION STONEGARDEN.**

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

6 **“SEC. 2009. OPERATION STONEGARDEN.**

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

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

17 “(1) shall be located in—

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

19 or

20 “(B) a State or territory with a maritime
21 border; and

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

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

3 “(1) equipment, including maintenance and
4 sustainment costs;

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

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

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

16 “(e) REPORT.—The Administrator shall submit an
17 annual report, for each of the fiscal years 2020 through
18 2024, to the Committee on Homeland Security and Gov-
19 ernmental Affairs of the Senate and the Committee on
20 Homeland Security of the House of Representatives that
21 contains information on the expenditure of grants made
22 under this section by each grant recipient.

23 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated \$110,000,000 for each

1 of the fiscal years 2020 through 2024 for grants under
2 this section.”.

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

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

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

“Sec. 2009. Operation Stonegarden.”.

14 **SEC. 222. SOUTHERN BORDER REGION EMERGENCY COM-**
15 **MUNICATIONS GRANT.**

16 (a) IN GENERAL.—The Secretary, in consultation
17 with the governors of the States that are adjacent to the
18 southern border, shall establish a 2-year grant program
19 to improve emergency communications in the southern
20 border region.

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

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

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

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

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

9 (2) are equipped with receivers for the Global
10 Positioning System.

11 **TITLE III—REDUCING SIGNIFI-**
12 **CANT DELAYS IN IMMIGRA-**
13 **TION COURT**

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

15 (a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—
16 The Attorney General of the United States shall increase
17 the total number of immigration judges to adjudicate
18 pending cases and efficiently process future cases by not
19 fewer than—

20 (1) 55 judges during fiscal year 2020;

21 (2) an additional 55 judges during fiscal year
22 2021; and

23 (3) an additional 55 judges during fiscal year
24 2022.

1 (b) QUALIFICATIONS OF IMMIGRATION JUDGES.—

2 The Attorney General shall ensure that all newly hired im-
3 migration judges—

4 (1) are highly qualified and trained to conduct
5 fair, impartial hearings consistent with due process;
6 and

7 (2) represent a diverse pool of individuals that
8 includes a balance of individuals with nongovern-
9 mental, private bar, or academic experience in addi-
10 tion to government experience.

11 (c) NECESSARY SUPPORT STAFF FOR IMMIGRATION

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

17 (d) ANNUAL INCREASES IN BOARD OF IMMIGRATION

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

22 (1) 23 attorneys during fiscal year 2020;

23 (2) an additional 23 attorneys during fiscal
24 year 2021; and

1 (3) an additional 23 attorneys during fiscal
2 year 2022.

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

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

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

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

11 **AND MEMBERS OF THE BOARD OF IMMIGRA-**

12 **TION APPEALS.**

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

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

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

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

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

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

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

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

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

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

5 **SEC. 401. DEFINITIONS.**

6 In this title:

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

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

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

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

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

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

3 (2) to coordinate the efforts of international
4 partners—

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

8 (B) to protect vulnerable populations in
9 the region.

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

12 (c) DUTIES.—The Coordinator shall coordinate the
13 efforts, activities, and programs related to United States
14 engagement in Central America under this title, includ-
15 ing—

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

1 (2) coordinating with the Department of State,
2 the United States Agency for International Develop-
3 ment, and international partners regarding United
4 States efforts to prevent and mitigate the effects of
5 violent criminal gangs and transnational criminal or-
6 ganizations on vulnerable Central American popu-
7 lations, including women and children;

8 (3) coordinating with the Department of State,
9 the Department of Homeland Security, and inter-
10 national partners regarding United States efforts to
11 counter human smugglers illegally transporting Cen-
12 tral American migrants to the United States;

13 (4) coordinating with the Department of State,
14 the Department of Homeland Security, the United
15 States Agency for International Development, and
16 international partners, including the United Nations
17 High Commissioner for Refugees, to increase protec-
18 tions for vulnerable Central American populations,
19 improve refugee processing, and strengthen asylum
20 systems throughout the region;

21 (5) coordinating with the Department of State,
22 the Department of Defense, the Department of Jus-
23 tice (including the Drug Enforcement Administra-
24 tion), the Department of the Treasury, the intel-
25 ligence community, and international partners re-

1 regarding United States efforts to combat illicit nar-
2 cotics traffickers, interdict transshipments of illicit
3 narcotics, and disrupt the financing of the illicit nar-
4 cotics trade;

5 (6) coordinating with the Department of State,
6 the Department of the Treasury, the Department of
7 Justice, the intelligence community, the United
8 States Agency for International Development, and
9 international partners regarding United States ef-
10 forts to combat corruption, money laundering, and
11 illicit financial networks;

12 (7) coordinating with the Department of State,
13 the Department of Justice, the United States Agen-
14 cy for International Development, and international
15 partners regarding United States efforts to strength-
16 en the rule of law, democratic governance, and
17 human rights protections; and

18 (8) coordinating with the Department of State,
19 the Department of Agriculture, the United States
20 Agency for International Development, the Overseas
21 Private Investment Corporation, the United States
22 Trade and Development Agency, the Department of
23 Labor, and international partners, including the
24 Inter-American Development Bank, to strengthen
25 the foundation for inclusive economic growth and

1 improve food security, investment climate, and pro-
2 tections for labor rights.

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

7 **SEC. 412. FBI LEGAL ATTACHÉ.**

8 (a) REQUIREMENT.—The Attorney General, acting
9 through the Director of the Federal Bureau of Investiga-
10 tion, shall establish a legal attaché position at the United
11 States embassies in El Salvador, Guatemala, and Hon-
12 duras.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Attorney General
15 such sums as may be necessary to carry out this section.

16 **Subtitle B—Targeting Assistance to**
17 **Appropriate Communities in the**
18 **Northern Triangle**

19 **SEC. 421. TARGETING ASSISTANCE TO APPROPRIATE COM-**
20 **MUNITIES.**

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

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

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

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

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

16 **Subtitle C—Regional Millennium**
17 **Challenge Corporation Compacts**

18 **SEC. 431. MILLENNIUM CHALLENGE CORPORATION COM-**
19 **PACTS.**

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

23 (1) in subsection (a), by adding at the end the
24 following: “The Board may enter into a Compact
25 with more than 1 eligible country in a region if the

1 Board determines that a regional development strat-
2 egy would further regional development objectives.”;

3 (2) in subsection (k)—

4 (A) by striking the first sentence; and

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

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

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

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

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

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “the national devel-
25 opment strategy of the eligible country”

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

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

8 (B) in paragraph (3)—

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

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

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

1 **Subtitle D—United States Leader-**
2 **ship for Engaging International**
3 **Donors and Partners**

4 **SEC. 441. REQUIREMENT FOR STRATEGY TO SECURE SUP-**
5 **PORT OF INTERNATIONAL DONORS AND**
6 **PARTNERS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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