United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164 WASHINGTON, THURSDAY, JUNE 21, 2018 No. 104

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 8, 2018, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 9:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

GUN VIOLENCE IN TRENTON, NEW JERSEY

The SPEAKER. The Chair recognizes the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) for 5 minutes.

Mrs. WATSON COLEMAN. Mr. Speaker, a few days ago, at the Trenton Art All Night Festival, a fight between two individuals resulted in a mass shooting; 17 people shot, at least one critically injured. Fortunately, the only casualty—fatality, I should say—was one of the shooters.

Even so, nearly 20 people shot at a community festival dedicated to breathing new life into the city and bringing the community together around something that is positive deserves our attention.

Unfortunately, we have a bad habit of assigning sympathy and coverage only to certain kinds of shootings. In fact, it is safe to say that there are some who believe that there are communities in which gun violence will always be an unavoidable norm. That is false. That is a horrible and destructive stereotype that ignores the underpinning of our conversation about guns.

From access to excessively destructive accessories, guns are the problem. NRA advocates would argue that in Parkland the shooter got his gun legally. But should an 18-year-old be able to buy a gun, especially when that gun is never going to be used for sport?

Those same advocates would argue that most shootings in urban areas occur with illegally obtained weapons and that no regulation would prevent them. But because we refuse to require registries, we don't know where these guns come from. Perhaps if we did, perhaps if we knew who the first buyer was and which States those illegal weapons came from, they wouldn't end up in the wrong hands.

Mr. Speaker, our country's gun problem isn't a single-sided one. It is multifaceted and will require more than just one angle to solve.

Fortunately, from members of the Gun Violence Prevention Task Force alone, there are more than 70 proposals that seek to address this singular and deadly crisis. I am responsible for two of them: The STOP Online Ammunition Sales Act of 2017 to flag for law enforcement large bullet and ammunition purchases that suggest the kind of stockpiling that precedes an attack; and the Handgun Licensing and Registration bill, which would create the kind of registry that might help us keep more weapons out of the wrong hands.

Earlier this week, I wrote a letter to you, Mr. Speaker, asking for consideration of any one of these 70 bills in honor of the victims of Sunday's shooting. I have yet to receive a response to my question, and with the paralyzing fear that seems to grip my Republican colleagues whenever we mention guns, I don't have high hopes that I will get one.

But I do know that the longer we continue to ignore this problem, the more people will be hurt and the more lives will be lost.

At work, at school, at the grocery store, at the playground, in the homes with violent partners, by accident during play dates, at the hands of those suffering from mental illness, with or without law enforcement being present, whether or not someone in the audience or classroom is armed, guns have always been the problem. We need to accept that so that we can get to work on it and move on it.

I continue to pray for the health and recovery of those who were injured in Trenton, as well in other places, just as I will continue to work on this issue.

HONORING PENNY CELESTE FORREST

The SPEAKER pro tempore (Mrs. HANDEL). The Chair recognizes the gentleman from Texas (Mr. FLORES) for 5 minutes.

Mr. FLORES. Madam Speaker, I rise today to honor Penny Celeste Forrest of Waco, Texas, who passed away on June 15, 2018.

Penny was born in 1948 in Dallas, Texas. She was educated at East Texas State University, now known as Texas A&M University-Commerce; Baylor University; the University of Texas at Arlington; McLennan Community College; Texas State Technology College; and Texas Woman's University.

Penny was very active in our Waco community. She served on various boards, associations, and commissions, including the following: president of the Central Texas Museum District, vice president of the Austin Avenue Neighborhood Association, chair of the Boy Scouts Award Committee, chair of the Waco-McLennan County Library Commission, the McLennan County Historical Commission, the Texas State Technical College board of regents, the city of Waco Parks and Recreation Advisory Commission, the city of Waco Convention and Visitors Bureau Advisory Board, and the city of Waco Buildings and Standards Commission.

For the past 8 years, Penny has been an integral member of my team that serves the 17th Congressional District of Texas. She was one of the first three hires I made when I assumed office in 2011.

Since then, she worked in our Waco office as our office manager and our caseworker. She loved her job, and she especially loved being able to serve others.

Penny was also in charge of handling the Military Service Academy nominations for our office. Each year, she would compile all of the applications and coordinate with our service academy board to interview applicants. She took great pride in being able to help young men and women get accepted into our Nation's service academies.

In addition to her official duties, she also served as the matriarch of our Waco office team. She befriended and mentored everyone with whom she worked. She especially enjoyed working with all of our interns, and she would advise them during their time in our office.

There is no doubt that some of the wisdom that she shared with them has helped shape their lives and their careers.

Penny was an exceptional and devoted person who will be greatly missed by all those lives she touched.

The thing that I know that she loved more than serving others was loving her husband, Jerry, and her children. For as long as I can remember, Jerry and Penny would have lunch together every day in our office. They truly enjoyed each other's company. Their love and dedication to each other was remarkable and something to be modeled by all of us.

A little over a year ago, we buried my father-in-law. During the graveside service, the pastor said something that I will always remember. He said, When we leave this Earth, we should all aspire to leave behind three things: a good name, a good family, and a forwarding address.

Penny Forrest left behind all three of those things, and in particular, she left a forwarding address. Because of her Christian faith and her belief in Jesus Christ as her Lord and savior, she is celebrating with him in heaven. Her actions serve as a great example for all of us here still on Earth.

She and Jerry loved to go on cruises, and she is on the ultimate cruise right now.

Madam Speaker, Penny's life was defined by her selfless service to those around her. She worked tirelessly to better our community. She has certainly left an enduring impression on her central Texas community and the 17th Congressional District.

She will be forever remembered as a selfless servant, a wife, a mother, a grandmother, and a dear friend.

My wife, Gina, and I, along with the entire Texas 17 Congressional Team, offer our deepest and heartfelt condolences to the Forrest family.

We also lift up the family and friends of Penny in our prayers.

I have requested that a United States flag be flown over the Capitol to honor the life and legacy of Penny Forrest.

As I close today, I urge all Americans to continue praying for our country, for our military men and women who serve us, and for our first responders who keep us safe at home.

RECOGNIZING ALZHEIMER'S AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. LANCE) for 5 minutes.

Mr. LANCE. Madam Speaker, I rise today to honor Alzheimer's Awareness Month.

Every June, this Nation is reminded of the great public health challenge of Alzheimer's, and we redouble our efforts to combat this terrible disease.

The numbers are sobering. The lives lost to this grave illness have increased 123 percent over the last decade. Many families have lost loved ones, and many more struggle with family or friends who fight this awful disease.

The work of loved ones to provide high-quality healthcare and comfort is extraordinary. Advocates on the front lines deserve our deepest gratitude, and they include Jeanee Castilles of Lambertville, New Jersey, and Dali Serrano of Wharton, New Jersey, in the district I serve, who work every day in the cause of research, of treatment, and of support.

There is new hope, thanks to the work of people like Jeanee and Dali and those of us who serve in Congress. Together, we are committed to more research funds and knocking down barriers to 21st century innovation.

Together, during this awareness month, and, indeed, throughout the entire year, we must continue to raise our voices about Alzheimer's and ensure that the fight to find a cure is a national priority of the highest order.

It will take a united effort across this great country, and I believe that we are up to the task.

ISSUES OF SEGREGATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 5 minutes.

Mr. AL GREEN of Texas. Madam Speaker, I rise because I love my country, and I have great concern for where it is headed.

I am very much concerned, Madam Speaker, because I have seen, and the multitudes have seen, photographs of children who have been separated from their parents.

I have here one such display; a child who is separated from a parent, a child that is distraught. And my concern emanates from the notion that if you can tolerate this, if you can look at this, and if you have the power to do something about it and you won't, if your heart is so hardened that you can look at this picture of this baby and conclude that this is just a part of a process, then that says to me I should be concerned about the direction of my country.

We have come a long way in my lifetime. I had to drink from colored water fountains. I had to sit in the back of the bus. I had to go to segregated schools. I know what segregation looks like. I know what it smells like. I have had to go to these filthy colored restrooms. I know what it sounds like. I was called the ugly names. I know what it hurts like when you have people who would chase you just because of who you are.

So we have come a long way, and that concerns me because I am not sure where this says we are going.

But I do know this: I don't want to see us go back to that dark past because, Madam Speaker, for those who don't know, here is what it looks like.

□ 0915

This is a picture from Little Rock, Arkansas. This is a picture of a child merely attempting to go to school, committing no crime. This is a picture of what hate looks like.

Children ought not be subjected to this level of hate and vitriol. This is a past that I don't want to revisit.

For this young lady and others to get into this high school—that was being paid for with their tax dollars, I might add—President Eisenhower had to send in the 101st Airborne Division of the Army. It took the Army to integrate Central High.

It is an unpleasant thing to have to endure and to have to visit, but for some of us, it is about more than just a process. For some of us, it is about a way of life that we endured and that we suffered. For some of us who have felt the sting of discrimination, this is a painful thing to see.

For those who would say: ''Well, we will never go back there. You will never see that again,'' well, I never thought I would see a day when a President of the United States would ban people from the country who happen to be of a certain religion. I never thought I would see a day when a President of the United States would say: ''There were some nice people'' among the bigots, the xenophobes, the White nationalists, and the Klansmen in Charlottesville. I never thought I would see that come from the Presidency, from the President of the United States, not in my lifetime.

So to those who say: ''Worry not. We won't go back,'' I say: We should be warned, and we should not allow ourselves to be deceived.

PARK AND RECREATION MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Madam Speaker, recently, I introduced

a resolution with Congresswoman NIKI TSONGAS to designate July as Park and Recreation Month. It is a fitting time to celebrate our Federal, State, and local public parks and recreation systems because so many Americans will visit them this summer.

H. Res. 941 recognizes the important role that public parks, recreation facilities, and activities play in the lives of Americans, and the contributions of employees and volunteers who work daily to maintain our public parks and recreation facilities across the Nation.

As a lifelong resident of rural Pennsylvania and an avid outdoorsman, I strongly support our Nation's park and recreation facilities. Our parks provide countless recreational and educational opportunities for individuals and families to engage in the outdoors.

This resolution simply recognizes and supports Park and Recreation Month and the many benefits that our parks provide to all Americans. Our parks generate opportunities for people to come together and experience a sense of community. They pay dividends to communities by attracting businesses and jobs, and increasing housing values. In the United States, public park operations and capital spending generate nearly $140 million in economic activity annually.

Ninety percent of people in the United States agree that public park recreation facilities and activities are important government services, a figure that displays a base of support that spans across all people in the country regardless of race, income, gender, or political party affiliation. Nearly 75 percent of Americans agree that it is important to ensure that all members of their community have equitable access to public parks and recreation facilities.

The most economically sound communities are those with ample and healthy public park and recreation facilities and activities. In fact, a key factor in business expansion and location decisions is the quality of life for employees, with a premium placed on adequate and accessible public parks and open space.

Madam Speaker, public parks and recreation facilities foster a variety of activities that contribute to a healthier society. People who use public parks and open space are three times more likely to achieve recommended levels of physical activity than nonusers.

Americans living within a 10-minute walk of a park have a higher level of physical activity and lower rates of obesity. Recreation programs in public parks provide children with a safe place to play, access to healthy foods, opportunities to be physically active, and enrichment facilities that help prevent at-risk behavior, such as drug use and gang involvement.

As schools recess for summer break, scores of Americans will visit public parks and recreation facilities to spend time outdoors with family, friends, and neighbors. We are blessed with beautiful outdoor facilities.

It is my hope that all Americans get out and enjoy the parks in their areas. They are tremendous community treasures.

ZERO TOLERANCE EQUALS ZERO HUMANITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. POCAN) for 5 minutes.

Mr. POCAN. Madam Speaker, I rise today to talk about a trip I did on Sunday to the United States southern border in Texas to visit the processing centers and detention facilities that we are using to enforce the zero-tolerance policy that the President has put forth, the zero-tolerance policy that apparently means zero humanity.

It is a policy that is cruel, inhumane, and un-American, and I want to share my firsthand observations with the American people about this.

First of all, it is a cruel policy. We are separating mothers and fathers, parents from their children, brothers from their sisters, across the border as people come into the United States.

I can tell you that when children are taken away from their parents, sometimes they are told a lie of why. Sometimes they are just taken away. There are no questions asked of the parents about the children: Do they have an allergy? Have they ever been abused? Do they have any diseases? The basic questions that you would ask, if you didn't have a cruel policy, aren't asked. So you are essentially separating the parents from their children without any information whatsoever.

I talked to mothers at the ICE detention facility, and we asked about the situations, if they knew where their children were. One woman pulled out a little slip of paper that said where her children were, as if she knows New York, as if the other mothers knew Florida. It is not like the children are held in the next room, in the next building, in the next city, but they are being held several States away.

One woman told us that she was told that her children would be put up for adoption. Another woman told us that she would be released and eventually her 9-year-old daughter held by herself in New York would be released.

The policy is inhumane. People are being held in cages. And anyone who wants to contest that, come to my backyard and I will show you the dog run in my backyard that is made of the same material and the same construction, only with shorter walls than the cages that we are holding people in, in the processing center.

There are no pillows. You have a mat. There are no toys for children. Then I visited the Walmart Supercenter where we have 1,500 10- to 17-year-old boys held in a Walmart Supercenter where the sleeping space is 6 by 10. Even though it is a little larger room with six or eight beds, it is a 6 by 10 allocation.

I have done work with supermax prisons when I was in the State legislature. A supermax prison cell is 8 by 12. That is 40 percent less than a supermax prison cell. You get outside 2 hours a day. In a supermax prison, you get out about an hour a day. This is wrong.

Parents don't often know the status of how their children are doing. When we were set up to interview one woman, she hadn't even seen her 13-year-old daughter in 2 days. This is un-American.

We are taking the points of entry that are legal points of entry, and we are making it impossible to get into the United States. So what happens is you either go back into Mexico where you can get kidnapped by a cartel and extorted for money from relatives in the U.S., or if you don't want to get kidnapped, you cross illegally across the river, and then you get detained under the zero-tolerance policy. And that is why we have this situation.

But the bottom line is, Donald Trump did not do anything, nor did this Congress, to actually fix the situation. Donald Trump finally caved to enormous public pressure, saying he will no longer separate children and parents, but he won't fix the 2,300 children who are currently separated at all. That is not in the executive order.

We don't have the facilities to deal with this. Again, because of this policy change, in 6 weeks, the population of the detention center at Walmart, which I refer to as the supermax prison, went from 500 to 1,500 in 6 weeks. You can't make that process work.

Everything I saw shows the President did this without any thought, and because no thought was put into it, people are treated thoughtlessly through the process.

Ultimately, the President did this for one reason: he wants to force Congress to put up an unneeded and unnecessary wall at the border, and he will do anything and use anyone to get what he wants.

This Congress today has a couple of bills up that will not deal with this issue. We need to act. This is a cruel, inhumane, un-American policy.

This is a Trump policy, and if we don't act, we are also complicit in the horrors that are happening.

RECOGNIZING CONWELL-EGAN CATHOLIC HIGH SCHOOL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Madam Speaker, I rise today to recognize a high school in our community that has demonstrated its commitment to safe-driving practices.

Conwell-Egan Catholic High School, my alma mater, recently won the 11th Annual Bucks County High School Seatbelt Safety Challenge. Of 19 participating schools, Conwell-Egan had the highest percentage of students who

wore seatbelts, at 97 percent. Conwell-Egan also had the largest jump from students not wearing seatbelts to those wearing them, rising 9 percent from the fall.

This impressive accomplishment would not be possible without the hard work of several key students in promoting safe driving initiatives. They are Robert Phinn, Todd Hartman, and Emma Kirby, who worked under the guidance of a dedicated faculty member, in particular, faculty member Josh Beauchamp.

I commend these individuals for their work in encouraging safety and accountability throughout Bucks County, and for making alumni like myself very proud.

OPIOID CRISIS

Mr. FITZPATRICK. Madam Speaker, as our Nation continues to grapple with the opioid crisis, I am proud to be working in a bipartisan fashion with my colleagues to advance necessary legislation to fight drug abuse and addiction in our communities.

Just as impactful as treatment and sound policy in fighting this public health crisis is a personal touch to provide comfort and motivation to those struggling. And that is what Marti Hottenstein and her Bucks County charity gives to homeless individuals in our area.

How to Save a Life Foundation, based in Warminster, was started by Marti to honor the life of her son, Karl, who tragically passed away from a drug overdose in 2006 after he was denied treatment.

Today, Marti and volunteers from How to Save a Life Foundation pass out food, toiletries, and treatment resources to those struggling from addiction in our community, who, in many instances, have nowhere else to turn.

I applaud Marti and all of the volunteers of How to Save a Life Foundation for their good deeds and dedication to ending addiction and the stigma that often comes with it. Together, we can and must put an end to the opioid crisis.

CONGRATULATING MONTGOMERY COUNTY SENIOR SOFTBALL LEAGUE

Mr. FITZPATRICK. Madam Speaker, I rise today to recognize the Montgomery County Senior Softball League, which celebrated its 20th anniversary in Hatfield Township, Pennsylvania, on Saturday.

The league, founded by Vic Zoldy of Souderton, serves to provide recreational opportunities to individuals over 60 years of age. To date, it has grown to an organization with 16 teams and close to 200 players. It has become so popular over time that there is now a waiting list to join the league.

In addition to Vic, there are several other players who have played each year since its inaugural season including: Ray Forlano, 80 years old, of Warwick; and Angelo Malizia, 90 years old, from Harleysville.

I am proud of the commitment that these people in this league have, the Montgomery County Senior Softball League. I am proud of the camaraderie that they add to our community, recognizing the importance of staying active.

To Vic, Ray, and Angelo, I look forward to taking the field with you in 2034.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 29 minutes a.m.), the House stood in recess.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 a.m.

PRAYER

Reverend Dr. Alexander Campbell, South Carolina State Guard, Anderson, South Carolina, offered the following prayer:

God, we bless You this week as we celebrate the anniversary of the Great Seal of the United States, adopted by this august assembly on June 20, 1782. On the front of that seal, a shield of red symbolizing hardiness and valor; white standing for purity and innocence; and blue representing vigilance, perseverance, and justice.

The back of the Great Seal shows a pyramid, a symbol of strength and duration. Above that pyramid is a triangle containing the eye of providence. Your eye, God, watching over us, with the inscription, ''God has favored our undertakings.''

Therefore, God, we ask that You favor the undertakings of this great House by strengthening it to fulfill the noble symbols of the Great Seal in accomplishing the continued building of our great Nation guided by the God in whom we trust.

I pray this prayer in the name of my Lord, Jesus Christ.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TROTT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TROTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. GENE GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GENE GREEN of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. ALEXANDER CAMPBELL

The SPEAKER pro tempore. Without objection, the gentleman from South Carolina (Mr. DUNCAN) is recognized for 1 minute.

There was no objection.

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today to welcome our guest chaplain, Reverend Dr. Alexander S. Campbell, ''Alex'' to those who love him. He is of Christ Reformed Church in Anderson, South Carolina.

In 2007, Dr. Campbell and his family moved from Columbia, South Carolina, to Anderson to become the senior pastor of Christ Reformed Church and have faithfully served the community of Anderson, South Carolina.

Dr. Campbell received his undergraduate degree from Clemson University—Go Tigers—in 1985, his master's of divinity from Columbia International University in 2001, and his doctorate of ministry from Reformed Theological Seminary in Charlotte, North Carolina, in 2015. In addition, Dr. Campbell is a chaplain in the South Carolina State Guard, where he faithfully serves, and he is wearing his uniform today.

Dr. Campbell is married to his wonderful wife, Nancy, and has four adult children—Zan, Meg, McBryde, and Ian—some of whom are joining us in the gallery for this special moment.

I am proud to join Dr. Campbell on the floor of the people's House and thank him for his service to his God, his country, and his community. May God continue to bless him and his family, the State of South Carolina, and the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

NATIONAL DAIRY MONTH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today on this first day of summer to recognize June as National Dairy Month.

From calcium to potassium, dairy products, like milk, contain nine essential nutrients that may help to better manage your weight and reduce your risk of high blood pressure, osteoporosis, and certain cancers.

Whether it is protein to help build and repair the muscle tissue of active bodies or vitamin A to help maintain healthy skin, dairy products are a natural nutrient powerhouse. Those are just a few of the reasons that we should celebrate dairy not just in June, but all year long.

National Dairy Month started out as National Milk Month in 1937 as a way to promote drinking milk. It was initially created to stabilize the dairy demand when production was at a surplus, but it has now developed into an annual tradition that celebrates the contributions the dairy industry has made to the world.

As vice chairman of the House Agriculture Committee, I am proud that the Commonwealth of Pennsylvania is one of the largest milk-producing States in the Nation.

Happy dairy month.

TRUMP ADMINISTRATION'S ASSOCIATION HEALTH PLAN PROPOSAL

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GENE GREEN of Texas. Mr. Speaker, my prayers are with the immigrant families who were being separated at the border. The administration's actions were inhumane, and I am glad the President reversed these actions.

As the children are sleeping on the floor behind a cage wishing they would hear from their mom and dad, the administration and Republican majority are working silently, chipping away at the Affordable Care Act.

The Trump administration released a rule that would greatly expand association healthcare plans, which are exempt from the Affordable Care Act's essential healthcare benefits, including maternity care, mental healthcare, and prescription drugs. This new loophole will bring back junk, or fake, plans that provide little or no health coverage.

Repeal of the Affordable Care Act didn't happen, but the Republicans' sabotage of our Nation's healthcare system continues, and our uninsured Americans continue to grow.

These junk plans will siphon off young, healthy people, damaging the ACA marketplaces and leaving everyone else with higher premiums. The fake insurance may not cover emergency room treatment or other terrible illnesses.

Americans need healthcare, not fake insurance.

NATIONAL ASK DAY

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, every single day, seven children and teens are killed by gun violence; 40 more are shot and survive. Most of the time, the incident could have been prevented if the gun involved was unloaded and locked away safely.

Mr. Speaker, 1.7 million American children live in a home with a loaded, unlocked gun, and three out of every four children ages 5 to 14 know where guns are kept in their home.

That is why today I am introducing a resolution to recognize June 21 as National Ask Day, the first day of summer, to encourage parents to ask a simple question to anyone who is responsible for their children in another home after school: Is there a loaded, unsecured gun in your house? Asking this simple question will help save lives and reduce the level of gun violence in our country.

This is a commonsense idea that both Democrats and Republicans should be able to agree on, because no matter our politics, we all believe that our children should be free from the scourge of gun violence.

Again, this is National Ask Day. We are asking everyone to just ask a simple question. Wherever your children are going after school, whether to another residence or to a family member or friend, ask the simple question: Is there a loaded, unlocked gun in that house? And be sure that it is secured. Help save the lives of so many American children.

FARM BILL

(Ms. BLUNT ROCHESTER asked and was given permission to address the House for 1 minute.)

Ms. BLUNT ROCHESTER. Mr. Speaker, I rise today to urge my colleagues to again vote against the partisan GOP farm bill.

Mr. Speaker, I traveled across my State and heard countless stories from Delawareans of all backgrounds: farmers, emergency food providers, and working families. I want to share one story.

During Kids Day at the Lewes Farmers Market, every child who attended with a SNAP participant was given $5 in tokens to spend on fresh fruits and vegetables. One boy, clutching his tokens, asked: ''Is this enough to buy a peach?'' The organizers told the boy it was enough to buy a whole basket. He looked up and said: ''Good, because I have never tasted a peach.''

That is what the farm bill is about. It is about connecting people from farm to fork.

This bill is too important for one party to go it alone. I hope my colleagues will vote again against this bill so that we can get back to truly working on a bipartisan farm bill that strengthens the rural economy, our farm safety net, and ensures that all children have the opportunity to taste a peach.

IMMIGRATION

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. Mr. Speaker, like so many others, I have been dismayed about the administration's actions, ripping thousands of children from their parents' arms at our border.

Let's make one thing clear: Yesterday the President didn't fix the immigration problem, and this House is not going to fix the problem here today.

People are coming to our border, fleeing oppression and violence, turning themselves in, and asking for our help. This administration's response is to try to deter these immigrants by matching the cruelty they are fleeing.

We have to acknowledge the truth of what is happening. Children are being caged. Families are suffering long-lasting emotional and mental trauma, being used as pawns in the President's political games.

Every day for months, our neighbors living here under DACA have continued to face uncertainty. This is nothing short of inhumane, barbaric, and, frankly, immoral.

Moving kids from DHS cages to DOD cages doesn't solve the problem. Building a wall doesn't solve the problem.

Let's get our priorities in line. End the President's disastrous policy and pass the Dream Act.

IMMIGRATION

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, my first real professional job was as a social worker at Whaley Children's Center in my hometown of Flint, protecting kids who had been the subject of child abuse, victims of child abuse. We knew then, as we know now, that the best place, ultimately, for those kids was to get them back in their family. We worked to reunite kids with their families.

So it is particularly offensive to see the President of the United States, the Government of the United States, adopt policy that intentionally separates children from their families.

This is child abuse. This is child abuse. Nothing else.

The notion that a government would engage in this practice ought to offend everyone, and the idea that the President is congratulating himself for ending a policy that he, himself, ordered to separate children seeking asylum in this country from their families is ridiculous. Those who have sat silent as

this has happened are complicit in this policy.

Now, today, we will take up two pieces of legislation, neither of which deal substantially with the immigration problem.

My God in Heaven, let's get this done.

ENDING ALZHEIMER'S

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, on the summer solstice, Alzheimer's disease advocates do what they love: From sunrise to sunset, they hike, they bike, they sing, and they run in order to raise funds and awareness about the indiscriminate and crippling disease. They do so on the longest day to symbolize the challenges the 5.7 million Americans living with this deadly disease face from sunrise to sunset.

Alzheimer's is the sixth leading cause of death. It kills more than breast cancer and prostate cancer combined.

We have an obligation to do everything we can to understand this disease so that we can cure it, which is why we and I work to increase funding at the National Institutes of Health. One breakthrough there can save millions of lives over generations and can find cures for this disease, which as many as 16 million Americans could live with by 2050.

Every day, from sunrise to sunset, I am proud to stand with all those fighting this deadly disease and all those who are fighting with them.

Mr. Speaker, together, we will end Alzheimer's.

IMMIGRATION

(Ms. BARRAGÁN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BARRAGÁN. Mr. Speaker, yesterday President Trump signed an executive order, an order that he said was to stop separation of families at the border. This is a policy that he caused, and he has now taken a victory lap. It is ridiculous.

My response: To stop family separation once and for all, President Trump must end his failed zero-tolerance policy. Replacing family separation with indefinite family detention is not the solution. We cannot continue to overwhelm our immigration system and incarcerate families who pose no threat to the United States to please immigration hardliners.

HOMELAND SECURITY SECRETARY NIELSEN

(Mr. TED LIEU of California asked and was given permission to address the House for 1 minute.)

Mr. TED LIEU of California. Mr. Speaker, Homeland Security Secretary Nielsen brazenly told the American people that there was no policy of family separation. Then she reversed and said there was a policy, but she is not going to apologize for defending it. Then she reversed again and said it is actually not a policy, that only Congress can change the laws on it.

Yesterday, the executive order by Donald Trump puts her statements very clearly in the spotlight as all lies. Her credibility has been shredded. She needs to resign.

By the way, there are 2,300 babies and children still separated from their mothers and fathers. That is evil. That is sinful. We need to know where those children are and how we are going to reunite them.

Mr. Speaker, 20 days ago, I led a letter to Secretary Nielsen, along with other Members of Congress, asking very basic questions:

How do you make sure that some of those kids are not put with child molesters?

How do you make sure we reunite those kids with their parents?

She still has been unable to answer those questions. She needs to go. She needs to resign. She is a national embarrassment, and she is executing an evil policy.

□ 1015

MONDELEZ INTERNATIONAL

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I stand today in solidarity with the workers who have paid in for years to have retirement security only to have the rug pulled out from under them. Mondelez International, the maker of iconic Nabisco products, like Oreo cookies, has, in recent years, moved hundreds of good-paying middle class jobs to Mexico. Now they have doubled down on shafting their U.S. employees.

On May 23, Mondelez-Nabisco announced it would withdraw from their employees' pension plan. How nice. They have participated in this plan for 60 years. This decision jeopardizes the hard-earned retirement security of 110,000 current and future retirees.

This decision comes at the same time that this corporation, Mondelez, paid its new CEO, Dirk Van de Put, $42.4 million for 41 days of work in 2017.

I would be remiss if I didn't mention Mondelez reaped millions of dollars in tax breaks as a result of the passage of the recent Trump tax cuts.

Since 2014, Mondelez has increasingly shifted production from the U.S. to Mexico and taken major jobs with it.

On December 15, I wrote a letter to the United States Trade Representative asking them, in the context of NAFTA, to prioritize strong, enforceable labor provisions to discourage this kind of outsourcing to Mexico.

Mr. Speaker, this is an epidemic.

COMMUNICATION FROM COMMUNITY LIAISON, THE HONORABLE ANDY HARRIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Wingrove, Community Liaison, the Honorable ANDY HARRIS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 19, 2018.

Hon. PAUL D. RYAN,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Circuit Court for Queen Anne's County, Maryland.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOHN WINGROVE,
Community Liaison.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 21, 2018.

HON. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pusuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 21, 2018, at 9:31 a.m.:

That the Senate passed with an amendment H.R. 770.

Appointment:

United States Commission on International Religious Freedom.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 10 o'clock and 18 minutes a.m.), the House stood in recess.

□ 1030

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 o'clock and 30 minutes a.m.

PROVIDING FOR CONSIDERATION OF H.R. 4760, SECURING AMERICA'S FUTURE ACT OF 2018

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 954 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 954

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4760) to amend the immigration laws and the homeland security laws, and for other purposes. All points of order against consideration of the bill are waived. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Mrs. TORRES), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 954 provides for the consideration of a bill aimed at curbing the flow of illegal immigration across our southern border by combining a strong border wall and security measures with targeted modifications to the current immigration visa process.

The rule provides for one hour of debate on H.R. 4760, the Securing America's Future Act of 2018, with 40 minutes equally divided and controlled by the Committee on the Judiciary and 20 minutes controlled by the Committee on Homeland Security.

The rule provides for the adoption of the Goodlatte amendment reflecting a number of provisions, which were negotiated with numerous parties since the bill was first introduced in January of this year. This amendment will be incorporated into H.R. 4760 upon adoption of the rule today.

It also includes the McCaul amendment, which makes technical corrections to the underlying bill.

Further, the rule provides the minority with one motion to recommit with or without instructions.

The laws and legal agreement currently governing our enforcement efforts along the southern border are between 20 and 60 years old. America is a Nation built and continually supported by immigrants. However, the world has changed and how we accept new immigrants may adapt as well.

H.R. 4760 begins the process of reforming our immigration system for the first time in decades, and I encourage the passage of the rule to consider this important bill.

The Securing America's Future Act refocuses legal immigration for the skills that our country needs. It also secures our border, strengthens interior enforcement, and makes changes to the Deferred Action for Childhood Arrivals program. The diversity visa lottery program, which awards 50,000 green cards to a randomly selected pool of applicants, is eliminated, along with visas for relatives except for spouses and minor children. Overall, immigration levels are decreased, while visas for skilled workers are increased and the agricultural guest worker program is reformed to better meet the needs of our farmers and food processors.

Construction of a border wall system is authorized, including the use of additional cameras, sensors, and aviation assets. Recently, President Trump approved the use of the National Guard along the border, increasing capacity by over 1,100 personnel and 14 aircraft. This bill would also authorize the use of the National Guard aviation and intelligence support. It requires full implementation of the biometric entry-exit system at all ports of entry and provides for 10,000 border patrol agents and officers.

To strengthen interior enforcement, the bill mandates E-Verify so that all employers check the immigration status of their employees. It combats sanctuary city policies by withholding law enforcement grants and allows the Department of Homeland Security to detain dangerous, illegal immigrants who cannot be immediately removed from the country.

Many illegal immigrants without legal status claim asylum when apprehended by border agents. While there are legitimate claims of fear of persecution, there are also instances of immigrants being coached to say the correct phrase to obtain asylum. To combat this fraud, the bill increases the credible fear standard. It also makes being a gang member a removable offense and qualifies illegal presence as a Federal misdemeanor.

In 2015, Kate Steinle was killed by an immigrant without status while walking with her father in San Francisco. The man responsible for her death had been deported multiple times and should never have been in the country on that day.

Constituents of the 26th District of Texas experienced a similar tragedy in 2013 when a young girl in a crosswalk was struck and killed by someone in the country without legal status.

While the recent enforcement policies along our southern border have led to a temporary separation of parents and children, a father and a grandmother in the 26th District of Texas will never be reunited with their daughter and granddaughter.

Kate's Law enhances criminal penalties for multiple illegal reentry to help prevent future tragedies. Inclusion of this provision will reduce the possibility of the tragic killing of American citizens.

Finally, the bill provides for a 3-year renewable legal status for Deferred Action for Childhood Arrival recipients that allows them to work and travel overseas. This will apply to approximately 700,000 individuals who are currently in the United States. While it was not the fault of these then-children that they entered the country without legal documentation, the fact of the matter is that they are here now and we need a solution.

While I do not support an expedited path to citizenship, I do support allowing them to get in line and apply just like any other law-abiding potential immigrant. The bill does not allow for a special path to citizenship. However, it does allow the Deferred Action for Childhood Arrival recipient to obtain a green card and apply for citizenship like any other law-abiding applicant.

Recently, we have heard a lot about the enforcement policies along the southern border. Mr. Speaker, this crisis is not new. In 2014, the number of unaccompanied alien children increased exponentially and reached crisis levels. It remained steadily above 400,000 apprehensions from 2013 until the present.

During a visit by the Honduran First Lady in 2014, she was asked if Honduras wanted their children back, and without hesitation, she responded that they did. So a planeload of women and children was sent back to Honduras that resulted in an immediate reduction in the attempted crossings of unaccompanied alien children. However, because there was no follow-on enforcement actions, the numbers again began to increase, reaching above 563,000 in 2016.

In the lead-up to the 2010 election, the numbers increased, because then-candidate Trump spoke about securing our border with a wall that would finally end the possibility of illegal entry along our southern border. When candidate Trump became President-elect Trump, this number dramatically decreased because potential immigrants believed that construction of the border wall was imminent.

As a Member of Congress representing a border State, I have maintained regular contact with Customs and Border Protection and the Immigration and Customs Enforcement officials. What we heard during this period, 2016, was that immigrants crossing the border illegally wanted to get into the country before the possibility of a Trump election occurred and could direct construction of the border wall. They were under the impression that if

you crossed our border, at a point of entry or illegally, you would be granted amnesty and welcomed into the country. While we do welcome legal immigrants, this perception led to only more vulnerable children being entrusted by parents to human traffickers, typically for large sums of money, to bring their children to the United States.

On this journey, children could experience harsh conditions. Some were abused physically, sexually, and emotionally. And this abuse is not a threat just from the adults that are supposed to care for them, but also it can occur from their fellow travelers. A lot of these kids are just trying to survive, trying to make it to a life where they may one day thrive, but this existence is often all they have known, and they react in a way that reflects this reality.

While there is a concern about children arriving with parents who are then prosecuted for illegal entry and subsequently placed in the custody of the Health and Human Services Office of Refugee Resettlement, numerous children never get to make this journey with their parents or even relatives. Many adults are now bringing nonrelated children with them in an attempt to be released into the United States because of their association with a child that cannot, because of the Flores Agreement from 1997, be held in custody.

When the influx of unaccompanied alien children began exceeding the capacity of the Office of Refugee Resettlement, I traveled to the border area specifically to visit these facilities. I engaged with the Office of Refugee Resettlement to fully understand the care that these children were receiving in 2014, 2015, and 2016. The Office of Refugee Resettlement responded to my concerns about threats of communicable diseases from foreign countries being brought to our homeland. Mr. Speaker, there was not even a physician employed in the Office of Refugee Resettlement in 2014 before I raised this issue.

The issue became a concern because there were members of Customs and Border Control that actually felt that they were perhaps developing a condition as a result of contact with people because of a skin parasite that was easily communicated. And the question arose, could other diseases be communicated as well? And people were rightfully concerned about that. It is not just an illness like scabies; it is an issue like multiple-drug-resistant tuberculosis that people were most concerned about.

While treatment in facilities has vastly improved in the last couple of years, the path by which immigrants come here is still dangerous. On one of my visits near the border at McAllen, Texas, I traveled with border patrol agents along a cactus-strewn, dusty road, mesquite bushes growing in from the sides. They brought a bus down there, a big bus. They stopped, they flashed their lights, they honked their horn, and the bus filled up with people. The bus went off to town, bouncing across this dusty road, and I remained back with the Customs and Border Patrol.

Then a State agent came up, someone from Fish and Wildlife, and said: I need help. I have got people over here that I think belong in your jurisdiction because you are the Federal Government.

And Customs and Border Patrol went over to the area that he had pointed out, and here were a number of women, small children, and teenage boys. They had come across the river, delivered by traffickers, just literally on the other side of the river, and dropped there. They had no idea what was the direction to town. They were not equipped to travel in the harsh conditions. It was probably 110 degrees outside that day. Small children, children, babes in arms, probably 1 year of age or less: this is what the traffickers left on the side of the river.

Had the Fish and Wildlife Service not come by and the U.S. Customs and Border Patrol not come by, I don't know how these people would have made it to town. And it is quite possible they would not have made it safely.

So the situation along the southern border is not just a border crisis, it is also an immigration crisis. Attorney General Sessions announced a zero-tolerance policy to finally and fully enforce our laws. I believe he did this so that Americans and immigrants alike would recognize and remember that we are a Nation of laws, and also to demonstrate that the dangerous journey to our southern border is sometimes not worth the risk and the struggle required to make it within just a few miles of a fence.

The ebb and flow of border crossings has consistently reflected the rhetoric of American leadership and perception of enforcement of our laws. The rate of border crossings rapidly increased in the last year because there has been no significant visible action by the Congress to President Trump's request for a border wall. However, this is not the only factor.

It is no secret that countries in what are called the northern triangle, Honduras, Guatemala, and El Salvador, are some of the most dangerous countries in the world. Yet, these countries receive millions of dollars of aid each year for economic development, for military financing, and security initiatives.

□ 1045

This funding rapidly increased to more than $600 million each year beginning in fiscal year 2014, mostly in response to the growing crisis with unaccompanied alien children. So I think it is appropriate to ask ourselves, is the funding being allocated in a way that will help improve domestic conditions on the ground and reduce the desire to leave?

To address this concern, I introduced the Unaccompanied Alien Children Assistance Control Act, and I offered this bill as an amendment to H.R. 4760. Simply put, this bill would reduce foreign aid allocations to Mexico, Honduras, El Salvador, and Guatemala by $15,000 per child to each country if their child crosses the border illegally or if they are referred to the Office of Refugee Resettlement for custody and care.

While this may not seem like a lot, the reality is that each child cared for by the Office of Refugee Resettlement costs the American taxpayer about $35,000. Even Attorney General Sessions has stated that the care these children receive is better than the average American child.

While we cannot leave children without care, we must recognize that prioritizing alien children over our own sends the wrong message. Removing that $15,000 of foreign aid per child will send a message to Mexican and Northern Triangle leaders that our accepting their children will not be without cost to them.

As we all know, Mr. Speaker, if you want to make it important, it has to be about the money.

Unfortunately, the accountability in these countries is poor, and the use of funds largely goes unchecked. They rely on American aid, and we must ensure that it is being used appropriately and wisely to combat the forces that are driving their future generations—it is their future—away from their own countries.

By withholding funding in the face of rampant corruption, we not only provide a potential funding stream for President Trump's proposed border system, but we send a signal that we will not willingly deprive the children and desperate immigrants of the life they desire and need in their countries of origin.

The best place for a child and a family is their home. Because of the condition in the Northern Triangle countries, home for many children is now a stark facility along a foreign border.

It is time to take steps that would not only strengthen our immigration laws for the security of American citizens, but is in the interest of restoring and maintaining the home from which many would-be immigrants try to escape.

Congress has not successfully reformed our immigration laws in decades. It is time to begin that debate to align our immigration system with current realities. For this reason, I encourage the adoption of the rule to begin consideration of H.R. 4760, Securing America's Future Act.

Mr. Speaker, I urge my colleagues to support today's rule, and I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Texas (Mr. BURGESS) for yielding me the customary 30 minutes.

This rule makes in order H.R. 4760, the so-called Securing America's Future Act, and two amendments in the legislation.

Before I speak on the legislation, let us consider why we are here today. President Trump has created immigration crisis after immigration crisis. President Trump is the reason Dreamers are at risk of deportation. President Trump is the reason families are being separated at our Nation's borders. This is a Trump-manufactured crisis, plain and simple.

President Trump's executive order, signed yesterday, does nothing to fix this. His order does nothing to reunite the thousands of children separated from their parents. In fact, his order directs his deportation force to now jail families at the border, which is in direct violation of current court orders. It will lead to more family separation, and the only difference now is that families will wait 20 days before being separated.

I want every Member of this body and everyone watching at home to imagine what it must be like. Imagine traveling thousands of miles to flee some of the most dangerous countries in the world, countries with the highest murder rates, and then, when you finally think you are safe, having your child ripped away from you.

In 1946 to 1948, during the Truman administration, human experiments were conducted in Guatemala. American doctors infected mostly uneducated and indigenous people with syphilis. Today, in the Trump administration, we are forcing drugs in pill form and injection on the indigenous children seeking asylum.

So this brings us to why we are here today. Mr. Speaker, everyone watching this debate should be crystal clear on what this bill does. This bill fails to solve the separation of families on our Nation's border. It reduces legal immigration. It fails to offer DACA recipients a path to citizenship. It adds $25 billion to our growing wall of debt on top of the $2 trillion that we already added when Republicans voted for their tax scam.

This bill makes it harder for those seeking asylum to receive protection, and it fails to protect the 2,000 children who have already been separated from their parents.

Many will call this legislation the more conservative option that the House will consider today. But let us be clear, this bill is not conservative at all.

After adding trillions to our Nation's debt through the tax scam, Republicans now are putting us in another $25 billion debt. Where are we going to borrow this money from?

Remember, colleagues, President Trump has declared a trade war with China. What will happen if China decides to cash in on that debt?

In addition, President Trump's family jails will cost the American taxpayer 10 times more than the alternative policy he ended for family migration.

Conservative? Absolutely not. Cruel? Inhumane? Absolutely, yes.

Mr. Speaker, last night, during consideration of this bill in the Rules Committee, my colleagues and I offered many fixes, which were all blocked by this rule. My amendment to replace the bill with the Keep Families Together Act, which would have reunited families, was blocked.

Representative ROYBAL-ALLARD and Representative POLIS joined me in offering the Dream Act as an alternative, but that was blocked also.

Another Rules Committee Member, Representative HASTINGS, and his amendment to fix TPS, blocked.

But not all amendments were blocked. Just like President Trump's executive order contained misspellings, this bill contained a giant typo to give President Trump an additional $100 billion for his wall.

So which is it? $25 billion? $100 billion? Are Mexicans going to pay for it? What is it?

The committee has said that they are making this correction, and they did so in the middle of the night. But I doubt President Trump would be happy to hear that, so we will wait and see.

If this truly is a mistake, these kinds of corrections could have been caught if Democrats had been allowed to participate in this process, if we would have had a committee hearing.

Mr. Speaker, I urge my colleagues to oppose this rule and this cruel legislation now, and I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is not a crisis of President Trump's making. Those of us who served here during the Bush administration were aware that this was a problem. Certainly, those of us who served during the Obama administration were aware that this was a problem.

When President Obama declared the Deferred Action for Childhood Arrivals in 2012, it was immediately followed, 2 years later, by the wave of unaccompanied alien children who came to our southern border. This crisis has been a long time in the making. Congress does need to solve this problem. The President is quite correct in that.

Mr. Speaker, I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, Leviticus Chapter 19: 33–34, in the Old Testament—Democrats can quote the Bible also. As a practicing Catholic, let me do that.

''When a foreigner resides among you in your land, do not mistreat them. The foreigner residing among you must be treated as your native-born. Love them as yourself, for you were foreigners in Egypt. I am the Lord your God.''

When did, Mr. Speaker, this barbaric, xenophobic, anti-immigrant modern agenda begin? Let's go through it quickly.

One, the birther issue: An embarrassment to this country by the administration, the head of the administration.

The Muslim ban: Imagine banning people that profess a particular religion.

Third, Charlottesville: That debacle, equal opportunity.

Fourth, the incendiary talk that painted the entire Mexican population—our ally, probably our third or fourth leading trade partner, our ally—with a wide brush of pure prejudice, pure. He painted the entire population.

To say that Democrats are for open borders, that is a lie. You know it; I know it. I am standing up to reject it. You sit quietly. You sit quietly and say nothing.

I was on the original starting gate at the Homeland Security after 9/11. Democrats, just as well as Republicans, worked together to put that together. How dare anybody insinuate that we don't accept the security of this Nation.

By the way, by the way, we have four borders, not one. The people who attacked us on 9/11 came from Canada. They didn't come from Mexico. You have never met a Mexican terrorist, and I certainly haven't met one either.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just point out that, under current conditions, current laws, the United States of America takes in 1.1 million new citizens every year. We are the most generous country on the face of the Earth. American citizens should be rightly proud of that.

Mr. Speaker, I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), the distinguished ranking member of the Committee on Rules.

□ 1100

Mr. MCGOVERN. Mr. Speaker, what we are doing here today is simply insane.

For 8 years, Republican leaders have blocked every attempt to debate bipartisan immigration bills. They blocked Senate-passed comprehensive immigration reform. They blocked the bipartisan Dream Act, which has 203 cosponsors.

Speaker RYAN has refused to consider the Dream Act, all while shedding crocodile tears over the 700,000 Dreamers for whom America is the only home they know. Instead, he has held the Dreamers hostage, used them as bargaining chips, used them as leverage to waste tens of billions of taxpayer dollars on a senseless wall and to militarize our southern border.

Now, as our Nation is haunted by imagines of children being ripped from their parents' arms and by the sounds of their cries, Speaker RYAN decides this is the time to bring two of the most hateful, bigoted, anti-immigrant pieces of legislation I have ever seen to the House floor for debate under a closed process—no amendments, no committee hearings.

This is a scandal, Mr. Speaker. Republicans should hide their faces in shame.

It didn't have to be this way. If the bipartisan queen-of-the-hill discharge petition was allowed to move forward, we could be having a real debate on immigration. We could take up these two hyperpartisan anti-immigrant bills, and we could also consider two bipartisan bills to protect the Dreamers, namely, the Dream Act and the USA Act.

The petition was nearing 218 signatures, but Republicans couldn't stand considering anything they disagree with. They couldn't even stand debating them. This rule will kill the discharge petition because Republicans fear a fair fight.

This is an insult to this institution and to the many Members on both sides of the aisle who have waited so long to vote on these bills.

The Rules Committee even came back at 10 p.m. for an emergency meeting to fix a so-called drafting error in this bill.

Do you know what the drafting error was?

$100 billion. That is right. Republicans almost accidentally gave President Trump $125 billion for his border wall instead of the $25 billion. That is quite an error, although I am sure President Trump would have loved it.

Oh, my God. This is what happens when you jam bills through with no hearings, no markups, no CBO score, which would have caught this enormous mistake.

Mr. Speaker, the President's executive order will only lead to keeping these children behind bars, some with and some without their parents, in unlimited, indefinite detention. And these Republican bills turn this cruel policy into the law of the land.

This is not a solution, Mr. Speaker; this is cruel and inhuman punishment.

The President of the United States must stop his vicious approach on immigration. It is immoral. And he must stop his hate peddling and he must stop his lies.

Mr. Speaker, I urge my colleagues to reject this rule that kills the discharge petition; reject this rule that kills any hope for action on bipartisan immigration bills. I say to my colleagues: Have zero tolerance for this rule and have zero tolerance for these bills.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. BURGESS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I just remind people in this body that 10 years ago the Democrats were in the majority. Indeed, then in the 2008 election that occurred 10 years ago, they strengthened that majority. House Republican Members were so far in the minority as to be irrelevant in all exchanges.

There was a 60-vote majority over in the Senate. You may recall that is where the Affordable Care Act and Dodd-Frank and other pieces of legislation that I would have thought would never pass actually did pass in that environment.

A question that I hear a lot is: Why didn't Democrats do something about the Dreamer problem when they controlled all the levers of power? And it is a valid question.

Senator DURBIN had a bill, as you will recall, in that next session of Congress that began in January of 2009. Senator DURBIN had a bill to deal with the Dreamer situation, and he worked on it all year. It never came up until December of 2010.

Now, you remember in November of 2010, actually, the majority changed in the House of Representatives and there were enough Republicans elected that the Democrats would not be in the majority the next year.

So here we are in a so-called lame duck session of a party that is exiting power, and I think it was December 8 of that year that, in the House, the Democrats brought Senator DURBIN's bill up and passed it on the House floor, as would be expected. They did have a significant majority.

They lost one vote over in the Senate, as I recall, and had 59 Democrats. Speaker PELOSI told me at a Rules Committee hearing several months ago that it was then that the Republicans blocked that vote from happening in the Senate.

But that is not exactly true.

Three Republicans voted with the Democrats on the Durbin bill. Five Democrats voted in the negative, and that is what killed the Durbin bill when the Democrats controlled all levers of power in 2010, the last time they did.

Mr. Speaker, don't blame this problem on President Trump. It has been in existence for some time, but it is up to us to solve it.

Mr. Speaker, I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS), a distinguished member of the Rules Committee.

Mr. HASTINGS. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I would remind Mr. BURGESS that he has the levers of power now, and I predict that today, the two measures that we are going to be dealing with are not likely to reach the President's desk.

But none of this was happening 4 months ago. None of this was happening 2 months ago. But a policy that was announced by Jeff Sessions is what brought us to this, and that had to come through the President.

Last night, at our Rules Committee, I offered an amendment that would have provided a pathway to citizenship for certain long-term temporary protected status holders. Not surprisingly, in this historically closed Congress, my amendment was not made in order.

Let me repeat that. This historically closed Congress—89 closed rules. Never in the history of this body have we had as many closed rules.

As we discussed the need for Dreamers to have a path to citizenship, which they must, I wanted to make sure that those who are in our country under temporary protected status are not passed over and forgotten. They are from El Salvador. They are from Honduras, Nicaragua, Nepal, Syria, Sudan, South Sudan, Somalia, and Haiti.

These individuals are hardworking taxpayers, many of whom have U.S.-born children or U.S. citizen spouses, and they contribute to our economy and our communities. They pay taxes, and in myriad and dynamic ways they work at our airports and our service industries, in our healthcare sector, and on our construction sites.

They are fathers, mothers, sisters, and brothers. They are members of our faith-based communities. And every single one of them, to a person, hails from a country still recovering from natural disasters, internal violence, or both.

I will give you just one example.

On January 12, 2010, Haiti was devastated by a 7.0 magnitude earthquake. 1.5 million people were displaced, 300,000 buildings were destroyed, and 8 years on, tens of thousands of people remain in camps.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. TORRES. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Florida.

Mr. HASTINGS. Mr. Speaker, then they had a hurricane. The hurricane was the first category 4 hurricane to hit Haiti in over half a century, claiming 1,000 lives and displacing more than 2 million people.

Haiti, quite simply, continues to climb out from the rubble of the earthquake, cholera outbreak, and Hurricane Matthew, and we in the United States have tried to help them to do so, as we should.

In its wisdom, the Trump administration has decided to end TPS for Haiti and many other countries. Not only does this conclusion fly in the face of the facts as we know them, but it needlessly inflicts countless wounds on our communities and our families.

Mr. BURGESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Judiciary Committee and the author of H.R. 4760.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas for yielding me this time and for his hard work on this issue as well.

Mr. Speaker, this is a very good bill. It is not something that was cooked up overnight. This bill was introduced 6 months ago. It is based upon legislation that has passed out of the Judiciary Committee in previous Congresses, and some of it in this Congress. It is a good effort to make sure that we are addressing all three aspects of immigration law that need to be addressed.

It has a very good proposal with regard to the DACA recipients. They get a legal status permanently for the rest of their lives, renewable every 3 years, as long as they don't commit a crime. And that is a statutory protection.

That is not something that is subject to court challenges. That is not something that is subject to the whims of any President, past, present, or future. It is something that allows them, then, to avail themselves of existing pathways to citizenship, and it is something that will allow them to work in the United States, live in the United States, own a business in the United States, and travel in and out of the United States.

I think it is a good first step in addressing this situation.

Secondly, the President has made it very clear, and people watching the news coverage know, the difficulties that the administration—any administration, this administration, the Obama administration, the Bush administration before it—has with laws that need to be corrected to make sure that loopholes are not followed at our border.

We have, now, a waiting list of 600,000 people applying for asylum. Historically, asylum, which is a very good part of our immigration law, has been granted to 5,000—some years, maybe as many as 10,000—people.

Aleksandr Solzhenitsyn, the great Soviet dissident, who wrote ''The Gulag Archipelago,'' got political asylum in the United States. But when everyone who is apprehended coming across the border illegally trying to avoid detection, when they are apprehended then says, ''Oh, I am here for political asylum,'' and you create a backlog 600,000 people long and then they are released into the interior of the country and don't return for their hearings in many, many, many instances, that is a very flawed aspect of our immigration system. This bill addresses that, as it does the problem with unaccompanied minors.

Children 13, 14, 15, 16, 17 years of age, mostly young boys, coming across all of Mexico and then through the desert or across the Rio Grande River and then thinking that this is an acceptable thing for them to do to enter our country, they need to be returned safely home, and the laws need to be reformed to accomplish that.

We need to reform many other aspects of our border security laws, close these loopholes.

We need to have greater technology. We need to have, along some segments of our border, improved wall technology. We have fences and some walls already. The fences have big holes in them. People come with chain cutters and cut holes through them in a matter of seconds and go through them when it is foggy there in San Diego or other times when they have that opportunity.

We need to have a more secure border both with technology and with a wall in some places and with the necessary personnel to handle this, including not just Border Patrol, but the judges and other officers who are necessary to process people when they are apprehended. This is a very serious problem, and it is addressed in this legislation.

We also need to move toward a merit-based immigration system.

We have, as the gentleman from Texas has repeatedly noted, the most generous immigration policy in the world. We have tens of millions of people who come to visit this country every year: some to work, some to go to school, some to conduct business. For more than 75 different categories of reasons they come here.

We also have more than a dozen immigrant visa categories that allow people to come to the United States, and we give out, on average, about 1.1 million green cards a year to people who go through the process lawfully. That is the most generous system in the world. We need to recognize that as we do that, we have to move toward a system where we are meeting the needs of American citizens, as well, as we do it.

Areas where we have shortages so that we can keep businesses in the United States rather than having them move elsewhere in the world where they can find the workers they need is an important part of this. So eliminating things like the visa lottery, where we give 55,000 green cards out for no good reason at all other than the pure luck that people attain from that and instead use those to have a new system where we have the opportunity to move towards a merit-based system, which is not in this bill but should be the successor to this bill, is an important thing to do.

I think that all of those measures are contained in this legislation. I think it is very, very good legislation.

But this bill contains two important provisions that are not in the second bill, and I want to particularly address those.

□ 1115

First, we have in this bill the E-Verify program. This is a program, a very fine program, that exists today. More than 800,000 businesses use it. Many large businesses use it. I would bet that probably a majority of the people who process job applications today utilize it. But it is certainly not utilized by everybody.

As a consequence, it is not being totally effective, because the people who aren't using it either don't want to know whether somebody is lawfully present in the United States, or they think they are unlawfully present and don't want to have a system that uncovers that.

But this bill, applying prospectively only—you don't have to apply it to your current employees—works 99.7 percent of the time. It is very, very accurate. And most importantly, it has a safe harbor for both the worker and the employer. So that if you get a false positive, and if you are getting that three-tenths of a percent of the time—that is still a significant number of people when you use the E-Verify system—the new law actually gives them a way to work out the catch-22 situation that workers and employers find themselves in.

Because under the current law, we use the I–9 forms. Oftentimes, someone will look at it and say: I am not sure these are genuine documents. But if they refuse to hire the individual and it turns out that they are genuine documents, they can be sued for discrimination.

And on the other hand, if they hire the worker and it turns out they are unlawfully present, they can be prosecuted for hiring someone unlawfully present in the United States.

And so the safe harbor says, you can go ahead and hire that person until we work out whether it is a false positive or a false negative without that consequence, and only until we know that, will you then have to not employ that person. You will face no consequences in doing that. That is good for the worker and it is good for the employer as well.

When you do that—there is no doubt that there are sectors of our economy where we have a lot of people who are not lawfully present in the United States working. And by far, the number-one sector that is affected by that is our agricultural workforce. There are some estimates that as many as 80 or 90 percent of people working in agriculture, beyond the actual family members who own a farm, are not lawfully present in this country.

Some estimate that more than 1 million people who are working, are not lawfully present in this country. Wouldn't it be great if we could turn that workforce into legal workers where they have the opportunity to go back and forth across the border, to go home to where their family is without the fear of being apprehended and prosecuted?

That is what this bill does. It gives farmers a much more reliable workforce. It gives them a much better program where they can self-certify, where the worker can come in for up to 2 years at a time. And in the dairy industry where they have no program at all today, or in processing plants, raw-food processing plants, they have no program at all today, we have the ability to help those farmers.

This is an area of our economy that is very much affected by international competition. It is exceedingly important that we pass this legislation to

move immigration in the direction it needs to move, and this is an enlightened way to do it. It is not a bad bill. It is a good bill for the American people.

Mrs. TORRES. Mr. Speaker, Chairman GOODLATTE just clarified that his bill has been in print for 6 months. I thank the gentleman for clarifying. The American people should know that your real intention was to allocate $100 million for the Trump wall, and it wasn't until we shined the light on that, that in the middle of the night the Republican caucus scrambled to reduce that amount to $25 million.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership on America.

I had the privilege of traveling with her, under the leadership of our colleagues JUAN VARGAS and SUSAN DAVIS, to their districts earlier this week to see firsthand what was happening at the border.

So I come to the floor now with that fresh information. And I come to the floor as a mother of five children, grandmother of nine, who knows, as many of you here who are parents know and all of you here who are children know, the importance of the bond between parent and child and how breaking that bond is outside the circle of civilized human behavior.

Mr. Speaker, I want to quote a favorite President, I am sure of yours and many in this body, President Ronald Reagan.

In his final days of the Presidency, President Ronald Reagan said: ''And since this is the last speech that I will give as President''—my colleagues, I want you to hear this because this is about Ronald Reagan. Maybe you don't want to hear it. Okay. They don't want to hear it.

President Ronald Reagan said: ''And since this is the last speech that I will give as President, I think it's fitting to leave one final thought, an observation about a country which I love.''

President Reagan went on to say: ''Yes, the torch of Lady Liberty symbolizes our freedom and represents our heritage, the compact with our parents, our grandparents, and our ancestors. It is that lady who gives us our great and special place in the world.''

President Reagan went on to say: ''For it's the great life force of each generation of new Americans that guarantees that America's triumph shall continue unsurpassed into the next century and beyond.''

These are the words of President Ronald Reagan in the final days of his Presidency as he said in the ''last speech that I will give as President.''

Beautiful values.

Today, we are considering two Republican bills that insult our Nation's values and tarnish our heritage, as the President said, ''as a beacon of freedom and opportunity.''

Both do absolutely nothing to solve the heartbreaking and horrific situation for children on the border. According to the United States Conference of Catholic Bishops, both bills ''perpetuate child detention and undermine existing protections relating to such detention.''

That is from the United States Conference of Catholic Bishops. Both of these bills fail to provide a permanent legislative fix for our Dreamers, selling out their American Dream to build the President's obscene border wall.

Both are loaded full of every anti-immigrant provision imaginable, dismantling legal family immigration, slamming our doors to millions who have followed the rules and have been waiting for years for a visa, and cutting off the lifeline of asylum to countless vulnerable refugees.

In terms of those refugees, in testimony that was given at the House Democratic Steering and Policy Committee meeting that the Democrats had—the Republicans didn't come—the National Association of Evangelicals testified that the United States Refugee Resettlement Program is the crown jewel of American humanitarianism.

And, yet, it is horrible what they do in these bills to cut off the lifeline of asylum to countless vulnerable refugees.

The Speaker's bill carries out the President's family deportation agenda. It paves the way for long-term incarceration of families in prison-like conditions and the denial of basic health and safety protections for children.

The Republican plan is a family incarceration plan. It replaces one form of child abuse with another, and it brazenly violates children's human rights. Why do Republicans think traumatized, terrified little children at the border do not deserve the same basic respect that their own children do?

According to the American Academy of Pediatrics, family detention poses serious dangers to children's health and can result in ''lifelong consequences for educational achievement, economic productivity, health status, and longevity.''

Congress should be working day and night to protect vulnerable children. We should be working on legislation that protects Dreamers, keeps families together, and respects America's heritage as a land of newcomers, as spelled out by President Reagan in his last speech as President of the United States.

These bills will not go anywhere in the Senate. Yet, a vote for these bills is a vote to destroy the queen-of-the-hill discharge petition, destroying the best chance this Congress has to provide a bipartisan, permanent legislative fix for Dreamers.

Republicans need to walk away from these bills. They need to call on the President to rescind his family incarceration policy, which is as much a stain on our Nation's history as is his family separation policy, tearing children away from their parents.

Democrats reject this outrageous legislation and reject the Republicans' attack on Dreamers, vulnerable children, and families, and we reject your zero policy. It has no place.

I urge a ''no'' vote on both of these bills in this rule and any subsequent rules that come up.

Mr. BURGESS. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes remaining. The gentlewoman from California has 13½ minutes remaining.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time to close.

Ms. TORRES. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Speaker, I rise today in opposition to the Goodlatte bill and in opposition to the rule.

Do you know how many Democrats were involved in crafting the Goodlatte bill? Zero. If they had included Democrats, we could have told them that this bill does nothing to resolve the humanitarian crisis happening at the border.

Do you know how many hearings we had on the Goodlatte bill? Zero. If they had included Democrats, we would have told them that this bill does nothing to provide meaningful relief for Dreamers, and is dead on arrival in the Senate.

How many Dreamers does this help earn citizenship? Zero.

How many children does this bill put back in the arms of their parents? Zero.

How much compromise does this bill show people in need? Zero.

This administration likes to talk about zero tolerance. Well, we have zero tolerance for this President's anti-immigration agenda and the Republicans who enable it.

Bottom line, Mr. Speaker, this bill is a sham. It is the Republican's attempt to make it look like they want to help Dreamers, but, in reality, it is a nonstarter, and it is another heartless action taken by this Congress. Oppose this bill. Oppose this rule.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, these rules would mark the capitulation by a large number of Republicans who, for a time, reflected the views of 86 percent of the American people and the hopes of the Dreamers those Americans support. If they vote for this pretense of reform and security, they will have abandoned the principles they mouthed and the people who relied on their courage.

Contrary to the Speaker and majority leader, the test for bringing bills to

the floor must not be whether the President, untethered to principle, would sign them, but whether they reflect the will of the people and this House.

The Speaker refuses to put options on the floor supported by, at one time, 247 Members of this House. Now, 240 Members have supported a rule to give us four competing options to address the Trump-caused crisis. That number may not comply with the Hastert rule, but it does comply with democracy.

And it would give the Speaker his option as well. The Speaker clearly fears that his alternative will fail. As a result, he has opposed an open process. So much for the leadership that claimed—falsely—to pursue transparency, openness, and a willingness to take the tough issues head on and individually.

The bill it would bring to the floor, contrary to what Speaker RYAN and Leader MCCARTHY claim, is no compromise. A compromise, by definition, requires both sides to come together and meet in the middle. We did. And we built a majority of support for a bill.

The Ryan bill is a capitulation by those who have professed support of the Dreamers. Indeed, the only compromise in this bill is how it compromises our values, our principles as Americans, and how it compromises our economy and national security.

The conservative Cato Institute has said that only 12 percent of Dreamers would ever actually attain citizenship under this hoax of a bill.

□ 1130

For those seeking refuge from fear for their lives and from assault, and from having their children torn from their arms and separated—as Laura Bush pleaded, ''immoral''—this bill does not provide a solution. Instead, it provides for locking up those children in prison with their parents. Isn't that a wonderful option?

The American people are overwhelmingly outraged by what is happening at the border and want to see Congress take real action. As JOHN MCCAIN stated, such a policy that is being promoted by the President and the Republicans in Congress ''is an affront to the decency of the American people.''

In addition, the Ryan bill imposes new restrictions on legal immigration. Democrats will strongly oppose this noxious bill.

Mr. Speaker, please summon the courage to let the people's House work its will and demand that the President return to a policy of treating these children as we would want our own children to be treated. That is not what these bills do. Reject these bills. We are America. We are better than these bills.

Mrs. TORRES. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, there are lots wrong with these bills. I will discuss that during the debate on the bills. This is about the rule. For my friends on the other side of the aisle, they need to understand that this is a self-executing rule. When they vote ''yes'' on this rule, they are voting to strip $100 billion from funding President Trump's wall.

Let me say that again. A vote for this rule is a vote to take $100 billion out of building President Trump's wall. I want them to understand that they are going to have to go home and explain to their constituents why they voted to strip $100 billion out of funding President Trump's wall.

Mrs. TORRES. Mr. Speaker, if we defeat the previous question, I will offer an amendment to strike the text of this rule and insert House Resolution 774, Representative DENHAM's bipartisan queen-of-the-hill resolution. This rule would bring up four separate immigration bills to be debated and voted on the House floor.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. TORRES. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. AGUILAR) to discuss our proposal.

Mr. AGUILAR. Mr. Speaker, I thank the gentlewoman for yielding time.

Mr. Speaker, I am here today to ask every Member who believed in bipartisan, open debate on DACA here in the House to vote ''no'' on the previous question.

Every one of the 216 Members who signed the discharge petition should join me. Why? Because a vote against the previous question is a vote for queen-of-the-hill rule, and because if we defeat the previous question, we will immediately offer the queen-of-the-hill rule and finally start this debate.

There will be no more waiting for the last two signatures on the discharge petition to materialize. There will be no more waiting until the next discharge Monday comes up in the calendar. There will be no more waiting. We will end this process and vote on queen of the hill now.

Today, Republicans are bringing up two partisan, anti-immigrant bills. Democrats were completely cut out of the process that produced these bills, and, as a result, they will not get any bipartisan support. It is questionable if either of these bills can actually pass this House. If that is the case, then what is the point of all of this?

Is the goal to have a fake debate on DACA and have everything fail so we are in the same place as the Senate? What good does that do?

Dreamers are still left wondering when and what Congress will do to help them stay in this country.

Let's end this charade and actually have a bipartisan debate, and let's pass a bipartisan bill to provide a pathway to citizenship for Dreamers.

Mr. Speaker, this has been a crazy week for sure. But one thing is clear: If we want to pass a fix for DACA, then we need to come together and pass a bipartisan bill. This previous question vote gives us the chance to do just that. Vote ''no'' on the previous question and bring up the queen-of-the-hill rule.

Mrs. TORRES. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. THOMPSON), who is the distinguished ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentlewoman from California for yielding the time.

Mr. Speaker, I rise in strong opposition to the closed rule for H.R. 4760. I was proud to sign on to the bipartisan discharge petition to force a vote on a Dreamer bill. Passage of this rule will not only kill that discharge petition, but any hope of this Congress considering the one bill that has enough bipartisan support to deliver a meaningful remedy for the Dreamers.

What are we voting on instead? H.R. 4760 is an antifamily bill that maintains the cruel zero-tolerance policy, limits access to asylum, shrinks legal immigration, ends the diversity visa lottery program, abolishes protections for unaccompanied children, and builds President Trump's border wall.

We are considering only H.R. 4760—a measure that may not have the votes to pass—to placate the most extreme elements of the Republican Conference. Mr. Speaker, something is fundamentally wrong and broken in this body when the will of a handful of extremists overrules the will of a bipartisan majority.

Mr. Speaker, I urge a ''no'' vote on the rule and the underlying bill.

Mrs. TORRES. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, is this institution broken or has our leadership fled the field?

This rule will deprive the House of having a debate on the Dreamers. Eighty-two percent of the American people think these innocent kids who came here should be given legal status.

The leadership has refused to allow us to debate. With the help of Mr. DENHAM, in a courageous display of independence, he has a discharge petition, the last remaining tool for a majority of this House to say to leadership: Give us a vote. Let us debate.

But in an act of extraordinary irresponsibility—and I would say cowardice—the leadership is quelling, crushing, and incinerating the last vestige of independence in their own party.

This rule takes away from the House that tool to rise up and say: We are ready to work for the American people and give legal status to the Dreamers.

That is a disgrace. That is a reason why, if we care about ourselves as an

institution responsible to the people who elected us, we will assert our insistence that we vote. Vote ''no'' on this.

Mrs. TORRES. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I cannot support H.R. 4760, and I cannot support this rule, obviously, for a number of reasons that we heard here today, but I would like to highlight two.

This bill does not provide the DACA fix that our Dreamers deserve. Personally, I have nearly 20,000 Dreamers in my district in California. I have met with many of them numerous times at their work and at their jobs. Although they were brought here through no fault of their own, these kids want to stay here; they want to live here; and, most important, they want to contribute here.

They don't want this given to them. They are willing to earn it. Unfortunately, this bill does not give them that chance. And that is why I cannot support it.

Also, in my district, we lay claim to being the salad bowl of the world. Our agriculture industry is due to our farmworkers. Now, I appreciate that this bill addresses ag labor, and the added amendments have tried to make it better, but it is just not enough.

This bill hurts our communities. Why? Because our ag workers are not just an important part of our ag industry, they are an integral part to our communities. Some of these people have been here 5, 10, 15, 20 years. They have spouses; they have kids; and they have families.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. TORRES. Mr. Speaker, I yield the gentleman from California an additional 15 seconds.

Mr. PANETTA. Mr. Speaker, because of the important role that they will play, and because of the lack of any information on what this can do for these ag workers, I am against the resolution.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mrs. TORRES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in 1970, a Guatemalan couple decided to send their daughter to the U.S. That young girl was I. I was welcomed here in a loving home. I was not put in a freezing cell. My parents felt they had no choice. My mother died a couple of years later.

These parents are making a choice that, frankly, I could not make today for my children. A few months ago, I was away from home for so long—4 weeks—that my grandson, a 3-year-old, felt he had to reintroduce himself to me because he had not seen me for 4 weeks. He didn't think that I would remember him. Imagine an infant when that infant is returned to their parent; they will be introduced to a total stranger.

Pope Francis just tweeted: Pray together, walk together, work together. This is the way that leads to Christian unity.

Mr. Speaker, I urge my colleagues to oppose this rule and this cruel legislation. Let's help those who can't help themselves in these very corrupt countries of the Northern Triangle. They are not s—-holes as the President has referred to them. Let's give them an opportunity to live another day.

Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to talk to you about a story of separation, a father and daughter who have been separated. Chris, my constituent, came to me with this story several years ago.

He served his country in Iraq. While he was serving his country in Iraq, his wife developed cancer and died. Chris returned home to be a single dad to his daughter.

His daughter went out with friends one night and was struck and killed by an automobile—an automobile driven by someone who was in the country without the benefit of citizenship.

Chris comes to my townhalls and asks me: While I was serving my country, you were supposed to be enforcing the laws on the border. Because you did not do your job, I am now separated from my daughter in perpetuity.

H.R. 4760, the Securing America's Future Act of 2018, is the product of months of work by Chairman GOODLATTE, Chairman MCCAUL, and other stakeholders. This is an answer to our persistent problems with our immigration system that so many Members of this body have been talking about for years.

Mr. Speaker, I urge my colleagues to support today's rule and move the debate forward on this legislation.

Mr. SESSIONS. Mr. Speaker, the Rules Committee report (H. Rept. 115–772) to accompany House Resolution 954 should have included in its waiver of all points of order against consideration of H.R. 4760 a disclosure of the following violation:

Clause 12(a)(1) of rule XXI, requiring a comparative print to be made publicly available prior to consideration of a bill amending or repealing statutes to show, by typographical device, parts of statute affected.

The material previously referred to by Mrs. TORRES is as follows:

AN AMENDMENT TO H. RES. 954 OFFERED BY MRS. TORRES

Strike all after the resolved clause and insert:

That on the next legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV, the House shall resolve into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4760) to amend the immigration laws and the homeland security laws, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Whip or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment shall be in order except the amendments in the nature of a substitute specified in section 2 of this resolution. Each such amendment may be offered only in the order specified, may be offered only by the Member designated, shall be considered as read, and shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent. All points of order against such amendments are waived (except those arising under clause 7 of rule XVI). Clause 6(g) of rule XVIII shall not apply with respect to a request for a recorded vote on any such amendment. If more than one such amendment is adopted, then only the one receiving the greater number of affirmative recorded votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative recorded votes, then only the last amendment to receive that number of affirmative recorded votes shall be considered as finally adopted. After the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. The amendments in the nature of a substitute referred to in the first section of this resolution are as follows:

(1) A proper amendment in the nature of a substitute, if offered by Representative Goodlatte of Virginia or his designee.

(2) A proper amendment in the nature of a substitute, if offered by Representative Roybal-Allard of California or her designee.

(3) A proper amendment in the nature of a substitute, if offered by Representative Ryan of Wisconsin or his designee.

(4) A proper amendment in the nature of a substitute, if offered by Representative Denham of California or his designee.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4760.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition.

Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. TORRES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 232, nays 190, not voting 5, as follows:

[Roll No. 279]

YEAS—232

Abraham	Banks (IN)	Bishop (UT)
Aderholt	Barletta	Blackburn
Allen	Barr	Blum
Amash	Barton	Bost
Amodei	Bergman	Brady (TX)
Arrington	Biggs	Brat
Babin	Bilirakis	Brooks (AL)
Bacon	Bishop (MI)	Brooks (IN)
Buchanan	Holding	Posey
Buck	Hollingsworth	Ratcliffe
Bucshon	Hudson	Reed
Budd	Huizenga	Reichert
Burgess	Hultgren	Renacci
Byrne	Hunter	Rice (SC)
Calvert	Hurd	Roby
Carter (GA)	Issa	Roe (TN)
Carter (TX)	Jenkins (KS)	Rogers (AL)
Chabot	Jenkins (WV)	Rogers (KY)
Cheney	Johnson (LA)	Rohrabacher
Coffman	Johnson (OH)	Rokita
Cole	Johnson, Sam	Rooney, Francis
Collins (NY)	Jones	Rooney, Thomas J.
Comer	Jordan	Ros-Lehtinen
Comstock	Joyce (OH)	Roskam
Conaway	Katko	Ross
Cook	Kelly (MS)	Rothfus
Costello (PA)	Kelly (PA)	Rouzer
Cramer	King (IA)	Royce (CA)
Crawford	King (NY)	Russell
Culberson	Kinzinger	Rutherford
Curbelo (FL)	Knight	Sanford
Curtis	Labrador	Scalise
Davidson	LaHood	Schweikert
Davis, Rodney	LaMalfa	Scott, Austin
Denham	Lamborn	Sensenbrenner
DeSantis	Lance	Sessions
DesJarlais	Latta	Shimkus
Diaz-Balart	Lesko	Shuster
Donovan	Lewis (MN)	Simpson
Duffy	LoBiondo	Smith (MO)
Duncan (SC)	Long	Smith (NE)
Duncan (TN)	Loudermilk	Smith (NJ)
Dunn	Love	Smith (TX)
Emmer	Lucas	Smucker
Estes (KS)	Luetkemeyer	Stefanik
Faso	MacArthur	Stewart
Ferguson	Marchant	Stivers
Fitzpatrick	Marino	Taylor
Fleischmann	Marshall	Tenney
Flores	Massie	Thompson (PA)
Fortenberry	Mast	Thornberry
Foxx	McCarthy	Tipton
Frelinghuysen	McCaul	Trott
Gaetz	McClintock	Turner
Gallagher	McHenry	Upton
Garrett	McKinley	Valadao
Gianforte	McMorris Rodgers	Vela
Gibbs	McSally	Wagner
Gohmert	Meadows	Walberg
Goodlatte	Messer	Walden
Gosar	Mitchell	Walker
Gowdy	Moolenaar	Walorski
Granger	Mooney (WV)	Walters, Mimi
Graves (GA)	Mullin	Weber (TX)
Graves (LA)	Newhouse	Webster (FL)
Graves (MO)	Noem	Wenstrup
Griffith	Norman	Westerman
Grothman	Nunes	Williams
Guthrie	Olson	Wilson (SC)
Handel	Palazzo	Wittman
Harper	Palmer	Womack
Harris	Paulsen	Woodall
Hartzler	Pearce	Yoder
Hensarling	Perry	Yoho
Herrera Beutler	Pittenger	Young (AK)
Hice, Jody B.	Poe (TX)	Young (IA)
Higgins (LA)	Poliquin	Zeldin
Hill		

NAYS—190

Adams	Clark (MA)	Doyle, Michael F.
Aguilar	Clarke (NY)	Ellison
Barragán	Clay	Engel
Bass	Cleaver	Eshoo
Beatty	Clyburn	Espaillat
Bera	Cohen	Esty (CT)
Beyer	Connolly	Evans
Bishop (GA)	Cooper	Foster
Blumenauer	Correa	Frankel (FL)
Blunt Rochester	Costa	Fudge
Bonamici	Courtney	Gabbard
Boyle, Brendan F.	Crist	Gallego
Brady (PA)	Crowley	Garamendi
Brown (MD)	Cuellar	Gomez
Brownley (CA)	Cummings	Gonzalez (TX)
Bustos	Davis (CA)	Gottheimer
Butterfield	Davis, Danny	Green, Al
Capuano	DeFazio	Green, Gene
Carbajal	DeGette	Grijalva
Cárdenas	Delaney	Gutiérrez
Carson (IN)	DeLauro	Hanabusa
Cartwright	DelBene	Hastings
Castor (FL)	Demings	Heck
Castro (TX)	DeSaulnier	Higgins (NY)
Chu, Judy	Deutch	Himes
Cicilline	Dingell	Hoyer
Doggett	Huffman	Matsui
Jackson Lee	McCollum	Sánchez
Jayapal	McEachin	Sarbanes
Johnson (GA)	McGovern	Schakowsky
Johnson, E. B.	McNerney	Schiff
Kaptur	Meeks	Schneider
Keating	Meng	Schrader
Kelly (IL)	Moore	Scott (VA)
Kennedy	Moulton	Scott, David
Khanna	Murphy (FL)	Serrano
Kihuen	Nadler	Sewell (AL)
Kildee	Napolitano	Shea-Porter
Kilmer	Neal	Sherman
Kind	Nolan	Sinema
Krishnamoorthi	Norcross	Sires
Kuster (NH)	O'Halleran	Smith (WA)
Lamb	O'Rourke	Soto
Langevin	Pallone	Speier
Larsen (WA)	Panetta	Suozzi
Larson (CT)	Pascrell	Swalwell (CA)
Lawrence	Pelosi	Takano
Lawson (FL)	Perlmutter	Thompson (CA)
Lee	Peters	Thompson (MS)
Levin	Peterson	Titus
Lewis (GA)	Pingree	Tonko
Lieu, Ted	Pocan	Torres
Lipinski	Polis	Tsongas
Loebsack	Price (NC)	Vargas
Lofgren	Quigley	Veasey
Lowenthal	Raskin	Velázquez
Lowey	Rice (NY)	Visclosky
Lujan Grisham, M.	Richmond	Walz
Luján, Ben Ray	Rosen	Wasserman Schultz
Lynch	Roybal-Allard	Waters, Maxine
Maloney, Carolyn B.	Ruiz	Watson Coleman
Maloney, Sean	Ruppersberger	Welch
	Rush	Wilson (FL)
	Ryan (OH)	Yarmuth

NOT VOTING—5

Black	Jeffries	Payne
Collins (GA)	Kustoff (TN)	

□ 1207

Messrs. BIGGS and BRAT changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. TORRES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 195, not voting 6, as follows:

[Roll No. 280]

AYES—226

Abraham	Burgess	Duffy
Aderholt	Byrne	Duncan (SC)
Allen	Calvert	Duncan (TN)
Amodei	Carter (GA)	Dunn
Arrington	Carter (TX)	Emmer
Babin	Chabot	Estes (KS)
Bacon	Cheney	Faso
Banks (IN)	Coffman	Ferguson
Barletta	Cole	Fitzpatrick
Barr	Collins (NY)	Fleischmann
Barton	Comer	Flores
Bergman	Comstock	Fortenberry
Biggs	Conaway	Foxx
Bilirakis	Cook	Frelinghuysen
Bishop (MI)	Costello (PA)	Gaetz
Bishop (UT)	Cramer	Gallagher
Blackburn	Crawford	Garrett
Blum	Culberson	Gianforte
Bost	Curbelo (FL)	Gibbs
Brady (TX)	Curtis	Goodlatte
Brat	Davidson	Gosar
Brooks (AL)	Davis, Rodney	Gowdy
Brooks (IN)	Denham	Granger
Buchanan	DeSantis	Graves (GA)
Buck	DesJarlais	Graves (LA)
Bucshon	Diaz-Balart	Graves (MO)
Budd	Donovan	Griffith

Grothman	Marshall	Royce (CA)
Guthrie	Mast	Russell
Handel	McCarthy	Rutherford
Harper	McCaul	Sanford
Harris	McClintock	Scalise
Hartzler	McHenry	Schweikert
Hensarling	McKinley	Scott, Austin
Herrera Beutler	McMorris Rodgers	Sensenbrenner
Hice, Jody B.	McSally	Sessions
Higgins (LA)	Meadows	Shimkus
Hill	Messer	Shuster
Holding	Mitchell	Simpson
Hollingsworth	Moolenaar	Smith (MO)
Hudson	Mooney (WV)	Smith (NE)
Huizenga	Mullin	Smith (NJ)
Hultgren	Newhouse	Smith (TX)
Hunter	Noem	Smucker
Issa	Norman	Stefanik
Jenkins (KS)	Nunes	Stewart
Jenkins (WV)	Olson	Stivers
Johnson (LA)	Palazzo	Taylor
Johnson (OH)	Palmer	Tenney
Johnson, Sam	Paulsen	Thompson (PA)
Jones	Pearce	Thornberry
Jordan	Perry	Tipton
Joyce (OH)	Pittenger	Trott
Katko	Poe (TX)	Turner
Kelly (MS)	Poliquin	Upton
Kelly (PA)	Posey	Valadao
King (NY)	Ratcliffe	Wagner
Kinzinger	Reed	Walberg
Knight	Reichert	Walden
Labrador	Renacci	Walker
LaHood	Rice (SC)	Walorski
LaMalfa	Roby	Walters, Mimi
Lamborn	Roe (TN)	Weber (TX)
Lance	Rogers (AL)	Webster (FL)
Latta	Rogers (KY)	Wenstrup
Lesko	Rohrabacher	Westerman
Lewis (MN)	Rokita	Williams
LoBiondo	Rooney, Francis	Wilson (SC)
Long	Rooney, Thomas J.	Wittman
Loudermilk	Ros-Lehtinen	Womack
Love	Roskam	Woodall
Lucas	Ross	Yoder
Luetkemeyer	Rothfus	Yoho
MacArthur	Rouzer	Young (AK)
Marchant		Young (IA)
Marino		Zeldin

NOES—195

Adams	DeLauro	Kilmer
Aguilar	DelBene	Kind
Amash	Demings	King (IA)
Barragán	DeSaulnier	Krishnamoorthi
Bass	Deutch	Kuster (NH)
Beatty	Dingell	Lamb
Bera	Doggett	Langevin
Beyer	Doyle, Michael F.	Larsen (WA)
Bishop (GA)	Ellison	Larson (CT)
Blumenauer	Engel	Lawrence
Blunt Rochester	Eshoo	Lawson (FL)
Bonamici	Espaillat	Lee
Boyle, Brendan F.	Esty (CT)	Levin
Brady (PA)	Evans	Lewis (GA)
Brown (MD)	Foster	Lieu, Ted
Brownley (CA)	Frankel (FL)	Lipinski
Bustos	Fudge	Loebsack
Butterfield	Gabbard	Lofgren
Capuano	Gallego	Lowenthal
Carbajal	Garamendi	Lowey
Cárdenas	Gohmert	Lujan Grisham, M.
Carson (IN)	Gomez	Luján, Ben Ray
Cartwright	Gonzalez (TX)	Lynch
Castor (FL)	Gottheimer	Maloney, Carolyn B.
Castro (TX)	Green, Al	Maloney, Sean
Chu, Judy	Green, Gene	Massie
Cicilline	Grijalva	Matsui
Clark (MA)	Gutiérrez	McCollum
Clarke (NY)	Hanabusa	McEachin
Clay	Hastings	McGovern
Cleaver	Heck	McNerney
Clyburn	Higgins (NY)	Meeks
Cohen	Himes	Meng
Connolly	Hoyer	Moore
Cooper	Huffman	Moulton
Correa	Hurd	Murphy (FL)
Costa	Jackson Lee	Nadler
Courtney	Jayapal	Napolitano
Crist	Johnson (GA)	Neal
Crowley	Johnson, E. B.	Nolan
Cuellar	Kaptur	Norcross
Cummings	Keating	O'Halleran
Davis (CA)	Kelly (IL)	Pallone
Davis, Danny	Kennedy	Panetta
DeFazio	Khanna	Pascrell
DeGette	Kihuen	Pelosi
Delaney	Kildee	Perlmutter
Peters	Schakowsky	Thompson (MS)
Peterson	Schiff	Titus
Pingree	Schneider	Tonko
Pocan	Schrader	Torres
Polis	Scott (VA)	Tsongas
Price (NC)	Scott, David	Vargas
Quigley	Serrano	Veasey
Raskin	Sewell (AL)	Vela
Rice (NY)	Shea-Porter	Velázquez
Richmond	Sherman	Visclosky
Rosen	Sinema	Walz
Roybal-Allard	Sires	Wasserman Schultz
Ruiz	Smith (WA)	Waters, Maxine
Ruppersberger	Soto	Watson Coleman
Rush	Speier	Welch
Ryan (OH)	Suozzi	Wilson (FL)
Sánchez	Swalwell (CA)	Yarmuth
Sarbanes	Takano	
	Thompson (CA)	

NOT VOTING—6

Black	Jeffries	O'Rourke
Collins (GA)	Kustoff (TN)	Payne

□ 1214

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO MODIFY CONSIDERATION OF H.R. 6, SUBSTANCE USE-DISORDER PREVENTION THAT PROMOTES OPIOID RECOVERY AND TREATMENT FOR PATIENTS AND COMMUNITIES ACT

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that, notwithstanding House Resolution 949, during consideration of H.R. 6 pursuant to such resolution, general debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member on the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. HARPER). Is there objection to the request of the gentleman from Texas?

There was no objection.

SECURING AMERICA'S FUTURE ACT OF 2018

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 954, I call up the bill (H.R. 4760) to amend the immigration laws and the homeland security laws, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 954, the amendments printed in House Report 115–772 are adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Securing America's Future Act of 2018''.

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

DIVISION A—LEGAL IMMIGRATION REFORM

TITLE I—IMMIGRANT VISA ALLOCATIONS AND PRIORITIES

SEC. 1101. FAMILY-SPONSORED IMMIGRATION PRIORITIES.

(a) IMMEDIATE RELATIVE REDEFINED.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (b)(2)(A)—

(A) in clause (i), by striking ''children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.'' and inserting ''children and spouse of a citizen of the United States.''; and

(B) in clause (ii), by striking ''such an immediate relative'' and inserting ''the immediate relative spouse of a United States citizen'';

(2) by striking subsection (c) and inserting the following:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—(1) The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 87,934 minus the number computed under paragraph (2).

''(2) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year who—

''(A) did not depart from the United States (without advance parole) within 365 days; and

''(B)(i) did not acquire the status of an alien lawfully admitted to the United States for permanent residence during the two preceding fiscal years; or

''(ii) acquired such status during such period under a provision of law (other than subsection (b)) that exempts adjustment to such status from the numerical limitation on the worldwide level of immigration under this section.''; and

(3) in subsection (f)—

(A) in paragraph (2), by striking ''section 203(a)(2)(A)'' and inserting ''section 203(a)'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by striking ''(1) through (3)'' and inserting ''(1) and (2)''.

(b) FAMILY-BASED VISA PREFERENCES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

''(a) SPOUSES AND MINOR CHILDREN OF PERMANENT RESIDENT ALIENS.—Family-sponsored immigrants described in this subsection are qualified immigrants who are the spouse or a child of an alien lawfully admitted for permanent residence. Such immigrants shall be allocated visas in accordance with the number computed under section 201(c).''.

(c) AGING OUT.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended—

(1) by striking ''(a)(2)(A)'' each place such term appears and inserting ''(a)(2)'';

(2) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsections (a)(2) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which a petition is filed with the Secretary of Homeland Security.''.

(3) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(4) by inserting after paragraph (1) the following:

''(2) LIMITATION.—Notwithstanding the age of an alien on the date on which a petition is filed, an alien who marries or turns 25 years of age prior to being issued a visa pursuant to subsection (a)(2) or (d), no longer satisfies the age requirement described in paragraph (1).''; and

(5) in paragraph (5), as so redesignated, by striking ''(3)'' and inserting ''(4)''.

(d) CONFORMING AMENDMENTS.—

(1) DEFINITION OF V NONIMMIGRANT.—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended by striking ''section 203(a)(2)(A)'' each place such term appears and inserting ''section 203(a)''.

(2) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of such Act (8 U.S.C. 1152) is amended—

(A) in subsection (a)(4)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) 75 PERCENT OF FAMILY-SPONSORED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION.—Of the visa numbers made available under section 203(a) in any fiscal year, 75 percent shall be issued without regard to the numerical limitation under paragraph (2).

''(B) TREATMENT OF REMAINING 25 PERCENT FOR COUNTRIES SUBJECT TO SUBSECTION (e).—

''(i) IN GENERAL.—Of the visa numbers made available under section 203(a) in any fiscal year, 25 percent shall be available, in the case of a foreign state or dependent area that is subject to subsection (e) only to the extent that the total number of visas issued in accordance with subparagraph (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling.

''(ii) SUBSECTION (e) CEILING DEFINED.—In clause (i), the term 'subsection (e) ceiling' means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area, consistent with subsection (e).''; and

(ii) by striking subparagraphs (C) and (D); and

(B) in subsection (e)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) by striking paragraph (2);

(iii) by redesignating paragraph (3) as paragraph (2); and

(iv) in the undesignated matter after paragraph (2), as redesignated, by striking '', respectively,'' and all that follows and inserting a period.

(3) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking ''to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or'';

(ii) in subparagraph (B)—

(I) in clause (i), by redesignating the second subclause (I) as subclause (II); and

(II) by striking ''203(a)(2)(A)'' each place such terms appear and inserting ''203(a)''; and

(iii) in subparagraph (D)(i)(I), by striking ''a petitioner'' and all that follows through ''section 204(a)(1)(B)(iii).'' and inserting ''an individual younger than 21 years of age for purposes of adjudicating such petition and for purposes of admission as an immediate relative under section 201(b)(2)(A)(i) or a family-sponsored immigrant under section 203(a), as appropriate, notwithstanding the actual age of the individual.'';

(B) in subsection (f)(1), by striking '', 203(a)(1), or 203(a)(3), as appropriate''; and

(C) by striking subsection (k).

(4) WAIVERS OF INADMISSIBILITY.—Section 212 of such Act (8 U.S.C. 1182) is amended—

(A) in subsection (a)(6)(E)(ii), by striking ''section 203(a)(2)'' and inserting ''section 203(a)''; and

(B) in subsection (d)(11), by striking ''(other than paragraph (4) thereof)''.

(5) EMPLOYMENT OF V NONIMMIGRANTS.—Section 214(q)(1)(B)(i) of such Act (8 U.S.C. 1184(q)(1)(B)(i)) is amended by striking ''section 203(a)(2)(A)'' each place such term appears and inserting ''section 203(a)''.

(6) DEFINITION OF ALIEN SPOUSE.—Section 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C)) is amended by striking ''section 203(a)(2)'' and inserting ''section 203(a)''.

(7) CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(1)(E)(ii) of such Act (8 U.S.C. 1227(a)(1)(E)(ii)) is amended by striking ''section 203(a)(2)'' and inserting ''section 203(a)''.

(e) CREATION OF NONIMMIGRANT CLASSIFICATION FOR ALIEN PARENTS OF ADULT UNITED STATES CITIZENS.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semicolon;

(B) in subparagraph (U)(iii), by striking ''or'' at the end;

(C) in subparagraph (V)(ii)(II), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(W) Subject to section 214(s), an alien who is a parent of a citizen of the United States, if the citizen—

''(i) is at least 21 years of age; and

''(ii) has never received contingent nonimmigrant status under division D of the Securing America's Future Act.''.

(2) CONDITIONS ON ADMISSION.—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following:

''(s)(1) The initial period of authorized admission for a nonimmigrant described in section 101(a)(15)(W) shall be 5 years, but may be extended by the Secretary of Homeland Security for additional 5-year periods if the United States citizen son or daughter of the nonimmigrant is still residing in the United States.

''(2) A nonimmigrant described in section 101(a)(15)(W)—

''(A) is not authorized to be employed in the United States; and

''(B) is not eligible for any Federal, State, or local public benefit.

''(3) Regardless of the resources of a nonimmigrant described in section 101(a)(15)(W), the United States citizen son or daughter who sponsored the nonimmigrant parent shall be responsible for the nonimmigrant's support while the nonimmigrant resides in the United States.

''(4) An alien is ineligible to receive a visa or to be admitted into the United States as a nonimmigrant described in section 101(a)(15)(W) unless the alien provides satisfactory proof that the United States citizen son or daughter has arranged for health insurance coverage for the alien, at no cost to the alien, during the anticipated period of the alien's residence in the United States.''.

(f) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

(2) INVALIDITY OF CERTAIN PETITIONS AND APPLICATIONS.—

(A) IN GENERAL.—No person may file, and the Secretary of Homeland Security and the Secretary of State may not accept, adjudicate, or approve any petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed on or after the date of enactment of this Act seeking classification of an alien under section 201(b)(2)(A)(i) with respect to a parent of a United States citizen, or under section 203(a)(1), (2)(B), (3) or (4) of such Act (8 U.S.C. 1151(b)(2)(A)(i), 1153(a)(1), (2)(B), (3), or (4)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid.

(B) PENDING PETITIONS.—Neither the Secretary of Homeland Security nor the Secretary of State may adjudicate or approve any petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending as of the date of enactment of this Act seeking classification of an alien under section 201(b)(2)(A)(i) with respect to a parent of a United States citizen, or under section 203(a)(1), (2)(B), (3) or (4) of such Act (8 U.S.C. 1151(b)(2)(A)(i), 1153(a)(1), (2)(B), (3), or (4)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid.

(3) APPLICABILITY TO WAITLISTED APPLICANTS.—

(A) IN GENERAL.—Notwithstanding the amendments made by this section, an alien with regard to whom a petition or application for status under paragraph (1), (2)(B), (3) or (4) of section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as in effect on September 30, 2018, was approved prior to the date of the enactment of this Act, may be issued a visa pursuant to that paragraph in accordance with the availability of visas under subparagraph (B).

(B) AVAILABILITY OF VISAS.—Visas may be issued to beneficiaries of approved petitions under each category described in subparagraph (A), but only until such time as the number of visas that would have been allocated to that category in fiscal year 2019, notwithstanding the amendments made by this section, have been issued. When the number of visas described in the previous sentence have been issued for each category described in subparagraph (A), no additional visas may be issued for that category.

SEC. 1102. ELIMINATION OF DIVERSITY VISA PROGRAM.

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) in section 101(a)(15)(V), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(B) in section 201—

(i) in subsection (a)—

(I) in paragraph (1), by adding ''and'' at the end; and

(II) by striking paragraph (3); and

(ii) by striking subsection (e);

(C) in section 203—

(i) in subsection (b)(2)(B)(ii)(IV), by striking ''section 203(b)(2)(B)'' each place such term appears and inserting ''clause (i)'';

(ii) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively;

(iii) in subsection (c), as redesignated, by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)'';

(iv) in subsection (d), as redesignated—

(I) by striking paragraph (2); and

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

(v) in subsection (e), as redesignated, by striking ''subsection (a), (b), or (c) of this section'' and inserting ''subsection (a) or (b)'';

(vi) in subsection (f), as redesignated, by striking ''subsections (a), (b), and (c)'' and inserting ''subsections (a) and (b)''; and

(vii) in subsection (g), as redesignated—

(I) by striking ''(d)'' each place such term appears and inserting ''(c)''; and

(II) in paragraph (2)(B), by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)'';

(D) in section 204—

(i) in subsection (a)(1), by striking subparagraph (I);

(ii) in subsection (e), by striking ''subsection (a), (b), or (c) of section 203'' and inserting ''subsection (a) or (b) of section 203''; and

(iii) in subsection (l)(2)—

(I) in subparagraph (B), by striking ''section 203 (a) or (d)'' and inserting ''subsection (a) or (c) of section 203''; and

(II) in subparagraph (C), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(E) in section 214(q)(1)(B)(i), by striking ''section 203(d)'' and inserting ''section 203(c)'';

(F) in section 216(h)(1), in the undesignated matter following subparagraph (C), by striking ''section 203(d)'' and inserting ''section 203(c)''; and

(G) in section 245(i)(1)(B), by striking ''section 203(d)'' and inserting ''section 203(c)''.

(2) IMMIGRANT INVESTOR PILOT PROGRAM.—Section 610(d) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (Public Law 102–395) is amended by striking ''section 203(e) of such Act (8 U.S.C. 1153(e))'' and inserting ''section 203(d) of such Act (8 U.S.C. 1153(d))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year beginning on or after the date of the enactment of this Act.

SEC. 1103. EMPLOYMENT-BASED IMMIGRATION PRIORITIES.

(a) INCREASE IN VISAS FOR SKILLED WORKERS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 201(d)(1)(A), by striking ''140,000'' and inserting ''195,000''; and

(2) in section 203(b)—

(A) in paragraph (1), by striking ''28.6 percent of such worldwide level'' and inserting ''58,374'';

(B) in paragraphs (2) and (3), by striking ''28.6 percent of such worldwide level'' each place it appears and inserting ''58,373''; and

(C) by striking ''7.1 percent of such worldwide level'' each place it appears and inserting ''9,940''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of fiscal year 2019 and shall apply to the visas made available in that and subsequent fiscal years.

SEC. 1104. WAIVER OF RIGHTS BY B VISA NONIMMIGRANTS.

Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended by adding before the semicolon at the end the following: '', and who has waived any right to review or appeal of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or to contest, other than on the basis of an application for asylum, any action for removal of the alien''.

TITLE II—AGRICULTURAL WORKER REFORM

SEC. 2101. SHORT TITLE.

This title may be cited as—

(1) the ''Agricultural Guestworker Act''; or

(2) the ''AG Act''.

SEC. 2102. H–2C TEMPORARY AGRICULTURAL WORK VISA PROGRAM.

(a) IN GENERAL.—Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended by striking ''; or (iii)'' and inserting '', or (c) who is coming temporarily to the United States to perform agricultural labor or services; or (iii)''.

(b) DEFINITION.—Section 101(a) of such Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53) The term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes—

''(A) agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986;

''(B) agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f));

''(C) the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state;

''(D) all activities required for the preparation, processing or manufacturing of a product of agriculture (as such term is defined in such section 3(f)), or fish or shellfish, for further distribution;

''(E) forestry-related activities; and

''(F) aquaculture activities,

except that in regard to labor or services consisting of meat or poultry processing, the term 'agricultural labor or services' only includes the killing of animals and the breakdown of their carcasses.''.

SEC. 2103. ADMISSION OF TEMPORARY H–2C WORKERS.

(a) PROCEDURE FOR ADMISSION.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

''SEC. 218A. ADMISSION OF TEMPORARY H–2C WORKERS.

''(a) DEFINITIONS.—In this section and section 218B:

''(1) DISPLACE.—The term 'displace' means to lay off a United States worker from the job for which H–2C workers are sought.

''(2) JOB.—The term 'job' refers to all positions with an employer that—

''(A) involve essentially the same responsibilities;

''(B) are held by workers with substantially equivalent qualifications and experience; and

''(C) are located in the same place or places of employment.

''(3) EMPLOYER.—The term 'employer' includes a single or joint employer, including an association acting as a joint employer with its members, who hires workers to perform agricultural labor or services.

''(4) FORESTRY-RELATED ACTIVITIES.—The term 'forestry-related activities' includes tree planting, timber harvesting, logging operations, brush clearing, vegetation management, herbicide application, the maintenance of rights-of-way (including for roads, trails, and utilities), regardless of whether such right-of-way is on forest land, and the harvesting of pine straw.

''(5) H–2C WORKER.—The term 'H–2C worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(c).

''(6) LAY OFF.—

''(A) IN GENERAL.—The term 'lay off'—

''(i) means to cause a worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in paragraph (4) of subsection (b)); and

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar position with the same employer at equivalent or higher wages and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(7) UNITED STATES WORKER.—The term 'United States worker' means any worker who is—

''(A) a citizen or national of the United States; or

''(B) an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, or is granted asylum under section 208.

''(8) SPECIAL PROCEDURES INDUSTRY.—The term 'special procedures industry' includes sheepherding, goat herding, and the range production of livestock, itinerant commercial beekeeping and pollination, itinerant animal shearing, and custom combining and harvesting.

''(b) PETITION.—An employer that seeks to employ aliens as H–2C workers under this section shall file with the Secretary of Homeland Security a petition attesting to the following:

''(1) OFFER OF EMPLOYMENT.—The employer will offer employment to the aliens on a contractual basis as H–2C workers under this section for a specific period of time during which the aliens may not work on an at-will basis (as provided for in section 218B), and such contract shall only be required to include a description of each place of employment, period of employment, wages and other benefits to be provided, and the duties of the positions.

''(2) TEMPORARY LABOR OR SERVICES.—

''(A) IN GENERAL.—The employer is seeking to employ a specific number of H–2C workers on a temporary basis and will provide compensation to such workers at a wage rate no less than that set forth in subsection (j)(2).

''(B) DEFINITION.—For purposes of this paragraph, a worker is employed on a temporary basis if the employer intends to employ the worker for no longer than the time period set forth in subsection (m)(1) (subject to the exceptions in subsection (m)(3)).

''(3) BENEFITS, WAGES, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by subsection (k) to all workers employed in the job for which the H–2C workers are sought.

''(4) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace United States workers employed by the employer during the period of employment of the H–2C workers and during the 30-day period immediately preceding such period of employment in the job for which the employer seeks approval to employ H–2C workers.

''(5) RECRUITMENT.—

''(A) IN GENERAL.—The employer—

''(i) conducted adequate recruitment before filing the petition; and

''(ii) was unsuccessful in locating sufficient numbers of willing and qualified United States workers for the job for which the H–2C workers are sought.

''(B) OTHER REQUIREMENTS.—The recruitment requirement under subparagraph (A) is satisfied if the employer places a local job order with the State workforce agency serving each place of employment, except that nothing in this subparagraph shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations. The State workforce agency shall post the job order on its official agency website for a minimum of 30 days and not later than 3 days after receipt using the employment statistics system authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2). The Secretary of Labor shall include links to the official Web sites of all State workforce agencies on a single

webpage of the official Web site of the Department of Labor.

''(C) END OF RECRUITMENT REQUIREMENT.—The requirement to recruit United States workers for a job shall terminate on the first day that work begins for the H–2C workers.

''(6) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job for which the H–2C workers are sought to any eligible United States workers who—

''(A) apply;

''(B) are qualified for the job; and

''(C) will be available at the time, at each place, and for the duration, of need.

This requirement shall not apply to United States workers who apply for the job on or after the first day that work begins for the H–2C workers.

''(7) PROVISION OF INSURANCE.—If the job for which the H–2C workers are sought is not covered by State workers' compensation law, the employer will provide, at no cost to the workers unless State law provides otherwise, insurance covering injury and disease arising out of, and in the course of, the workers' employment, which will provide benefits at least equal to those provided under the State workers compensation law for comparable employment.

''(8) STRIKE OR LOCKOUT.—The job that is the subject of the petition is not vacant because the former workers in that job are on strike or locked out in the course of a labor dispute.

''(c) LIST.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall maintain a list of the petitions filed under this subsection, which shall—

''(A) be sorted by employer; and

''(B) include the number of H–2C workers sought, the wage rate, the period of employment, each place of employment, and the date of need for each alien.

''(2) AVAILABILITY.—The Secretary of Homeland Security shall make the list available for public examination.

''(d) PETITIONING FOR ADMISSION.—

''(1) CONSIDERATION OF PETITIONS.—For petitions filed and considered under this subsection—

''(A) the Secretary of Homeland Security may not require such petition to be filed more than 28 days before the first date the employer requires the labor or services of H–2C workers;

''(B) within the appropriate time period under subparagraph (C) or (D), the Secretary of Homeland Security shall—

''(i) approve the petition;

''(ii) reject the petition; or

''(iii) determine that the petition is incomplete or obviously inaccurate or that the employer has not complied with the requirements of subsection (b)(5)(A)(i) (which the Secretary can ascertain by verifying whether the employer has placed a local job order as provided for in subsection (b)(5)(B));

''(C) if the Secretary determines that the petition is incomplete or obviously inaccurate, or that the employer has not complied with the requirements of subsection (b)(5)(A)(i) (which the Secretary can ascertain by verifying whether the employer has placed a local job order as provided for in subsection (b)(5)(B)), the Secretary shall—

''(i) within 5 business days of receipt of the petition, notify the petitioner of the deficiencies to be corrected by means ensuring same or next day delivery; and

''(ii) within 5 business days of receipt of the corrected petition, approve or reject the petition and provide the petitioner with notice of such action by means ensuring same or next day delivery; and

''(D) if the Secretary does not determine that the petition is incomplete or obviously inaccurate, the Secretary shall not later than 10 business days after the date on which such petition was filed, either approve or reject the petition and provide the petitioner with notice of such action by means ensuring same or next day delivery.

''(2) ACCESS.—By filing an H–2C petition, the petitioner and each employer (if the petitioner is an association that is a joint employer of workers who perform agricultural labor or services) consent to allow access to each place of employment to the Department of Agriculture and the Department of Homeland Security for the purpose of investigations and audits to determine compliance with the immigration laws (as defined in section 101(a)(17)).

''(e) ROLES OF AGRICULTURAL ASSOCIATIONS.—

''(1) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint employer of workers who perform agricultural labor or services, H–2C workers may be transferred among its members to perform the agricultural labor or services on a temporary basis for which the petition was approved.

''(2) TREATMENT OF VIOLATIONS.—

''(A) INDIVIDUAL MEMBER.—If an individual member of an association that is a joint employer commits a violation described in paragraph (2) or (3) of subsection (h) or subsection (i)(1), the Secretary of Agriculture shall invoke penalties pursuant to subsections (h) and (i) against only that member of the association unless the Secretary of Agriculture determines that the association participated in, had knowledge of, or had reason to know of the violation.

''(B) ASSOCIATION OF AGRICULTURAL EMPLOYERS.—If an association that is a joint employer commits a violation described in subsections (h)(2) and (3) or (i)(1), the Secretary of Agriculture shall invoke penalties pursuant to subsections (h) and (i) against only the association and not any individual members of the association, unless the Secretary determines that the member participated in the violation.

''(f) EXPEDITED ADMINISTRATIVE APPEALS.—The Secretary of Homeland Security shall promulgate regulations to provide for an expedited procedure for the review of a denial of a petition under this section by the Secretary. At the petitioner's request, the review shall include a de novo administrative hearing at which new evidence may be introduced.

''(g) FEES.—The Secretary of Homeland Security shall require, as a condition of approving the petition, the payment of a fee to recover the reasonable cost of processing the petition.

''(h) ENFORCEMENT.—

''(1) INVESTIGATIONS AND AUDITS.—The Secretary of Agriculture shall be responsible for conducting investigations and audits, including random audits, of employers to ensure compliance with the requirements of the H–2C program. All monetary fines levied against employers shall be paid to the Department of Agriculture and used to enhance the Department of Agriculture's investigative and auditing abilities to ensure compliance by employers with their obligations under this section.

''(2) VIOLATIONS.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a failure to fulfill an attestation required by this subsection, or a material misrepresentation of a material fact in a petition under this subsection, the Secretary—

''(A) may impose such administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary determines to be appropriate; and

''(B) may disqualify the employer from the employment of H–2C workers for a period of 1 year.

''(3) WILLFUL VIOLATIONS.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, a willful failure to fulfill an attestation required by this subsection, or a willful misrepresentation of a material fact in a petition under this subsection, the Secretary—

''(A) may impose such administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation, or not to exceed $15,000 per violation if in the course of such failure or misrepresentation the employer displaced one or more United States workers employed by the employer during the period of employment of H–2C workers or during the 30-day period immediately preceding such period of employment) in the job the H–2C workers are performing as the Secretary determines to be appropriate;

''(B) may disqualify the employer from the employment of H–2C workers for a period of 2 years;

''(C) may, for a subsequent failure to fulfill an attestation required by this subsection, or a misrepresentation of a material fact in a petition under this subsection, disqualify the employer from the employment of H–2C workers for a period of 5 years; and

''(D) may, for a subsequent willful failure to fulfill an attestation required by this subsection, or a willful misrepresentation of a material fact in a petition under this subsection, permanently disqualify the employer from the employment of H–2C workers.

''(i) FAILURE TO PAY WAGES OR REQUIRED BENEFITS.—

''(1) IN GENERAL.—If the Secretary of Agriculture finds, after notice and opportunity for a hearing, that the employer has failed to provide the benefits, wages, and working conditions that the employer has attested that it would provide under this subsection, the Secretary shall require payment of back wages, or such other required benefits, due any United States workers or H–2C workers employed by the employer.

''(2) AMOUNT.—The back wages or other required benefits described in paragraph (1)—

''(A) shall be equal to the difference between the amount that should have been paid and the amount that was paid to such workers; and

''(B) shall be distributed to the workers to whom such wages or benefits are due.

''(j) MINIMUM WAGES, BENEFITS, AND WORKING CONDITIONS.—

''(1) PREFERENTIAL TREATMENT OF H–2C WORKERS PROHIBITED.—

''(A) IN GENERAL.—Each employer seeking to hire United States workers for the job the H–2C workers will perform shall offer such United States workers not less than the same benefits, wages, and working conditions that the employer will provide to the H–2C workers, except that if an employer chooses to provide H-2C workers with housing or a housing allowance, the employer need not offer housing or a housing allowance to such United States workers. No job offer may impose on United States workers any restrictions or obligations which will not be imposed on H–2C workers.

''(B) INTERPRETATION.—Every interpretation and determination made under this section or under any other law, regulation, or interpretative provision regarding the nature, scope, and timing of the provision of these and any other benefits, wages, and other terms and conditions of employment shall be made so that—

''(i) the services of workers to their employers and the employment opportunities

afforded to workers by the employers, including those employment opportunities that require United States workers or H–2C workers to travel or relocate in order to accept or perform employment—

''(I) mutually benefit such workers, as well as their families, and employers; and

''(II) principally benefit neither employer nor employee; and

''(ii) employment opportunities within the United States benefit the United States economy.

''(2) REQUIRED WAGES.—

''(A) IN GENERAL.—Each employer petitioning for H–2C workers under this subsection (other than in the case of workers who will perform agricultural labor or services consisting of meat or poultry processing) will offer the H–2C workers, during the period of authorized employment as H–2C workers, wages that are at least the greatest of—

''(i) the applicable State or local minimum wage;

''(ii) 115 percent of the Federal minimum wage; or

''(iii) the actual wage level paid by the employer to all other individuals in the job.

''(B) SPECIAL RULES.—

''(i) ALTERNATE WAGE PAYMENT SYSTEMS.—An employer can utilize a piece rate or other alternative wage payment system so long as the employer guarantees each worker a wage rate that equals or exceeds the amount required under subparagraph (A) for the total hours worked in each pay period. Compensation from a piece rate or other alternative wage payment system shall include time spent during rest breaks, moving from job to job, clean up, or any other nonproductive time, provided that such time does not exceed 20 percent of the total hours in the work day.

''(ii) MEAT OR POULTRY PROCESSING.—Each employer petitioning for H–2C workers under this subsection who will perform agricultural labor or services consisting of meat or poultry processing will offer the H–2C workers, during the period of authorized employment as H–2C workers, wages that are at least the greatest of—

''(I) the applicable State or local minimum wage;

''(II) 150 percent of the Federal minimum wage;

''(III) the prevailing wage level for the occupational classification in the area of employment; or

''(IV) the actual wage level paid by the employer to all other individuals in the job.

''(3) EMPLOYMENT GUARANTEE.—

''(A) IN GENERAL.—

''(i) REQUIREMENT.—Each employer petitioning for workers under this subsection shall guarantee to offer the H–2C workers and United States workers performing the same job employment for the hourly equivalent of not less than 50 percent of the work hours set forth in the work contract.

''(ii) FAILURE TO MEET GUARANTEE.—If an employer affords the United States workers or the H–2C workers less employment than that required under this subparagraph, the employer shall pay such workers the amount which the workers would have earned if the workers had worked for the guaranteed number of hours.

''(B) CALCULATION OF HOURS.—Any hours which workers fail to work, up to a maximum of the number of hours specified in the work contract for a work day, when the workers have been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the work contract in a work day) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) LIMITATION.—If the workers abandon employment before the end of the work contract period, or are terminated for cause, the workers are not entitled to the 50 percent guarantee described in subparagraph (A).

''(D) TERMINATION OF EMPLOYMENT.—

''(i) IN GENERAL.—If, before the expiration of the period of employment specified in the work contract, the services of the workers are no longer required due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease, pest infestation, regulatory action, or any other reason beyond the control of the employer before the employment guarantee in subparagraph (A) is fulfilled, the employer may terminate the workers' employment.

''(ii) REQUIREMENTS.—If a worker's employment is terminated under clause (i), the employer shall—

''(I) fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed during the period beginning on the first work day and ending on the date on which such employment is terminated;

''(II) make efforts to transfer the worker to other comparable employment acceptable to the worker; and

''(III) not later than 72 hours after termination, notify the Secretary of Agriculture of such termination and stating the nature of the contract impossibility.

''(k) NONDELEGATION.—The Department of Agriculture and the Department of Homeland Security shall not delegate their investigatory, enforcement, or administrative functions relating to this section or section 218B to other agencies or departments of the Federal Government.

''(l) COMPLIANCE WITH BIO-SECURITY PROTOCOLS.—Except in the case of an imminent threat to health or safety, any personnel from a Federal agency or Federal grantee seeking to determine the compliance of an employer with the requirements of this section or section 218B shall, when visiting such employer's place of employment, make their presence known to the employer and sign-in in accordance with reasonable bio-security protocols before proceeding to any other area of the place of employment.

''(m) LIMITATION ON H–2C WORKERS' STAY IN STATUS.—

''(1) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2C worker (including any extensions) is 24 months for workers employed in a job that is of a temporary or seasonal nature. For H–2C workers employed in a job that is not of a temporary or seasonal nature, the initial maximum continuous period of authorized status is 36 months and subsequent maximum continuous periods of authorized status are 24 months.

''(2) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—In the case of H–2C workers who were employed in a job of a temporary or seasonal nature whose maximum continuous period of authorized status as H–2C workers (including any extensions) have expired, the aliens may not again be eligible to be H–2C workers until they remain outside the United States for a continuous period equal to at least the lesser of ½ of the duration of their previous period of authorized status an H–2C workers or 45 days. For H–2C workers who were employed in a job not of a temporary or seasonal nature whose maximum continuous period of authorized status as H–2C workers (including any extensions) have expired, the aliens may not again be eligible to be H–2C workers until they remain outside the United States for a continuous period equal to at least the lesser of ½ of the duration of their previous period of authorized status as H–2C workers or 45 days.

''(3) EXCEPTIONS.—

''(A) The Secretary of Homeland Security shall deduct absences from the United States that take place during an H–2C worker's period of authorized status from the period that the alien is required to remain outside the United States under paragraph (2), if the alien or the alien's employer requests such a deduction, and provides clear and convincing proof that the alien qualifies for such a deduction. Such proof shall consist of evidence such as arrival and departure records, copies of tax returns, and records of employment abroad.

''(B) There is no maximum continuous period of authorized status as set forth in paragraph (1) or a requirement to remain outside the United States as set forth in paragraph (2) for H–2C workers employed as a sheepherder, goatherder, in the range production of livestock, or who return to the workers' permanent residence outside the United States each day.

''(n) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—In addition to the maximum continuous period of authorized status, workers' authorized period of admission shall include—

''(A) a period of not more than 7 days prior to the beginning of authorized employment as H–2C workers for the purpose of travel to the place of employment; and

''(B) a period of not more than 14 days after the conclusion of their authorized employment for the purpose of departure from the United States or a period of not more than 30 days following the employment for the purpose of seeking a subsequent offer of employment by an employer pursuant to a petition under this section (or pursuant to at-will employment under section 218B during such times as that section is in effect) if they have not reached their maximum continuous period of authorized employment under subsection (m) (subject to the exceptions in subsection (m)(3)) unless they accept subsequent offers of employment as H–2C workers or are otherwise lawfully present.

''(2) FAILURE TO DEPART.—H–2C workers who do not depart the United States within the periods referred to in paragraph (1) or, as applicable, paragraph (3), will be considered to have failed to maintain nonimmigrant status as H–2C workers and shall be subject to removal under section 237(a)(1)(C)(i). Such aliens shall be considered to be inadmissible pursuant to section 212(a)(9)(B)(i) for having been unlawfully present, with the aliens considered to have been unlawfully present for 181 days as of the 15th day following their period of employment for the purpose of departure or as of the 31st day following their period of employment for the purpose of seeking subsequent offers of employment.

''(3) APPLICATION FOR MAXIMUM PERIOD.—Notwithstanding the duration of the work requested by the employer petitioning for the admission of an H-2C worker, if the alien is granted a visa, at the request of the alien, the term of the visa shall be for the maximum period described in subsection (m)(1), except that if such an alien is unable to secure subsequent employment 30 days after the conclusion of their authorized employment, the alien shall be required to depart the United States as described in paragraph (1)(B).

''(o) ABANDONMENT OF EMPLOYMENT.—

''(1) REPORT BY EMPLOYER.—Not later than 72 hours after an employer learns of the abandonment of employment by H–2C workers before the conclusion of their work contracts, the employer shall notify the Secretary of Agriculture and the Secretary of Homeland Security of such abandonment.

''(2) REPLACEMENT OF ALIENS.—An employer may designate eligible aliens to replace H–2C workers who abandon employment notwithstanding the numerical limitation found in section 214(g)(1)(C).

''(p) CHANGE TO H–2C STATUS.—

''(1) WAIVER.—In the case of an alien described in paragraph (2), the Secretary of Homeland Security shall waive the grounds of inadmissibility under paragraphs (5)(A), (6)(A), (6)(C), (7), (9)(B), and (9)(C) of section 212(a), and the grounds of deportability under paragraphs (1)(A) (with respect to the grounds of inadmissibility waived under this paragraph), (1)(B), (1)(C), (3)(A), and (3)(C) of section 237(a), with respect to conduct that occurred prior to the alien first receiving status as an H–2C worker, solely in order to provide the alien with such status.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

''(A) was unlawfully present in the United States on October 23, 2017; and

''(B) performed agricultural labor or services in the United States for at least 5.75 hours during each of at least 180 days during the 2-year period ending on October 23, 2017.

''(3) SPECIAL APPROVAL PROCEDURES.—Before an alien described in paragraph (2) can be provided with nonimmigrant status under section 101(a)(15)(H)(ii)(C), the alien must depart the United States for a period during the interval between the date of issuance of final rules carrying out the AG Act and the date that is 12 months after such issuance. If such an alien is the beneficiary of an approved H-2C petition, for the purpose of meeting such requirement to depart the United States before being provided with nonimmigrant status under section 101(a)(15)(H)(ii)(C), the Secretary shall authorize parole for the alien to travel to the United States without a visa and shall issue an appropriate document authorizing such travel. Prior to authorizing parole for the alien, the Secretary shall conduct an in person interview, as appropriate, and a background check to determine that the alien is not inadmissible to the United States under section 212(a) or deportable under section 237(a), except with regard to the grounds of inadmissibility and grounds of deportability waived under paragraph (1).

''(q) TRUST FUND TO ASSURE WORKER RETURN.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund (in this section referred to as the 'Trust Fund') for the purpose of providing a monetary incentive for H–2C workers to return to their country of origin upon expiration of their visas.

''(2) WITHHOLDING OF WAGES; PAYMENT INTO THE TRUST FUND.—

''(A) IN GENERAL.—Notwithstanding the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and State and local wage laws, all employers of H–2C workers shall withhold from the wages of all H–2C workers other than those employed as sheepherders, goatherders, in the range production of livestock, or who return to the their permanent residence outside the United States each day, an amount equivalent to 10 percent of the gross wages of each worker in each pay period and, on behalf of each worker, transfer such withheld amount to the Trust Fund.

''(B) JOBS THAT ARE NOT OF A TEMPORARY OR SEASONAL NATURE.—Employers of H–2C workers employed in jobs that are not of a temporary or seasonal nature, other than those employed as a sheepherder, goatherder, or in the range production of livestock, shall also pay into the Trust Fund an amount equivalent to the Federal tax on the wages paid to H–2C workers that the employer would be obligated to pay under chapters 21 and 23 of the Internal Revenue Code of 1986 had the H–2C workers been subject to such chapters.

''(3) DISTRIBUTION OF FUNDS.—Amounts paid into the Trust Fund on behalf of an H–2C worker, and held pursuant to paragraph (2)(A) and interest earned thereon, shall be transferred from the Trust Fund to the Secretary of Homeland Security, who shall distribute them to the worker if the worker—

''(A) applies to the Secretary of Homeland Security (or the designee of the Secretary) for payment within 120 days of the expiration of the alien's last authorized stay in the United States as an H–2C worker, for which they seek amounts from the Trust Fund;

''(B) establishes to the satisfaction of the Secretary of Homeland Security that they have complied with the terms and conditions of the H–2C program;

''(C) once approved by the Secretary of Homeland Security for payment, physically appears at a United States embassy or consulate in the worker's home country; and

''(D) establishes their identity to the satisfaction of the Secretary of Homeland Security.

''(4) ADMINISTRATIVE EXPENSES.—The amounts paid into the Trust Fund and held pursuant to paragraph (2)(B), and interest earned thereon, shall be distributed annually to the Secretary of Agriculture and the Secretary of Homeland Security in amounts proportionate to the expenses incurred by such officials in the administration and enforcement of the terms of the H–2C program.

''(5) LAW ENFORCEMENT.—Notwithstanding any other provision of law, amounts paid into the Trust Fund under paragraph (2), and interest earned thereon, that are not needed to carry out paragraphs (3) and (4) shall, to the extent provided in advance in appropriations Acts, be made available until expended without fiscal year limitation to the Secretary of Homeland Security to apprehend, detain, and remove aliens inadmissible to or deportable from the United States.

''(6) INVESTMENT OF TRUST FUND.—

''(A) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

''(B) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(C) REPORT TO CONGRESS.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Homeland Security) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and a Senate document of the session of the Congress in which the report is made.

''(r) PROCEDURES FOR SPECIAL PROCEDURES INDUSTRIES.—

''(1) WORK LOCATIONS.—The Secretary of Homeland Security shall permit an employer in a special procedures industry or that engages in a forestry-related activity that does not operate at a single fixed place of employment to provide, as part of its petition, a list of places of employment, which—

''(A) may include an itinerary; and

''(B) may be subsequently amended at any time by the employer, after notice to the Secretary.

''(2) WAGES.—Notwithstanding subsection (j)(2), the Secretary of Agriculture may establish monthly, weekly, or biweekly wage rates for occupations in a Special Procedures Industry for a State or other geographic area. For an employer in a Special Procedures Industry that typically pays a monthly wage, the Secretary shall require that H–2C workers be paid not less frequently than monthly and at a rate no less than the legally required monthly cash wage in an amount as re-determined annually by the Secretary.

''(3) ALLERGY LIMITATION.—An employer engaged in the commercial beekeeping or pollination services industry may require that job applicants be free from bee-related allergies, including allergies to pollen and bee venom.

''(s) FLEXIBILITY WITH RESPECT TO START DATES.—Upon approval of a petition with regard to jobs that are of a temporary or seasonal nature, the employer may begin the employment of petitioned-for H–2C workers up to ten months after the first date the employer requires the labor or services of H–2C workers.

''(t) ADJUSTMENT OF STATUS.—In applying section 245 to an alien who is an H–2C worker who was the beneficiary of a waiver under subsection (p)(1)—

''(1) such alien shall be deemed to have been inspected and admitted into the United States; and

''(2) in determining the alien's admissibility as an immigrant, paragraphs (5)(A), (6)(A), (6)(C), (7), (9)(B), and (9)(C)(i)(I) of section 212(a) shall not apply with respect to conduct that occurred prior to the alien first receiving status as an H-2C worker.''.

(b) AT-WILL EMPLOYMENT.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218A (as inserted by subsection (a) of this section) the following:

''SEC. 218B. AT-WILL EMPLOYMENT OF TEMPORARY H–2C WORKERS.

''(a) IN GENERAL.—An employer that is designated as a 'registered agricultural employer' pursuant to subsection (c) may employ aliens as H–2C workers. However, an H–2C worker may only perform labor or services pursuant to this section if the worker is already lawfully present in the United States as an H–2C worker, having been admitted or otherwise provided nonimmigrant status pursuant to section 218A, and has completed the period of employment specified in the job offer the worker accepted pursuant to section 218A or the employer has terminated the worker's employment pursuant to section 218A(j)(3)(D)(i). An H–2C worker who abandons the employment which was the basis for admission or status pursuant to section 218A may not perform labor or services pursuant to this section until the worker has returned to their home country, been readmitted as an H–2C worker pursuant to section 218A and has completed the period of employment specified in the job offer the worker accepted pursuant to section 218A or the employer has terminated the worker's employment pursuant to section 218A(j)(3)(D)(i).

''(b) PERIOD OF STAY.—H–2C workers performing at-will labor or services for a registered agricultural employer are subject to the period of admission, limitation of stay in status, and requirement to remain outside the United States contained in subsections (m) and (n) of section 218A, except that subsection (m)(3)(A) does not apply.

''(c) REGISTERED AGRICULTURAL EMPLOYERS.—The Secretary of Agriculture shall establish a process to accept and adjudicate applications by employers to be designated as registered agricultural employers. The Secretary shall require, as a condition of approving the application, the payment of a fee to recover the reasonable cost of processing

the application. The Secretary shall designate an employer as a registered agricultural employer if the Secretary determines that the employer—

''(1) employs (or plans to employ) individuals who perform agricultural labor or services;

''(2) has not been subject to debarment from receiving temporary agricultural labor certifications pursuant to section 101(a)(15)(H)(ii)(a) within the last three years;

''(3) has not been subject to disqualification from the employment of H–2C workers within the last five years;

''(4) agrees to, if employing H–2C workers pursuant to this section, fulfill the attestations contained in section 218A(b) as if it had submitted a petition making those attestations (excluding subsection (j)(3) of such section) and not to employ H–2C workers who have reached their maximum continuous period of authorized status under section 218A(m) (subject to the exceptions contained in section 218A(m)(3)) or if the workers have complied with the terms of section 218A(m)(2); and

''(5) agrees to notify the Secretary of Agriculture and the Secretary of Homeland Security each time it employs H–2C workers pursuant to this section within 72 hours of the commencement of employment and within 72 hours of the cessation of employment.

''(d) LENGTH OF DESIGNATION.—An employer's designation as a registered agricultural employer shall be valid for 3 years, and the Secretary may extend such designation for additional 3-year terms upon the reapplication of the employer. The Secretary shall revoke a designation before the expiration of its 3-year term if the employer is subject to disqualification from the employment of H–2C workers subsequent to being designated as a registered agricultural employer.

''(e) ENFORCEMENT.—The Secretary of Agriculture shall be responsible for conducting investigations and audits, including random audits, of employers to ensure compliance with the requirements of this section. All monetary fines levied against employers shall be paid to the Department of Agriculture and used to enhance the Department of Agriculture's investigatory and audit abilities to ensure compliance by employers with their obligations under this section and section 218A. The Secretary of Agriculture's enforcement powers and an employer's liability described in subsections (h) through (i) of section 218A are applicable to employers employing H–2C workers pursuant to this section.''.

(c) PROHIBITION ON FAMILY MEMBERS.—Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended by striking ''him;'' at the end and inserting ''him, except that no spouse or child may be admitted under clause (ii)(c);''.

(d) NUMERICAL CAP.—Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) under section 101(a)(15)(H)(ii)(c)—

''(i) may not exceed 40,000 for aliens issued visas or otherwise provided nonimmigrant status under such section for the purpose of performing agricultural labor or services consisting or meat or poultry processing;

''(ii) except as otherwise provided under this subparagraph, may not exceed 410,000 for aliens issued visas or otherwise provided nonimmigrant status under such section for the purpose of performing agricultural labor or services other than agricultural labor or services consisting of meat or poultry processing;

''(iii) if the base allocation under clause (ii) is exhausted during any fiscal year, the base allocation for that and subsequent fiscal years shall be increased by the lesser of 10 percent or a percentage representing the number of petitioned-for aliens (as a percentage of the base allocation) who would be eligible to be issued visas or otherwise provided nonimmigrant status described in that clause during that fiscal year but for the base allocation being exhausted, and if the increased base allocation is itself exhausted during a subsequent fiscal year, the base allocation for that and subsequent fiscal years shall be further increased by the lesser of 10 percent or a percentage representing the number of petitioned-for aliens (as a percentage of the increased base allocation) who would be eligible to be issued visas or otherwise provided nonimmigrant status described in that clause during that fiscal year but for the increased base allocation being exhausted (subject to clause (iv));

''(iv) if the base allocation under clause (ii) is not exhausted during any fiscal year, the base allocation under such clause for subsequent fiscal years shall be decreased by the greater of 5 percent or a percentage representing the unutilized portion of the base allocation (as a percentage of the base allocation) during that fiscal year, and if in a subsequent fiscal year the decreased base allocation is itself not exhausted, the base allocation for fiscal years subsequent to that fiscal year shall be further decreased by the greater of 5 percent or a percentage representing the unutilized portion of the decreased base allocation (as a percentage of the decreased base allocation) during that fiscal year (subject to clause (iii) and except that the base allocation shall not fall below 410,000); and

''(v) for purposes of clause (ii), the numerical limitations shall not apply to any alien—

''(I) who—

''(aa) was physically present in the United States on October 23, 2017; and

''(bb) performed agricultural labor or services in the United States for at least 5.75 hours during each of at least 180 days during the 2-year period ending on October 23, 2017; or

''(II) who has previously been issued a visa or otherwise provided nonimmigrant status pursuant to subclause (a) or (b) of section 101(a)(15)(H)(ii), but only to the extent that the alien is being petitioned for by an employer pursuant to section 218A(b) who previously employed the alien pursuant to subclause (a) or (b) of section 101(a)(15)(H)(ii) beginning no later than October 23, 2017.''.

(e) INTENT.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by striking ''section 101(a)(15)(H)(i) except subclause (b1) of such section'' and inserting ''clause (i), except subclause (b1), or (ii)(c) of section 101(a)(15)(H)''.

(f) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

''Sec. 218B. At-will employment of temporary H–2C workers.''.

SEC. 2104. MEDIATION.

Nonimmigrants having status under section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(c)) may not bring civil actions for damages against their employers, nor may any other attorneys or individuals bring civil actions for damages on behalf of such nonimmigrants against the nonimmigrants' employers, unless at least 90 days prior to bringing an action a request has been made to the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute and mediation has been attempted.

SEC. 2105. MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION.

Section 3(8)(B)(ii) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(8)(B)(ii)) is amended by striking ''under sections 101(a)(15)(H)(ii)(a) and 214(c) of the Immigration and Nationality Act.'' and inserting ''under subclauses (a) and (c) of section 101(a)(15)(H)(ii), and section 214(c), of the Immigration and Nationality Act.''.

SEC. 2106. BINDING ARBITRATION.

(a) APPLICABILITY.—H–2C workers may, as a condition of employment with an employer, be subject to mandatory binding arbitration and mediation of any grievance relating to the employment relationship. An employer shall provide any such workers with notice of such condition of employment at the time it makes job offers.

(b) ALLOCATION OF COSTS.—Any cost associated with such arbitration and mediation process shall be equally divided between the employer and the H–2C workers, except that each party shall be responsible for the cost of its own counsel, if any.

(c) DEFINITIONS.—As used in this section:

(1) The term ''condition of employment'' means a term, condition, obligation, or requirement that is part of the job offer, such as the term of employment, job responsibilities, employee conduct standards, and the grievance resolution process, and to which applicants or prospective H–2C workers must consent or accept in order to be hired for the position.

(2) The term ''H–2C worker'' means a nonimmigrant described in section 218A(a)(5) of the Immigration and Nationality Act, as added by this title.

SEC. 2107. ELIGIBILITY FOR HEALTH CARE SUBSIDIES AND REFUNDABLE TAX CREDITS; REQUIRED HEALTH INSURANCE COVERAGE.

(a) HEALTH CARE SUBSIDIES.—H–2C workers (as defined in section 218A(a)(5) of the Immigration and Nationality Act, as added by this title)—

(1) are not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 and shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section; and

(2) shall be subject to the rules applicable to individuals who are not lawfully present set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)).

(b) REFUNDABLE TAX CREDITS.—H–2C workers (as defined in section 218A(a)(5) of the Immigration and Nationality Act, as added by this title), shall not be allowed any credit under sections 24 and 32 of the Internal Revenue Code of 1986. In the case of a joint return, no credit shall be allowed under either such section if both spouses are such workers or aliens.

(c) REQUIREMENT REGARDING HEALTH INSURANCE COVERAGE.—Notwithstanding the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and State and local wage laws, not later than 21 days after being issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(c)), an alien must obtain health insurance coverage accepted in their State or States of employment and residence for the period of employment specified in section 218A(b)(1) of the Immigration and Nationality Act. H–2C workers under sections 218A or 218B of the Immigration and Nationality Act who do not obtain and maintain the required insurance coverage will be

considered to have failed to maintain nonimmigrant status under section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act and shall be subject to removal under section 237(a)(1)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(C)(i)).

SEC. 2108. STUDY OF ESTABLISHMENT OF AN AGRICULTURAL WORKER EMPLOYMENT POOL.

(a) STUDY.—The Secretary of Agriculture shall conduct a study on the feasibility of establishing an agricultural worker employment pool and an electronic Internet-based portal to assist H–2C workers (as such term is defined in section 218A of the Immigration and Nationality Act), prospective H–2C workers, and employers to identify job opportunities in the H–2C program and willing, able and available workers for the program, respectively.

(b) CONTENTS.—The study required under subsection (a) shall include an analysis of—

(1) the cost of creating such a pool and portal;

(2) potential funding sources or mechanisms to support the creation and maintenance of the pool and portal;

(3) with respect to H–2C workers and prospective H–2C workers in the pool, the data that would be relevant for employers;

(4) the merits of assisting H–2C workers and employers in identifying job opportunities and willing, able, and available workers, respectively; and

(5) other beneficial uses for such a pool and portal.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study required under subsection (a).

SEC. 2109. PREVAILING WAGE.

Section 212(p) of the Immigration and Nationality Act (8 U.S.C. 1182(p)) is amended—

(1) in paragraph (1), by inserting after ''subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II)'' the following: ''of this section and section 218A(j)(2)(B)(ii)''; and

(2) in paragraph (3), by inserting after ''subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II)'' the following: ''of this section and section 218A(j)(2)(B)(ii)''.

SEC. 2110. PORTABILITY OF H-2C STATUS.

Section 214(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(n)(1)) is amended by inserting after ''section 101(a)(15)(H)(i)(b)'' the following: ''or 101(a)(15)(H)(ii)(c)''.

SEC. 2111. EFFECTIVE DATES; SUNSET; REGULATIONS.

(a) EFFECTIVE DATES; REGULATIONS.—

(1) IN GENERAL.—Sections 2102 and 2104 through 2106 of this title, subsections (a) and (c) through (f) of section 2103 of this title, and the amendments made by the sections, shall take effect on the date on which the Secretary issues the rules under paragraph (3), and the Secretary of Homeland Security shall accept petitions pursuant to section 218A of the Immigration and Nationality Act, as inserted by this Act, beginning no later than that date. Sections 2107 and 2109 of this title shall take effect on the date of the enactment of this Act.

(2) AT-WILL EMPLOYMENT.—Section 2103(b) of this title and the amendments made by that subsection shall take effect when—

(A) it becomes unlawful for all persons or other entities to hire, or to recruit or refer for a fee, for employment in the United States an individual (as provided in section 274A(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1))) without using the verification system set forth in section 274A(d) of such Act, as amended by section 1103 of title I of division B of this Act, to seek verification of the employment eligibility of an individual; and

(B) such verification system, in providing confirmation of an individual's employment eligibility, indicates whether an individual is eligible to be employed in all occupations or only to perform agricultural labor or services as a nonimmigrant who has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(C) of the Immigration and Nationality Act.

(3) REGULATIONS.—Notwithstanding any other provision of law, not later than the first day of the seventh month that begins after the date of the enactment of this Act, the Secretary of Homeland Security shall issue final rules, on an interim or other basis, to carry out this title.

(b) OPERATION AND SUNSET OF THE H–2A PROGRAM.—

(1) APPLICATION OF EXISTING REGULATIONS.—The Department of Labor H–2A program regulations published at 73 Federal Register 77110 et seq. (2008) shall be in force for all petitions approved under sections 101(a)(15)(H)(ii)(a) and 218 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(ii)(a); 8 U.S.C. 1188) beginning on the date of the enactment of this Act, except that the following, as in effect on such date, shall remain in effect, and, to the extent that any rule published at 73 Federal Register 77110 et seq. is in conflict, such rule shall have no force and effect:

(A) Paragraph (a) and subparagraphs (1) and (3) of paragraph (b) of section 655.200 of title 20, Code of Federal Regulations.

(B) Section 655.201 of title 20, Code of Federal Regulations, except the paragraphs entitled ''Production of Livestock'' and ''Range''.

(C) Paragraphs (c), (d) and (e) of section 655.210 of title 20, Code of Federal Regulations.

(D) Section 655.230 of title 20, Code of Federal Regulations.

(E) Section 655.235 of title 20, Code of Federal Regulations.

(F) The Special Procedures Labor Certification Process for Employers in the Itinerant Animal Shearing Industry under the H–2A Program in effect under the Training and Employment Guidance Letter No. 17–06, Change 1, Attachment B, Section II, with an effective date of October 1, 2011.

(2) SUNSET.—Beginning on the date on which employers can file petitions pursuant to section 218A of the Immigration and Nationality Act, as added by section 2103(a) of this title, no new petitions under sections 101(a)(15)(H)(ii)(a) and 218 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a); 8 U.S.C. 1188) shall be accepted.

SEC. 2112. REPORT ON COMPLIANCE AND VIOLATIONS.

(a) IN GENERAL.—Not later than 1 year after the first day on which employers can file petitions pursuant to section 218A of the Immigration and Nationality Act, as added by section 2103(a) of this title, the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on compliance by H–2C workers with the requirements of this title and the Immigration and Nationality Act, as amended by this title. In the case of a violation of a term or condition of the temporary agricultural work visa program established by this title, the report shall identify the provision or provisions of law violated.

(b) DEFINITION.—As used in this section, the term ''H–2C worker'' means a nonimmigrant described in section 218A(a)(4) of the Immigration and Nationality Act, as added by section 2103(a) of this title.

TITLE III—VISA SECURITY

SEC. 3101. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date.

SEC. 3102. VISA INFORMATION SHARING.

(a) IN GENERAL.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)(2)) is amended—

(1) by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation'';

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''and on the basis of reciprocity'' and all that follows and inserting the following ''may provide to a foreign government information in a Department of State computerized visa database and, when necessary and appropriate, other records covered by this section related to information in such database—'';

(3) in paragraph (2)(A)—

(A) by inserting at the beginning ''on the basis of reciprocity,'';

(B) by inserting ''(i)'' after ''for the purpose of''; and

(C) by striking ''illicit weapons; or'' and inserting ''illicit weapons, or (ii) determining a person's deportability or eligibility for a visa, admission, or other immigration benefit;'';

(4) in paragraph (2)(B)—

(A) by inserting at the beginning ''on the basis of reciprocity,'';

(B) by striking ''in the database'' and inserting ''such database'';

(C) by striking ''for the purposes'' and inserting ''for one of the purposes''; and

(D) by striking ''or to deny visas to persons who would be inadmissible to the United States.'' and inserting ''; or''; and

(5) in paragraph (2), by adding at the end the following:

''(C) with regard to any or all aliens in the database specified data elements from each record, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

SEC. 3103. RESTRICTING WAIVER OF VISA INTERVIEWS.

Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)(B)) is amended—

(1) in paragraph (1)(C), by inserting '', in consultation with the Secretary of Homeland Security,'' after ''if the Secretary'';

(2) in paragraph (1)(C)(i), by inserting '', where such national interest shall not include facilitation of travel of foreign nationals to the United States, reduction of visa application processing times, or the allocation of consular resources'' before the semicolon at the end; and

(3) in paragraph (2)—

(A) by striking ''or'' at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting ''; or''; and

(C) by adding at the end the following:

''(G) is an individual—

''(i) determined to be in a class of aliens determined by the Secretary of Homeland Security to be threats to national security;

''(ii) identified by the Secretary of Homeland Security as a person of concern; or

''(iii) applying for a visa in a visa category with respect to which the Secretary of Homeland Security has determined that a waiver of the visa interview would create a high risk of degradation of visa program integrity.''.

SEC. 3104. AUTHORIZING THE DEPARTMENT OF STATE TO NOT INTERVIEW CERTAIN INELIGIBLE VISA APPLICANTS.

(a) IN GENERAL.—Section 222(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)) is amended by inserting ''the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application or'' after ''unless''.

(b) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall issue guidance to consular officers on the standards and processes for implementing the authority to deny visa applications without interview in cases where the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application.

(c) REPORTS.—Not less frequently than once each quarter, the Secretary of State shall submit to the Congress a report on the denial of visa applications without interview, including—

(1) the number of such denials; and

(2) a post-by-post breakdown of such denials.

SEC. 3105. VISA REFUSAL AND REVOCATION.

(a) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND THE SECRETARY OF STATE.—

(1) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

''(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

''(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except as provided in subsection (c) and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary—

''(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in connection with the granting and refusal of a visa; and

''(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary, or designee, determines that such refusal or revocation is necessary or advisable in the security or foreign policy interests of the United States.

''(2) EFFECT OF REVOCATION.—The revocation of any visa under paragraph (1)(B)—

''(A) shall take effect immediately; and

''(B) shall automatically cancel any other valid visa that is in the alien's possession.

''(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a decision by the Secretary of Homeland Security to refuse or revoke a visa, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a refusal or revocation.

''(c) AUTHORITY OF THE SECRETARY OF STATE.—

''(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse a visa requested by an alien if the Secretary of State determines such refusal to be necessary or advisable in the security or foreign policy interests of the United States.

''(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary of Homeland Security under subsection (b).''.

(2) AUTHORITY OF THE SECRETARY OF STATE.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''subsection, except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B).'' and inserting ''subsection.''.

(3) CONFORMING AMENDMENT.—Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking ''under section 221(i)''.

(4) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to visa refusals and revocations occurring before, on, or after such date.

(b) TECHNICAL CORRECTIONS TO THE HOMELAND SECURITY ACT.—Section 428(a) of the Homeland Security Act of 2002 (6 U.S.C. 236(a)) is amended—

(1) by striking ''subsection'' and inserting ''section''; and

(2) by striking ''consular office'' and inserting ''consular officer''.

SEC. 3106. PETITION AND APPLICATION PROCESSING FOR VISAS AND IMMIGRATION BENEFITS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 211 the following:

''SEC. 211A. PETITION AND APPLICATION PROCESSING.

''(a) SIGNATURE REQUIREMENT.—

''(1) IN GENERAL.—No petition or application filed with the Secretary of Homeland Security or with a consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant may be approved unless the petition or application is signed by each party required to sign such petition or application.

''(2) APPLICATIONS FOR IMMIGRANT VISAS.—Except as may be otherwise prescribed by regulations, each application for an immigrant visa shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer.

''(b) COMPLETION REQUIREMENT.—No petition or application filed with the Secretary of Homeland Security or with a consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant may be approved unless each applicable portion of the petition or application has been completed.

''(c) TRANSLATION REQUIREMENT.—No document submitted in support of a petition or application for a nonimmigrant or immigrant visa may be accepted by a consular officer if such document contains information in a foreign language, unless such document is accompanied by a full English translation, which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

''(d) REQUESTS FOR ADDITIONAL INFORMATION.—In the case that the Secretary of Homeland Security or a consular officer requests any additional information relating to a petition or application filed with the Secretary or consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant, such petition or application may not be approved unless all of the additional information requested is provided, or is shown to have been previously provided, in complete form and is provided on or before any reasonably established deadline included in the request.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 211 the following:

''Sec. 211A. Petition and application processing.''.

(c) APPLICATION.—The amendments made by this section shall apply with respect to applications and petitions filed after the date of the enactment of this Act.

SEC. 3107. FRAUD PREVENTION.

(a) PROSPECTIVE ANALYTICS TECHNOLOGY.—

(1) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a plan for the use of advanced analytics software to ensure the proactive detection of fraud in immigration benefits applications and petitions and to ensure that any such applicant or petitioner does not pose a threat to national security.

(2) IMPLEMENTATION OF PLAN.—Not later than 1 year after the date of the submission of the plan under paragraph (1), the Secretary of Homeland Security shall begin implementation of the plan.

(b) BENEFITS FRAUD ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Fraud Detection and Nationality Security Directorate, shall complete a benefit fraud assessment by fiscal year 2021 on each of the following:

(A) Petitions by VAWA self-petitioners (as such term is defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)).

(B) Applications or petitions for visas or status under section 101(a)(15)(K) of such Act or under section 201(b)(2) of such Act, in the case of spouses (8 U.S.C. 1101(a)(15)(K)).

(C) Applications for visas or status under section 101(a)(27)(J) of such Act (8 U.S.C. 1101(a)(27)(J)).

(D) Applications for visas or status under section 101(a)(15)(U) of such Act (8 U.S.C. 1101(a)(15)(U)).

(E) Petitions for visas or status under section 101(a)(27)(C) of such Act (8 U.S.C. 1101(a)(27)(C)).

(F) Applications for asylum under section 208 of such Act (8 U.S.C. 1158).

(G) Applications for adjustment of status under section 209 of such Act (8 U.S.C. 1159).

(H) Petitions for visas or status under section 201(b) of such Act (8 U.S.C. 1151(b)).

(2) REPORTING ON FINDINGS.—Not later than 30 days after the completion of each benefit fraud assessment under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate such assessment and recommendations on how to reduce the occurrence of instances of fraud identified by the assessment.

SEC. 3108. VISA INELIGIBILITY FOR SPOUSES AND CHILDREN OF DRUG TRAFFICKERS.

Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking ''is the spouse, son, or daughter'' and inserting ''is or has been the spouse, son, or daughter''; and

(2) in subparagraph (H)(ii), by striking ''is the spouse, son, or daughter'' and inserting ''is or has been the spouse, son, or daughter''.

SEC. 3109. DNA TESTING.

Section 222(b) of the Immigration and Nationality Act (8 U.S.C. 1202(b)) is amended by inserting ''Where considered necessary, by the consular officer or immigration official, to establish family relationships, the immigrant shall provide DNA evidence of such a relationship in accordance with procedures established for submitting such evidence. The Secretary and the Secretary of State may, in consultation, issue regulations to require DNA evidence to establish family relationship, from applicants for certain visa classifications.'' after ''and a certified copy of all other records or documents concerning him or his case which may be required by the consular officer.''.

SEC. 3110. ACCESS TO NCIC CRIMINAL HISTORY DATABASE FOR DIPLOMATIC VISAS.

Subsection (a) of article V of section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (34 U.S.C. 40316(V)(a)) is amended by inserting '', except for diplomatic visa applications for which only full biographical information is required'' before the period at the end.

SEC. 3111. ELIMINATION OF SIGNED PHOTOGRAPH REQUIREMENT FOR VISA APPLICATIONS.

Section 221(b) of the Immigration and Nationality Act (8 U.S.C. 1201(b)) is amended by striking the first sentence and insert the following: ''Each alien who applies for a visa shall be registered in connection with his or her application and shall furnish copies of his or her photograph for such use as may be required by regulation.''.

SEC. 3112. ADDITIONAL FRAUD DETECTION AND PREVENTION.

Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''at United States embassies and consulates abroad'';

(2) by amending clause (i) to read as follows:

''(i) to increase the number of diplomatic security personnel assigned exclusively or primarily to the function of preventing and detecting visa fraud;''; and

(3) in clause (ii), by striking '', including primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15)''.

DIVISION B—INTERIOR IMMIGRATION ENFORCEMENT

TITLE I—LEGAL WORKFORCE ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Legal Workforce Act''.

SEC. 1102. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended to read as follows:

''(b) EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.—

''(1) NEW HIRES, RECRUITMENT, AND REFERRAL.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the following:

''(A) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

''(i) ATTESTATION.—During the verification period (as defined in subparagraph (E)), the person or entity shall attest, under penalty of perjury and on a form, including electronic and telephonic formats, designated or established by the Secretary by regulation not later than 6 months after the date of the enactment of the Legal Workforce Act, that it has verified that the individual is not an unauthorized alien by—

''(I) obtaining from the individual the individual's social security account number or United States passport number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under subparagraph (B), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

''(II) examining—

''(aa) a document relating to the individual presenting it described in clause (ii); or

''(bb) a document relating to the individual presenting it described in clause (iii) and a document relating to the individual presenting it described in clause (iv).

''(ii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION AND ESTABLISHING IDENTITY.—A document described in this subparagraph is an individual's—

''(I) unexpired United States passport or passport card;

''(II) unexpired permanent resident card that contains a photograph;

''(III) unexpired employment authorization card that contains a photograph;

''(IV) in the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I–94 or Form I–94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as the period of status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation;

''(V) passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I–94 or Form I–94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI; or

''(VI) other document designated by the Secretary of Homeland Security, if the document—

''(aa) contains a photograph of the individual and biometric identification data from the individual and such other personal identifying information relating to the individual as the Secretary of Homeland Security finds, by regulation, sufficient for purposes of this clause;

''(bb) is evidence of authorization of employment in the United States; and

''(cc) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(iii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is an individual's social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

''(iv) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is—

''(I) an individual's unexpired driver's license or identification card if it was issued by a State or American Samoa and contains a photograph and information such as name, date of birth, gender, height, eye color, and address;

''(II) an individual's unexpired U.S. military identification card;

''(III) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or

''(IV) in the case of an individual under 18 years of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual.

''(v) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary of Homeland Security finds, by regulation, that any document described in clause (i), (ii), or (iii) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this paragraph.

''(vi) SIGNATURE.—Such attestation may be manifested by either a handwritten or electronic signature.

''(B) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—During the verification period (as defined in subparagraph (E)), the individual shall attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a handwritten or electronic signature. The individual shall also provide that individual's social security account number or United States passport number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

''(C) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

''(i) IN GENERAL.—After completion of such form in accordance with subparagraphs (A) and (B), the person or entity shall—

''(I) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during a period beginning on the date of the recruiting or referral of the individual, or, in the case of the hiring of an individual, the date on which the verification is completed, and ending—

''(aa) in the case of the recruiting or referral of an individual, 3 years after the date of the recruiting or referral; and

''(bb) in the case of the hiring of an individual, the later of 3 years after the date the verification is completed or one year after the date the individual's employment is terminated; and

''(II) during the verification period (as defined in subparagraph (E)), make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of an individual.

''(ii) CONFIRMATION.—

''(I) CONFIRMATION RECEIVED.—If the person or other entity receives an appropriate confirmation of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the

system and that indicates a final confirmation of such identity and work eligibility of the individual.

''(II) TENTATIVE NONCONFIRMATION RECEIVED.—If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonconfirmation within the time period specified, the nonconfirmation shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a final nonconfirmation. If the individual does contest the nonconfirmation, the individual shall utilize the process for secondary verification provided under subsection (d). The nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure. In no case shall an employer rescind the offer of employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a rescission of the offer of employment for any reason other than because of such a failure.

''(III) FINAL CONFIRMATION OR NONCONFIRMATION RECEIVED.—If a final confirmation or nonconfirmation is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual.

''(IV) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

''(V) CONSEQUENCES OF NONCONFIRMATION.—

''(aa) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

''(bb) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under item (aa), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

''(VI) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).

''(D) EFFECTIVE DATES OF NEW PROCEDURES.—

''(i) HIRING.—Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity hiring an individual for employment in the United States as follows:

''(I) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of the Legal Workforce Act, on the date that is 6 months after the date of the enactment of such Act.

''(II) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of the Legal Workforce Act, on the date that is 12 months after the date of the enactment of such Act.

''(III) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of the Legal Workforce Act, on the date that is 18 months after the date of the enactment of such Act.

''(IV) With respect to employers having 1 or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of the Legal Workforce Act, on the date that is 24 months after the date of the enactment of such Act.

''(ii) RECRUITING AND REFERRING.—Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity recruiting or referring an individual for employment in the United States on the date that is 12 months after the date of the enactment of the Legal Workforce Act.

''(iii) AGRICULTURAL LABOR OR SERVICES.—With respect to an employee performing agricultural labor or services, this paragraph shall not apply with respect to the verification of the employee until the date that is 24 months after the date of the enactment of the Legal Workforce Act. For purposes of the preceding sentence, the term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this clause shall not be counted for purposes of clause (i).

''(iv) EXTENSIONS.—Upon request by an employer having 50 or fewer employees, the Secretary shall allow a one-time 6-month extension of the effective date set out in this subparagraph applicable to such employer. Such request shall be made to the Secretary and shall be made prior to such effective date.

''(v) TRANSITION RULE.—Subject to paragraph (4), the following shall apply to a person or other entity hiring, recruiting, or referring an individual for employment in the United States until the effective date or dates applicable under clauses (i) through (iii):

''(I) This subsection, as in effect before the enactment of the Legal Workforce Act.

''(II) Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date in section 7(c) of the Legal Workforce Act.

''(III) Any other provision of Federal law requiring the person or entity to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date in section 7(c) of the Legal Workforce Act, including Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement).

''(E) VERIFICATION PERIOD DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph:

''(I) In the case of recruitment or referral, the term 'verification period' means the period ending on the date recruiting or referring commences.

''(II) In the case of hiring, the term 'verification period' means the period beginning on the date on which an offer of employment is extended and ending on the date that is three business days after the date of hire, except as provided in clause (iii). The offer of employment may be conditioned in accordance with clause (ii).

''(ii) JOB OFFER MAY BE CONDITIONAL.—A person or other entity may offer a prospective employee an employment position that is conditioned on final verification of the identity and employment eligibility of the employee using the procedures established under this paragraph.

''(iii) SPECIAL RULE.—Notwithstanding clause (i)(II), in the case of an alien who is authorized for employment and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period ends three business days after the alien receives the social security account number.

''(2) REVERIFICATION FOR INDIVIDUALS WITH LIMITED WORK AUTHORIZATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a person or entity shall make an inquiry, as provided in subsection (d), using the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the three business days after the date on which the employee's work authorization expires as follows:

''(i) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of the Legal Workforce Act, beginning on the date that is 6 months after the date of the enactment of such Act.

''(ii) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of the Legal Workforce Act, beginning on the date that is 12 months after the date of the enactment of such Act.

''(iii) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of the Legal Workforce Act, beginning on the date that is 18 months after the date of the enactment of such Act.

''(iv) With respect to employers having 1 or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of the Legal Workforce Act, beginning on the date that is 24 months after the date of the enactment of such Act.

''(B) AGRICULTURAL LABOR OR SERVICES.—With respect to an employee performing agricultural labor or services, or an employee recruited or referred by a farm labor contractor (as defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801)), subparagraph (A) shall not apply with respect to the reverification of the employee until the date that is 24 months after the date of the enactment of the Legal Workforce Act. For purposes of the preceding sentence, the term 'agricultural labor or services' has the meaning given such term by the Secretary of Agriculture in regulations and includes agricultural labor as defined in section 3121(g) of the Internal Revenue Code of 1986, agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing, or manufacturing of a product of agriculture (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this subparagraph shall not be counted for purposes of subparagraph (A).

''(C) REVERIFICATION.—Paragraph (1)(C)(ii) shall apply to reverifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

''(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

''(ii) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the date that is the later of 3 years after the date of such reverification or 1 year after the date the individual's employment is terminated.

''(3) PREVIOUSLY HIRED INDIVIDUALS.—

''(A) ON A MANDATORY BASIS FOR CERTAIN EMPLOYEES.—

''(i) IN GENERAL.—Not later than the date that is 6 months after the date of the enactment of the Legal Workforce Act, an employer shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual described in clause (ii) employed by the employer whose employment eligibility has not been verified under the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

''(ii) INDIVIDUALS DESCRIBED.—An individual described in this clause is any of the following:

''(I) An employee of any unit of a Federal, State, or local government.

''(II) An employee who requires a Federal security clearance working in a Federal, State or local government building, a military base, a nuclear energy site, a weapons site, or an airport or other facility that requires workers to carry a Transportation Worker Identification Credential (TWIC).

''(III) An employee assigned to perform work in the United States under a Federal contract, except that this subclause—

''(aa) is not applicable to individuals who have a clearance under Homeland Security Presidential Directive 12 (HSPD 12 clearance), are administrative or overhead personnel, or are working solely on contracts that provide Commercial Off The Shelf goods or services as set forth by the Federal Acquisition Regulatory Council, unless they are subject to verification under subclause (II); and

''(bb) only applies to contracts over the simple acquisition threshold as defined in section 2.101 of title 48, Code of Federal Regulations.

''(B) ON A MANDATORY BASIS FOR MULTIPLE USERS OF SAME SOCIAL SECURITY ACCOUNT NUMBER.—In the case of an employer who is required by this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, the employer shall make inquiries to the system in accordance with the following:

''(i) The Commissioner of Social Security shall notify annually employees (at the employee address listed on the Wage and Tax Statement) who submit a social security account number to which more than one employer reports income and for which there is a pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported as well as sufficient information notifying the employee of the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft.

''(ii) If the person to whom the social security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the social security account number was used without their knowledge, the Secretary and the Commissioner shall lock the social security account number for employment eligibility verification purposes and shall notify the employers of the individuals who wrongfully submitted the social security account number that the employee may not be work eligible.

''(iii) Each employer receiving such notification of an incorrect social security account number under clause (ii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee within 10 business days of receipt of the notification.

''(C) ON A VOLUNTARY BASIS.—Subject to paragraph (2), and subparagraphs (A) through (C) of this paragraph, beginning on the date that is 30 days after the date of the enactment of the Legal Workforce Act, an employer may make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the employer. If an employer chooses voluntarily to seek verification of any individual employed by the employer, the employer shall seek verification of all individuals employed at the same geographic location or, at the option of the employer, all individuals employed within the same job category, as the employee with respect to whom the employer seeks voluntarily to use the verification system. An employer's decision about whether or not voluntarily to seek verification of its current workforce under this subparagraph may not be considered by any government agency in any proceeding, investigation, or review provided for in this Act.

''(D) VERIFICATION.—Paragraph (1)(C)(ii) shall apply to verifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

''(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

''(ii) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification commences and ending on the date that is the later of 3 years after the date of such verification or 1 year after the date the individual's employment is terminated.

''(4) EARLY COMPLIANCE.—

''(A) FORMER E-VERIFY REQUIRED USERS, INCLUDING FEDERAL CONTRACTORS.—Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of the Legal Workforce Act, the Secretary is authorized to commence requiring employers required to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to commence compliance with the requirements of this subsection (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify Program.

''(B) FORMER E-VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of the Legal Workforce Act, the Secretary shall provide for the voluntary compliance with the requirements of this subsection by employers voluntarily electing to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such date, as well as by other employers seeking voluntary early compliance.

''(5) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

''(6) LIMITATION ON USE OF FORMS.—A form designated or established by the Secretary of Homeland Security under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and any other provision of Federal criminal law.

''(7) GOOD FAITH COMPLIANCE.—

''(A) IN GENERAL.—Except as otherwise provided in this subsection, a person or entity is considered to have complied with a requirement of this subsection notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement.

''(B) EXCEPTION IF FAILURE TO CORRECT AFTER NOTICE.—Subparagraph (A) shall not apply if—

''(i) the failure is not de minimus;

''(ii) the Secretary of Homeland Security has explained to the person or entity the basis for the failure and why it is not de minimus;

''(iii) the person or entity has been provided a period of not less than 30 calendar days (beginning after the date of the explanation) within which to correct the failure; and

''(iv) the person or entity has not corrected the failure voluntarily within such period.

''(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to a person or entity that has or is engaging in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2).

''(8) SINGLE EXTENSION OF DEADLINES UPON CERTIFICATION.—In a case in which the Secretary of Homeland Security has certified to the Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by the date that is 6 months after the date of the enactment of the Legal Workforce Act, each deadline established under this section for an employer to make an inquiry using such system shall be extended by 6 months. No other extension of such a deadline shall be made except as authorized under paragraph (1)(D)(iv).''.

(b) DATE OF HIRE.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)) is amended by adding at the end the following:

''(4) DEFINITION OF DATE OF HIRE.—As used in this section, the term 'date of hire' means the date of actual commencement of employment for wages or other remuneration, unless otherwise specified.''.

SEC. 1103. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) is amended to read as follows:

''(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(1) IN GENERAL.—Patterned on the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Secretary of Homeland Security shall establish and administer a verification system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

''(A) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

''(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

''(2) INITIAL RESPONSE.—The verification system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the verification system shall provide an appropriate code indicating such confirmation or such nonconfirmation.

''(3) SECONDARY CONFIRMATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation not later than 10 working days after the date on which the notice of the tentative nonconfirmation is received by the employee. The Secretary, in consultation with the Commissioner, may extend this deadline once on a case-by-case basis for a period of 10 working days, and if the time is extended, shall document such extension within the verification system. The Secretary, in consultation with the Commissioner, shall notify the employee and employer of such extension. The Secretary, in consultation with the Commissioner, shall create a standard process of such extension and notification and shall make a description of such process available to the public. When final confirmation or nonconfirmation is provided, the verification system shall provide an appropriate code indicating such confirmation or nonconfirmation.

''(4) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

''(A) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

''(B) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

''(D) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(i) the selective or unauthorized use of the system to verify eligibility; or

''(ii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

''(E) to maximize the prevention of identity theft use in the system; and

''(F) to limit the subjects of verification to the following individuals:

''(i) Individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b).

''(ii) Employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b).

''(iii) Individuals seeking to confirm their own employment eligibility on a voluntary basis.

''(5) RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the verification system except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

''(6) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States, or to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States.

''(7) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3).

''(8) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—

''(A) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

''(B) CRITICAL INFRASTRUCTURE.—The Secretary may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to use the verification system to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure.

''(9) REMEDIES.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this paragraph.''.

SEC. 1104. RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.

(a) ADDITIONAL CHANGES TO RULES FOR RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.—Section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) is amended—

(1) in paragraph (1)(A), by striking ''for a fee'';

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).''; and

(3) in paragraph (2), by striking ''after hiring an alien for employment in accordance with paragraph (1),'' and inserting ''after complying with paragraph (1),''.

(b) DEFINITION.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)), as amended by this title, is further amended by adding at the end the following:

''(5) DEFINITION OF RECRUIT OR REFER.—As used in this section, the term 'refer' means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in the definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party. As used in this section, the term 'recruit' means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person. Only persons or entities referring for remuneration (whether on a retainer

or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in this definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act, except that the amendments made by subsection (a) shall take effect 6 months after the date of the enactment of this Act insofar as such amendments relate to continuation of employment.

SEC. 1105. GOOD FAITH DEFENSE.

Section 274A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) GOOD FAITH DEFENSE.—

''(A) DEFENSE.—An employer (or person or entity that hires, employs, recruits, or refers (as defined in subsection (h)(5)), or is otherwise obligated to comply with this section) who establishes that it has complied in good faith with the requirements of subsection (b)—

''(i) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good-faith reliance on information provided through the system established under subsection (d); and

''(ii) has established compliance with its obligations under subparagraphs (A) and (B) of paragraph (1) and subsection (b) absent a showing by the Secretary of Homeland Security, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

''(B) MITIGATION ELEMENT.—For purposes of subparagraph (A)(i), if an employer proves by a preponderance of the evidence that the employer uses a reasonable, secure, and established technology to authenticate the identity of the new employee, that fact shall be taken into account for purposes of determining good faith use of the system established under subsection (d).

''(C) FAILURE TO SEEK AND OBTAIN VERIFICATION.—Subject to the effective dates and other deadlines applicable under subsection (b), in the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

''(i) FAILURE TO SEEK VERIFICATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (d) and in accordance with the timeframes established under subsection (b), seeking verification of the identity and work eligibility of the individual, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (d)(2) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.''.

SEC. 1106. PREEMPTION AND STATES' RIGHTS.

Section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended to read as follows:

''(2) PREEMPTION.—

''(A) SINGLE, NATIONAL POLICY.—The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, insofar as they may now or hereafter relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.

''(B) STATE ENFORCEMENT OF FEDERAL LAW.—

''(i) BUSINESS LICENSING.—A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the verification system described in subsection (d) to verify employment eligibility when and as required under subsection (b).

''(ii) GENERAL RULES.—A State, at its own cost, may enforce the provisions of this section, but only insofar as such State follows the Federal regulations implementing this section, applies the Federal penalty structure set out in this section, and complies with all Federal rules and guidance concerning implementation of this section. Such State may collect any fines assessed under this section. An employer may not be subject to enforcement, including audit and investigation, by both a Federal agency and a State for the same violation under this section. Whichever entity, the Federal agency or the State, is first to initiate the enforcement action, has the right of first refusal to proceed with the enforcement action. The Secretary must provide copies of all guidance, training, and field instructions provided to Federal officials implementing the provisions of this section to each State.''.

SEC. 1107. REPEAL.

(a) IN GENERAL.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(b) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is deemed to refer to the employment eligibility confirmation system established under section 274A(d) of the Immigration and Nationality Act, as amended by this title.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 24 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The table of sections, in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

SEC. 1108. PENALTIES.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)(1)—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) in subparagraph (D), by striking ''Service'' and inserting ''Department of Homeland Security'';

(2) in subsection (e)(4)—

(A) in subparagraph (A), in the matter before clause (i), by inserting '', subject to paragraph (10),'' after ''in an amount'';

(B) in subparagraph (A)(i), by striking ''not less than $250 and not more than $2,000'' and inserting ''not less than $2,500 and not more than $5,000'';

(C) in subparagraph (A)(ii), by striking ''not less than $2,000 and not more than $5,000'' and inserting ''not less than $5,000 and not more than $10,000'';

(D) in subparagraph (A)(iii), by striking ''not less than $3,000 and not more than $10,000'' and inserting ''not less than $10,000 and not more than $25,000''; and

(E) by moving the margin of the continuation text following subparagraph (B) two ems to the left and by amending subparagraph (B) to read as follows:

''(B) may require the person or entity to take such other remedial action as is appropriate.'';

(3) in subsection (e)(5)—

(A) in the paragraph heading, strike ''PAPERWORK'';

(B) by inserting '', subject to paragraphs (10) through (12),'' after ''in an amount'';

(C) by striking ''$100'' and inserting ''$1,000'';

(D) by striking ''$1,000'' and inserting ''$25,000''; and

(E) by adding at the end the following: ''Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).'';

(4) by adding at the end of subsection (e) the following:

''(10) EXEMPTION FROM PENALTY FOR GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

''(11) MITIGATION ELEMENT.—For purposes of paragraph (4), the size of the business shall be taken into account when assessing the level of civil money penalty.

''(12) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

''(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such an person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator of General Services to determine whether to

list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may refer the matter to any appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope.

''(D) REVIEW.—Any decision to debar a person or entity in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation.

''(13) OFFICE FOR STATE AND LOCAL GOVERNMENT COMPLAINTS.—The Secretary of Homeland Security shall establish an office—

''(A) to which State and local government agencies may submit information indicating potential violations of subsection (a), (b), or (g)(1) that were generated in the normal course of law enforcement or the normal course of other official activities in the State or locality;

''(B) that is required to indicate to the complaining State or local agency within five business days of the filing of such a complaint by identifying whether the Secretary will further investigate the information provided;

''(C) that is required to investigate those complaints filed by State or local government agencies that, on their face, have a substantial probability of validity;

''(D) that is required to notify the complaining State or local agency of the results of any such investigation conducted; and

''(E) that is required to report to the Congress annually the number of complaints received under this paragraph, the States and localities that filed such complaints, and the resolution of the complaints investigated by the Secretary.''; and

(5) by amending paragraph (1) of subsection (f) to read as follows:

''(1) CRIMINAL PENALTY.—Any person or entity which engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $5,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not more than 18 months, or both, notwithstanding the provisions of any other Federal law relating to fine levels.''.

SEC. 1109. FRAUD AND MISUSE OF DOCUMENTS.

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''identification document,'' and inserting ''identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act),''; and

(2) in paragraph (2), by striking ''identification document'' and inserting ''identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act),''.

SEC. 1110. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2019, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by this title, including (but not limited to)—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section;

(2) provide such funds annually in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2019, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 1111. FRAUD PREVENTION.

(a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which social security account numbers that have been identified to be subject to unusual multiple use in the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by this title, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of the number.

(b) ALLOWING SUSPENSION OF USE OF CERTAIN SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their social security account number or other identifying information for purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by this title. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

(c) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILD'S IDENTITY.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program which shall provide a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by this title. The Secretary may implement the program on a limited pilot program basis before making it fully available to all individuals.

SEC. 1112. USE OF EMPLOYMENT ELIGIBILITY VERIFICATION PHOTO TOOL.

An employer or entity who uses the photo matching tool, if required by the Secretary as part of the verification system, shall match, either visually, or using facial recognition or other verification technology approved or required by the Secretary, the photo matching tool photograph to the photograph on the identity or employment eligibility document provided by the individual or to the face of the employee submitting the document for employment verification purposes, or both, as determined by the Secretary.

SEC. 1113. IDENTITY AUTHENTICATION EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAMS.

Not later than 24 months after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Commissioner of Social Security and the Director of the National Institute of Standards and Technology, shall establish by regulation not less than 2 Identity Authentication Employment Eligibility Verification pilot programs, each using a separate and distinct technology (the ''Authentication Pilots''). The purpose of the Authentication Pilots shall be to provide for identity authentication and employment eligibility verification with respect to enrolled new employees which shall be available to any employer that elects to participate in either of the Authentication Pilots. Any participating employer may cancel the employer's participation in the Authentication Pilot after one year after electing to participate without prejudice to future participation. The Secretary shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the

Senate the Secretary's findings on the Authentication Pilots, including the authentication technologies chosen, not later than 12 months after commencement of the Authentication Pilots.

SEC. 1114. INSPECTOR GENERAL AUDITS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Social Security Administration shall complete audits of the following categories in order to uncover evidence of individuals who are not authorized to work in the United States:

(1) Workers who dispute wages reported on their social security account number when they believe someone else has used such number and name to report wages.

(2) Children's social security account numbers used for work purposes.

(3) Employers whose workers present significant numbers of mismatched social security account numbers or names for wage reporting.

(b) SUBMISSION.—The Inspector General of the Social Security Administration shall submit the audits completed under subsection (a) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate for review of the evidence of individuals who are not authorized to work in the United States. The Chairmen of those Committees shall then determine information to be shared with the Secretary of Homeland Security so that such Secretary can investigate the unauthorized employment demonstrated by such evidence.

TITLE II—SANCTUARY CITIES AND STATE AND LOCAL LAW ENFORCEMENT COOPERATION

SEC. 2201. SHORT TITLE.

This title may be cited as the ''No Sanctuary for Criminals Act''.

SEC. 2202. STATE NONCOMPLIANCE WITH ENFORCEMENT OF IMMIGRATION LAW.

(a) IN GENERAL.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, and no individual, may prohibit or in any way restrict, a Federal, State, or local government entity, official, or other personnel from complying with the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))), or from assisting or cooperating with Federal law enforcement entities, officials, or other personnel regarding the enforcement of these laws.'';

(2) by striking subsection (b) and inserting the following:

''(b) LAW ENFORCEMENT ACTIVITIES.—Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, and no individual, may prohibit, or in any way restrict, a Federal, State, or local government entity, official, or other personnel from undertaking any of the following law enforcement activities as they relate to information regarding the citizenship or immigration status, lawful or unlawful, the inadmissibility or deportability, or the custody status, of any individual:

''(1) Making inquiries to any individual in order to obtain such information regarding such individual or any other individuals.

''(2) Notifying the Federal Government regarding the presence of individuals who are encountered by law enforcement officials or other personnel of a State or political subdivision of a State.

''(3) Complying with requests for such information from Federal law enforcement entities, officials, or other personnel.'';

(3) in subsection (c), by striking ''Immigration and Naturalization Service'' and inserting ''Department of Homeland Security''; and

(4) by adding at the end the following:

''(d) COMPLIANCE.—

''(1) ELIGIBILITY FOR CERTAIN GRANT PROGRAMS.—A State, or a political subdivision of a State, that is found not to be in compliance with subsection (a) or (b) shall not be eligible to receive—

''(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), the 'Cops on the Beat' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381 et seq.), or the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.); or

''(B) any other grant administered by the Department of Justice that is substantially related to law enforcement (including enforcement of the immigration laws), immigration, enforcement of the immigration laws, or naturalization or administered by the Department of Homeland Security that is substantially related to immigration, the enforcement of the immigration laws, or naturalization.

''(2) TRANSFER OF CUSTODY OF ALIENS PENDING REMOVAL PROCEEDINGS.—The Secretary, at the Secretary's discretion, may decline to transfer an alien in the custody of the Department of Homeland Security to a State or political subdivision of a State found not to be in compliance with subsection (a) or (b), regardless of whether the State or political subdivision of the State has issued a writ or warrant.

''(3) TRANSFER OF CUSTODY OF CERTAIN ALIENS PROHIBITED.—The Secretary shall not transfer an alien with a final order of removal pursuant to paragraph (1)(A) or (5) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) to a State or a political subdivision of a State that is found not to be in compliance with subsection (a) or (b).

''(4) ANNUAL DETERMINATION.—The Secretary shall determine for each calendar year which States or political subdivision of States are not in compliance with subsection (a) or (b) and shall report such determinations to Congress by March 1 of each succeeding calendar year.

''(5) REPORTS.—The Secretary of Homeland Security shall issue a report concerning the compliance with subsections (a) and (b) of any particular State or political subdivision of a State at the request of the House or the Senate Judiciary Committee. Any jurisdiction that is found not to be in compliance shall be ineligible to receive Federal financial assistance as provided in paragraph (1) for a minimum period of 1 year, and shall only become eligible again after the Secretary of Homeland Security certifies that the jurisdiction has come into compliance.

''(6) REALLOCATION.—Any funds that are not allocated to a State or to a political subdivision of a State due to the failure of the State or of the political subdivision of the State to comply with subsection (a) or (b) shall be reallocated to States or to political subdivisions of States that comply with both such subsections.

''(e) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States, or from political subdivisions of States, to report or arrest victims or witnesses of a criminal offense.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that subsection (d) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), as added by this section, shall apply only to prohibited acts committed on or after the date of the enactment of this Act.

SEC. 2203. CLARIFYING THE AUTHORITY OF ICE DETAINERS.

(a) IN GENERAL.—Section 287(d) of the Immigration and Nationality Act (8 U.S.C. 1357(d)) is amended to read as follows:

''(d) DETAINER OF INADMISSIBLE OR DEPORTABLE ALIENS.—

''(1) IN GENERAL.—In the case of an individual who is arrested by any Federal, State, or local law enforcement official or other personnel for the alleged violation of any criminal or motor vehicle law, the Secretary may issue a detainer regarding the individual to any Federal, State, or local law enforcement entity, official, or other personnel if the Secretary has probable cause to believe that the individual is an inadmissible or deportable alien.

''(2) PROBABLE CAUSE.—Probable cause is deemed to be established if—

''(A) the individual who is the subject of the detainer matches, pursuant to biometric confirmation or other Federal database records, the identity of an alien who the Secretary has reasonable grounds to believe to be inadmissible or deportable;

''(B) the individual who is the subject of the detainer is the subject of ongoing removal proceedings, including matters where a charging document has already been served;

''(C) the individual who is the subject of the detainer has previously been ordered removed from the United States and such an order is administratively final;

''(D) the individual who is the subject of the detainer has made voluntary statements or provided reliable evidence that indicate that they are an inadmissible or deportable alien; or

''(E) the Secretary otherwise has reasonable grounds to believe that the individual who is the subject of the detainer is an inadmissible or deportable alien.

''(3) TRANSFER OF CUSTODY.—If the Federal, State, or local law enforcement entity, official, or other personnel to whom a detainer is issued complies with the detainer and detains for purposes of transfer of custody to the Department of Homeland Security the individual who is the subject of the detainer, the Department may take custody of the individual within 48 hours (excluding weekends and holidays), but in no instance more than 96 hours, following the date that the individual is otherwise to be released from the custody of the relevant Federal, State, or local law enforcement entity.''.

(b) IMMUNITY.—

(1) IN GENERAL.—A State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), and a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, acting in compliance with a Department of Homeland Security detainer issued pursuant to this section who temporarily holds an alien in its custody pursuant to the terms of a detainer so that the alien may be taken into the custody of the Department of Homeland Security, shall be considered to be acting under color of Federal authority for purposes of determining their liability and shall be held harmless for their compliance with the detainer in any suit seeking any punitive, compensatory, or other monetary damages.

(2) FEDERAL GOVERNMENT AS DEFENDANT.—In any civil action arising out of the compliance with a Department of Homeland Security detainer by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, the United States Government shall be the proper party named as the defendant in the suit in regard to the detention resulting from compliance with the detainer.

(3) BAD FAITH EXCEPTION.—Paragraphs (1) and (2) shall not apply to any mistreatment of an individual by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention.

(c) PRIVATE RIGHT OF ACTION.—

(1) CAUSE OF ACTION.—Any individual, or a spouse, parent, or child of that individual (if the individual is deceased), who is the victim of a murder, rape, or any felony, as defined by the State, for which an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) has been convicted and sentenced to a term of imprisonment of at least 1 year, may bring an action against a State or political subdivision of a State or public official acting in an official capacity in the appropriate Federal court if the State or political subdivision, except as provided in paragraph (3)—

(A) released the alien from custody prior to the commission of such crime as a consequence of the State or political subdivision's declining to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1));

(B) has in effect a statute, policy, or practice not in compliance with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) as amended, and as a consequence of its statute, policy, or practice, released the alien from custody prior to the commission of such crime; or

(C) has in effect a statute, policy, or practice requiring a subordinate political subdivision to decline to honor any or all detainers issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1)), and, as a consequence of its statute, policy or practice, the subordinate political subdivision declined to honor a detainer issued pursuant to such section, and as a consequence released the alien from custody prior to the commission of such crime.

(2) LIMITATIONS ON BRINGING ACTION.—An action may not be brought under this subsection later than 10 years following the occurrence of the crime, or death of a person as a result of such crime, whichever occurs later.

(3) PROPER DEFENDANT.—If a political subdivision of a State declines to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)) as a consequence of the State or another political subdivision with jurisdiction over the subdivision prohibiting the subdivision through a statute or other legal requirement of the State or other political subdivision—

(A) from honoring the detainer; or

(B) fully complying with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373),

and, as a consequence of the statute or other legal requirement of the State or other political subdivision, the subdivision released the alien referred to in paragraph (1) from custody prior to the commission of the crime referred to in that paragraph, the State or other political subdivision that enacted the statute or other legal requirement, shall be deemed to be the proper defendant in a cause of action under this subsection, and no such cause of action may be maintained against the political subdivision which declined to honor the detainer.

(4) ATTORNEY'S FEE AND OTHER COSTS.—In any action or proceeding under this subsection the court shall allow a prevailing plaintiff a reasonable attorneys'' fee as part of the costs, and include expert fees as part of the attorneys'' fee.

(d) ELIGIBILITY FOR CERTAIN GRANT PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State or political subdivision of a State that has in effect a statute, policy or practice providing that it not comply with any or all Department of Homeland Security detainers issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)) shall not be eligible to receive—

(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), the ''Cops on the Beat'' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10301 et seq.), or the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.); or

(B) any other grant administered by the Department of Justice that is substantially related to law enforcement (including enforcement of the immigration laws), immigration, or naturalization or grant administered by the Department of Homeland Security that is substantially related to immigration, enforcement of the immigration laws, or naturalization.

(2) EXCEPTION.—A political subdivision described in subsection (c)(3) that declines to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1)) as a consequence of being required to comply with a statute or other legal requirement of a State or another political subdivision with jurisdiction over that political subdivision, shall remain eligible to receive grant funds described in paragraph (1). In the case described in the previous sentence, the State or political subdivision that enacted the statute or other legal requirement shall not be eligible to receive such funds.

SEC. 2204. SARAH AND GRANT'S LAW.

(a) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) CLERICAL AMENDMENTS.—(A) Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by striking ''Attorney General'' each place it appears (except in the second place that term appears in section 236(a)) and inserting ''Secretary of Homeland Security''.

(B) Section 236(a) of such Act (8 U.S.C. 1226(a)) is amended by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General—''.

(C) Section 236(e) of such Act (8 U.S.C. 1226(e)) is amended by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''.

(2) LENGTH OF DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, an alien may be detained, and for an alien described in subsection (c) shall be detained, under this section without time limitation, except as provided in subsection (h), during the pendency of removal proceedings.

''(2) CONSTRUCTION.—The length of detention under this section shall not affect detention under section 241.''.

(3) DETENTION OF CRIMINAL ALIENS.—Section 236(c)(1) of such Act (8 U.S.C. 1226(c)(1)) is amended—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) by inserting after subparagraph (D) the following:

''(E) is unlawfully present in the United States and has been convicted for driving while intoxicated (including a conviction for driving while under the influence or impaired by alcohol or drugs) without regard to whether the conviction is classified as a misdemeanor or felony under State law, or

''(F)(i)(I) is inadmissible under section 212(a)(6)(i),

''(II) is deportable by reason of a visa revocation under section 221(i), or

''(III) is deportable under section 237(a)(1)(C)(i), and

''(ii) has been arrested or charged with a particularly serious crime or a crime resulting in the death or serious bodily injury (as defined in section 1365(h)(3) of title 18, United States Code) of another person;''; and

(C) by amending the matter following subparagraph (F) (as added by subparagraph (B) of this paragraph) to read as follows:

''any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.''.

(4) ADMINISTRATIVE REVIEW.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by paragraph (2), is further amended by adding at the end the following:

''(g) ADMINISTRATIVE REVIEW.—The Attorney General's review of the Secretary's custody determinations under subsection (a) for the following classes of aliens shall be limited to whether the alien may be detained, released on bond (of at least $1,500 with security approved by the Secretary), or released with no bond:

''(1) Aliens in exclusion proceedings.

''(2) Aliens described in section 212(a)(3) or 237(a)(4).

''(3) Aliens described in subsection (c).

''(h) RELEASE ON BOND.—

''(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond. No bond may be granted except to an alien who establishes by clear and convincing evidence that the alien is not a flight risk or a danger to another person or the community.

''(2) CERTAIN ALIENS INELIGIBLE.—No alien detained under subsection (c) may seek release on bond.''.

(5) CLERICAL AMENDMENTS.—(A) Section 236(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)(B)) is amended by striking ''conditional parole'' and inserting ''recognizance''.

(B) Section 236(b) of such Act (8 U.S.C. 1226(b)) is amended by striking ''parole'' and inserting ''recognizance''.

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

shall apply to any alien in detention under the provisions of section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as so amended, or otherwise subject to the provisions of such section, on or after such date.

SEC. 2205. CLARIFICATION OF CONGRESSIONAL INTENT.

Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (1) by striking ''may enter'' and all that follows through the period at the end and inserting the following: ''shall enter into a written agreement with a State, or any political subdivision of a State, upon request of the State or political subdivision, pursuant to which officers or employees of the State or subdivision, who are determined by the Secretary to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law. No request from a bona fide State or political subdivision or bona fide law enforcement agency shall be denied absent a compelling reason. No limit on the number of agreements under this subsection may be imposed. The Secretary shall process requests for such agreements with all due haste, and in no case shall take not more than 90 days from the date the request is made until the agreement is consummated.'';

(2) by redesignating paragraph (2) as paragraph (5) and paragraphs (3) through (10) as paragraphs (7) through (14), respectively;

(3) by inserting after paragraph (1) the following:

''(2) An agreement under this subsection shall accommodate a requesting State or political subdivision with respect to the enforcement model or combination of models, and shall accommodate a patrol model, task force model, jail model, any combination thereof, or any other reasonable model the State or political subdivision believes is best suited to the immigration enforcement needs of its jurisdiction.

''(3) No Federal program or technology directed broadly at identifying inadmissible or deportable aliens shall substitute for such agreements, including those establishing a jail model, and shall operate in addition to any agreement under this subsection.

''(4)(A) No agreement under this subsection shall be terminated absent a compelling reason.

''(B)(i) The Secretary shall provide a State or political subdivision written notice of intent to terminate at least 180 days prior to date of intended termination, and the notice shall fully explain the grounds for termination, along with providing evidence substantiating the Secretary's allegations.

''(ii) The State or political subdivision shall have the right to a hearing before an administrative law judge and, if the ruling is against the State or political subdivision, to appeal the ruling to the Federal Circuit Court of Appeals and, if the ruling is against the State or political subdivision, to petition the Supreme Court for certiorari.

''(C) The agreement shall remain in full effect during the course of any and all legal proceedings.''; and

(4) by inserting after paragraph (5) (as redesignated) the following:

''(6) The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness and the Federal Law Enforcement Training Center, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. Distance learning through a secure, encrypted, distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of the Securing America's Future Act of 2018, shall be made available by the COPS Office of the Department of Justice and the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel. Preference shall be given to private sector-based, web-based immigration enforcement training programs for which the Federal Government has already provided support to develop.''.

SEC. 2206. PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended to read as follows:

''ILLEGAL ENTRY OR PRESENCE

''SEC. 275. (a) IN GENERAL.—

''(1) ILLEGAL ENTRY OR PRESENCE.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

''(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

''(B) knowingly eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including by failing to stop at the command of such officer);

''(C) knowingly enters or crosses the border to the United States and, upon examination or inspection, knowingly makes a false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws);

''(D) knowingly violates the terms or conditions of the alien's admission or parole into the United States and has remained in violation for an aggregate period of 90 days or more; or

''(E) knowingly is unlawfully present in the United States (as defined in section 212(a)(9)(B)(ii) subject to the exceptions set forth in section 212(a)(9)(B)(iii)) and has remained in violation for an aggregate period of 90 days or more.

''(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years (or not more than 6 months in the case of a second or subsequent violation of paragraph (1)(E)), or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or agriculture officer, or until the alien is granted a valid visa or relief from removal.

''(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(1) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry or presence.''.

(c) EFFECTIVE DATES AND APPLICABILITY.—

(1) CRIMINAL PENALTIES.—Section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), as amended by subsection (a), shall take effect 90 days after the date of the enactment of this Act, and shall apply to acts, conditions, or violations described in such section 275(a) that occur or exist on or after such effective date.

(2) CIVIL PENALTIES.—Section 275(b) of the Immigration and Nationality Act (8 U.S.C. 1325(b)), as amended by subsection (a), shall take effect on the date of the enactment of this Act and shall apply to acts described in such section 275(b) that occur before, on, or after such date.

TITLE III—CRIMINAL ALIENS

SEC. 3301. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)(A)(i)—

(A) in subclause (I), by striking ''or'' at the end;

(B) in subclause (II), by adding ''or'' at the end; and

(C) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information),'';

(2) by adding at the end of subsection (a)(2) the following:

''(J) PROCUREMENT OF CITIZENSHIP OR NATURALIZATION UNLAWFULLY.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code (relating to the procurement of citizenship or naturalization unlawfully) is inadmissible.

''(K) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(L) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

''(M) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS, CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.

''(iii) WAIVER AUTHORIZED.—The waiver authority available under section 237(a)(7) with respect to section 237(a)(2)(E)(i) shall be available on a comparable basis with respect to this subparagraph.

''(iv) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence.''; and

(3) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may, in the discretion of the Attorney General or the Secretary, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (K), and (M) of subsection (a)(2)'';

(B) by striking ''a criminal act involving torture.'' and inserting ''a criminal act involving torture, or has been convicted of an aggravated felony.'';

(C) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' and inserting ''if since the date of such admission the alien''; and

(D) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by inserting ''or'' at the end; and

(3) by inserting after clause (iii) the following:

''(iv) of a violation of, or an attempt or a conspiracy to violate, section 1425(a) or (b) of title 18 (relating to the procurement of citizenship or naturalization unlawfully),''.

(c) DEPORTABILITY; OTHER CRIMINAL OFFENSES.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) FRAUD AND RELATED ACTIVITY ASSOCIATED WITH SOCIAL SECURITY ACT BENEFITS AND IDENTIFICATION DOCUMENTS.—Any alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification) is deportable.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(e) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act where such eligibility did not exist before these amendments became effective.

SEC. 3302. INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)), as amended by this title, is further amended—

(1) in subclause (II), by striking ''or'' at the end;

(2) in subclause (III), by adding ''or'' at the end; and

(3) by inserting after subclause (III) the following:

''(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender),''.

(b) DEPORTABILITY.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)), as amended by this title, is further amended—

(1) in subparagraph (A), by striking clause (v); and

(2) by adding at the end the following:

''(I) FAILURE TO REGISTER AS A SEX OFFENDER.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender) is deportable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 3303. GROUNDS OF INADMISSIBILITY AND DEPORTABILITY FOR ALIEN GANG MEMBERS.

(a) DEFINITION OF GANG MEMBER.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(53) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons that has as one of its primary purposes the commission of 1 or more of the following criminal offenses and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses, or that has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting these criteria. The offenses described, whether in violation of Federal or State law or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of this paragraph, are the following:

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

''(B) A felony offense involving firearms or explosives or in violation of section 931 of title 18, United States Code (relating to purchase, ownership, or possession of body armor by violent felons).

''(C) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

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

''(E) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant.

''(F) Any conduct punishable under sections 1028A and 1029 of title 18, United States Code (relating to aggravated identity theft or fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery, and trafficking in persons), section 1951 of such title (relating to interference with commerce by threats or violence), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(G) A conspiracy to commit an offense described in subparagraphs (A) through (F).''.

(b) INADMISSIBILITY.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—(i) Any alien is inadmissible who a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe—

''(I) to be or to have been a member of a criminal gang (as defined in section 101(a)(53)); or

''(II) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.

''(ii) Any alien for whom a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General has reasonable grounds to believe has participated in, been a member of, promoted, or conspired with a criminal gang, either inside or outside of the United States, is inadmissible.

''(iii) Any alien for whom a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General has reasonable grounds to believe seeks to enter the United States or has entered the United States in furtherance of the activities of a criminal gang, either inside or outside of the United States, is inadmissible.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable who—

''(i) is or has been a member of a criminal gang (as defined in section 101(a)(53)); or

''(ii) has participated in the activities of a criminal gang (as so defined), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(d) DESIGNATION.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after section 219 the following:

''DESIGNATION OF CRIMINAL GANG

''SEC. 220.

''(a) DESIGNATION.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, may designate a group, club, organization, or association of 5 or more persons as a criminal gang if the Secretary finds that their conduct is described in section 101(a)(53).

''(2) PROCEDURE.—

''(A) NOTIFICATION.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate a group, club, organization, or association of 5 or more persons under this subsection and the factual basis therefor.

''(B) PUBLICATION IN THE FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under subparagraph (A).

''(3) RECORD.—

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

''(B) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a designation under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(4) PERIOD OF DESIGNATION.—

''(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c).

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a criminal gang under the procedures set forth in clauses (iii) and (iv) if the designated group, club, organization, or association of 5 or more persons files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated group, club, organization, or association of 5 or more persons has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated group, club, organization, or association of 5 or more persons has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any group, club, organization, or association of 5 or more persons that submits a petition for revocation under this subparagraph of its designation as a criminal gang must provide evidence in that petition that it is not described in section 101(a)(53).

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).

''(C) OTHER REVIEW OF DESIGNATION.—

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

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

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.

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

''(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

''(A) IN GENERAL.—The Secretary may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Secretary finds that—

''(i) the group, club, organization, or association of 5 or more persons that has been designated as a criminal gang is no longer described in section 101(a)(53); or

''(ii) the national security or the law enforcement interests of the United States warrants a revocation.

''(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

''(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

''(8) USE OF DESIGNATION IN TRIAL OR HEARING.—If a designation under this subsection has become effective under paragraph (2) an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection.

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the group, club, organization, or association of 5 or more persons has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another group, club, organization, or association of 5 or more persons.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Paragraphs (2), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c) of this section.

''(c) JUDICIAL REVIEW OF DESIGNATION.—

''(1) IN GENERAL.—Not later than 30 days after publication in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated group, club, organization, or association of 5 or more persons may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit.

''(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation.

''(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition for revocation the court finds to be—

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

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2); or

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

''(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation, amended designation, or determination in response to a petition for revocation shall not affect the application of this section, unless the court issues a final order setting aside the designation, amended designation, or determination in response to a petition for revocation.

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'classified information' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

''(2) the term 'national security' means the national defense, foreign relations, or economic interests of the United States;

''(3) the term 'relevant committees' means the Committees on the Judiciary of the Senate and of the House of Representatives; and

''(4) the term 'Secretary' means the Secretary of Homeland Security, in consultation with the Attorney General.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 219 the following:

''Sec. 220. Designation.''.

(e) MANDATORY DETENTION OF CRIMINAL GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)), as amended by this title, is further amended—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) in subparagraph (E), by inserting ''or'' at the end; and

(C) by inserting after subparagraph (E) the following:

''(F) is inadmissible under section 212(a)(2)(J) or deportable under section 217(a)(2)(G),''.

(2) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by paragraph (1).

(f) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) or who is'' after ''to an alien''.

(2) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking ''or'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i); or''.

(g) TEMPORARY PROTECTED STATUS.—Section 244 of such Act (8 U.S.C. 1254a) is amended—

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

(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking ''or'' at the end;

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

(C) by adding at the end the following:

''(iii) the alien is, or at any time has been, described in section 212(a)(2)(J) or section 237(a)(2)(G).''; and

(3) in subsection (d)—

(A) by striking paragraph (3); and

(B) in paragraph (4), by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''.

(h) SPECIAL IMMIGRANT JUVENILE VISAS.—Section 101(a)(27)(J)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

(1) in subclause (I), by striking ''and'';

(2) in subclause (II), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(III) no alien who is, or at any time has been, described in section 212(a)(2)(J) or section 237(a)(2)(G) shall be eligible for any immigration benefit under this subparagraph;''.

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

(1) the alien is assisting or has assisted the United States Government in a law enforcement matter, including a criminal investigation; and

(2) the alien's presence in the United States is required by the Government with respect to such assistance.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 3304. INADMISSIBILITY AND DEPORTABILITY OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), is amended—

(1) in subparagraph (T), by striking ''and'';

(2) in subparagraph (U), by striking the period at the end and inserting ''; and''; and

(3) by inserting after subparagraph (U) the following:

''(V)(i) a single conviction for driving while intoxicated (including a conviction for driving while under the influence of or impairment by alcohol or drugs), when such impaired driving was a cause of the serious bodily injury or death of another person; or

''(ii) a second or subsequent conviction for driving while intoxicated (including a conviction for driving under the influence of or impaired by alcohol or drugs).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply to convictions entered on or after such date.

SEC. 3305. DEFINITION OF AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by this title, is further amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, or in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (A), by striking ''murder, rape, or sexual abuse of a minor;'' and inserting ''an offense relating to murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), statutory rape, or any offense of a sexual nature involving a victim under the age of 18 years;'';

(3) in subparagraph (B)—

(A) by inserting ''an offense relating to'' before ''illicit trafficking''; and

(B) by inserting before the semicolon at the end the following: ''and any offense under State law relating to a controlled substance (as so classified under State law) which is classified as a felony in that State, regardless of whether the substance is classified as a controlled substance under section 102 of the Controlled Substances Act (8 U.S.C. 802)'';

(4) in subparagraph (C), by inserting ''an offense relating to'' before ''illicit trafficking in firearms'';

(5) in subparagraph (I), by striking ''or 2252'' and inserting ''2252, or 2252A'';

(6) in subparagraph (F), by striking ''for which the term of imprisonment is at least one year;'' and inserting '', including offenses of assault and battery under State or Federal law, for which the term of imprisonment is at least one year, except that if the conviction records do not conclusively establish whether a crime constitutes a crime of violence, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence;'';

(7) by striking subparagraph (G) and inserting the following:

''(G) an offense relating to a theft under State or Federal law (including theft by deceit, theft by fraud, and receipt of stolen property) regardless of whether any taking was temporary or permanent, or burglary offense under State or Federal law for which the term of imprisonment is at least one year, except that if the conviction records do not conclusively establish whether a crime constitutes a theft or burglary offense, the Attorney General or Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a theft or burglary offense;'';

(8) in subparagraph (N)—

(A) by striking ''paragraph (1)(A) or (2) of''; and

(B) by inserting a semicolon at the end;

(9) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(10) in subparagraph (P)—

(A) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in any section of chapter 75 of title 18, United States Code, and''; and

(B) by striking '', except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act'';

(11) in subparagraph (U), by striking ''an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ''attempting or conspiring to commit an offense described in this paragraph, or aiding, abetting, counseling, procuring, commanding, inducing, or soliciting the commission of such an offense''; and

(12) by striking the undesignated matter following subparagraph (U).

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by subsection (a)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to any act or conviction that occurred before, on, or after such date.

(2) APPLICATION OF IIRIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 3306. PRECLUDING WITHHOLDING OF REMOVAL FOR AGGRAVATED FELONS.

(a) IN GENERAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)), is amended by inserting after clause (v) the following:

''(vi) the alien is convicted of an aggravated felony.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened on or after such date.

SEC. 3307. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

''(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(2) in subparagraph (B)(i)—

(A) by redesignating the second subclause (I) as subclause (II); and

(B) by amending such subclause (II) to read as follows:

''(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)), is amended by striking ''204(a)(1)(A)(viii)(I))'' each place such term appears and inserting ''204(a)(1)(A)(viii))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

SEC. 3308. CLARIFICATION TO CRIMES OF VIOLENCE AND CRIMES INVOLVING MORAL TURPITUDE.

(a) INADMISSIBLE ALIENS.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)) is amended by adding at the end the following:

''(iii) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(b) DEPORTABLE ALIENS.—

(1) GENERAL CRIMES.—Section 237(a)(2)(A) of such Act (8 U.S.C. 1227(a)(2)(A)), as amended by this title, is further amended by inserting after clause (iv) the following:

''(v) CRIMES INVOLVING MORAL TURPITUDE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(2) DOMESTIC VIOLENCE.—Section 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

''(iii) CRIMES OF VIOLENCE.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 3309. DETENTION OF DANGEROUS ALIENS.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of the following:

''(i) The date the order of removal becomes administratively final.

''(ii) If the alien is not in the custody of the Secretary on the date the order of removal becomes administratively final, the date the alien is taken into such custody.

''(iii) If the alien is detained or confined (except under an immigration process) on the date the order of removal becomes administratively final, the date the alien is taken into the custody of the Secretary, after the alien is released from such detention or confinement.'';

(3) in paragraph (1), by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—

''(i) EXTENSION.—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary's sole discretion, keep the alien in detention during such extended period if—

''(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal that is subject to an order of removal;

''(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

''(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

''(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

''(ii) RENEWAL.—If the removal period has been extended under subparagraph (C)(i), a new removal period shall be deemed to have begun on the date—

''(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order;

''(II) the stay of removal is no longer in effect; or

''(III) the alien is returned to the custody of the Secretary.

''(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—In the case of an alien described in subparagraphs (A) through (D) of section 236(c)(1), the Secretary shall keep that alien in detention during the extended period described in clause (i).

''(iv) SOLE FORM OF RELIEF.—An alien may seek relief from detention under this subparagraph only by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.'';

(4) in paragraph (3)—

(A) by adding after ''If the alien does not leave or is not removed within the removal period'' the following: ''or is not detained pursuant to paragraph (6) of this subsection''; and

(B) by striking subparagraph (D) and inserting the following:

''(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(5) in paragraph (4)(A), by striking ''paragraph (2)'' and inserting ''subparagraph (B)''; and

(6) by striking paragraph (6) and inserting the following:

''(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

''(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—For an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who

has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall have no right to seek release on bond.

''(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien beyond the 90 days authorized in clause (i)—

''(I) until the alien is removed, if the Secretary, in the Secretary's sole discretion, determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent removal;

''(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(III) pending a certification under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in paragraph (1)(C)).

''(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall have no right to seek release on bond, including by reason of a certification under clause (ii)(II).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Director of Immigration and Customs Enforcement.

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

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody, if removal becomes likely in the reasonably foreseeable future, the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary, in the Secretary's sole discretion, determines that the alien can be detained under subparagraph (B). This section shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.''.

SEC. 3310. TIMELY REPATRIATION.

(a) LISTING OF COUNTRIES.—Beginning on the date that is 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Homeland Security shall publish a report including the following:

(1) A list of the following:

(A) Countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country since the date of the enactment of this Act and the total number of such aliens, disaggregated by nationality.

(B) Countries that have an excessive repatriation failure rate.

(2) A list of each country that was included under subparagraph (B) or (C) of paragraph (1) in both the report preceding the current report and the current report.

(b) SANCTIONS.—Beginning on the date on which a country is included in a list under subsection (a)(2) and ending on the date on which that country is not included in such list, that country shall be subject to the following:

(1) The Secretary of State may not issue visas under section 101(a)(15)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)(iii)) to attendants, servants, personal employees, and members of their immediate families, of the officials and employees of that country who receive nonimmigrant status under clause (i) or (ii) of section 101(a)(15)(A) of such Act.

(2) Each 6 months thereafter that the country is included in that list, the Secretary of State shall reduce the number of visas available under clause (i) or (ii) of section 101(a)(15)(A) of the Immigration and Nationality Act in a fiscal year to nationals of that country by an amount equal to 10 percent of the baseline visa number for that country. Except as provided under section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253), the Secretary may not reduce the number to a level below 20 percent of the baseline visa number.

(c) WAIVERS.—

(1) NATIONAL SECURITY WAIVER.—If the Secretary of State submits to Congress a written determination that significant national security interests of the United States require a waiver of the sanctions under subsection (b), the Secretary may waive any reduction below 80 percent of the baseline visa number. The Secretary of Homeland Security may not delegate the authority under this subsection.

(2) TEMPORARY EXIGENT CIRCUMSTANCES.—If the Secretary of State submits to Congress a written determination that temporary exigent circumstances require a waiver of the sanctions under subsection (b), the Secretary may waive any reduction below 80 percent of the baseline visa number during 6-month renewable periods. The Secretary of Homeland Security may not delegate the authority under this subsection.

(d) EXEMPTION.—The Secretary of Homeland Security, in consultation with the Secretary of State, may exempt a country from inclusion in a list under subsection (a)(2) if the total number of nonrepatriations outstanding is less than 10 for the preceding 3-year period.

(e) UNAUTHORIZED VISA ISSUANCE.—Any visa issued in violation of this section shall be void.

(f) NOTICE.—If an alien who has been convicted of a criminal offense before a Federal or State court whose repatriation was refused or unreasonably delayed is to be released from detention by the Secretary of Homeland Security, the Secretary shall provide notice to the State and local law enforcement agency for the jurisdictions in which the alien is required to report or is to be released. When possible, and particularly in the case of violent crime, the Secretary shall make a reasonable effort to provide notice of such release to any crime victims and their immediate family members.

(g) DEFINITIONS.—For purposes of this section:

(1) REFUSED OR UNREASONABLY DELAYED.—A country is deemed to have refused or unreasonably delayed the acceptance of an alien who is a citizen, subject, national, or resident of that country if, not later than 90 days after receiving a request to repatriate such alien from an official of the United States who is authorized to make such a request, the country does not accept the alien or issue valid travel documents.

(2) FAILURE RATE.—The term ''failure rate'' for a period means the percentage determined by dividing the total number of repatriation requests for aliens who are citizens, subjects, nationals, or residents of a country that that country refused or unreasonably delayed during that period by the total number of such requests during that period.

(3) EXCESSIVE REPATRIATION FAILURE RATE.—The term ''excessive repatriation failure rate'' means, with respect to a report under subsection (a), a failure rate greater than 10 percent for any of the following:

(A) The period of the 3 full fiscal years preceding the date of publication of the report.

(B) The period of 1 year preceding the date of publication of the report.

(4) NUMBER OF NONREPATRIATIONS OUTSTANDING.—The term ''number of nonrepatriations outstanding'' means, for a period, the number of unique aliens whose repatriation a country has refused or unreasonably delayed and whose repatriation has not occurred during that period.

(5) BASELINE VISA NUMBER.—The term ''baseline visa number'' means, with respect to a country, the average number of visas issued each fiscal year to nationals of that country under clauses (i) and (ii) of section 101(a)(15)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)) for the 3 full fiscal years immediately preceding the first report under subsection (a) in which that country is included in the list under subsection (a)(2).

(h) GAO REPORT.—On the date that is 1 day after the date that the President submits a budget under section 1105(a) of title 31, United States Code, for fiscal year 2016, the Comptroller General of the United States shall submit a report to Congress regarding the progress of the Secretary of Homeland Security and the Secretary of State in implementation of this section and in making requests to repatriate aliens as appropriate.

SEC. 3311. ILLEGAL REENTRY.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

''SEC. 276. REENTRY OF REMOVED ALIEN.

''(a) REENTRY AFTER REMOVAL.—

''(1) IN GENERAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(2) EXCEPTION.—If an alien sought and received the express consent of the Secretary to reapply for admission into the United States, or, with respect to an alien previously denied admission and removed, the alien was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act, the alien shall not be subject to the fine and imprisonment provided for in paragraph (1).

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection was convicted before such removal or departure—

''(1) for 3 or more misdemeanors or for a felony, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(2) for a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

''(3) for a felony for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both; or

''(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, or for 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(e) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(f) DEFINITIONS.—For purposes of this section and section 275, the following definitions shall apply:

''(1) CROSSES THE BORDER TO THE UNITED STATES.—The term 'crosses the border' refers to the physical act of crossing the border free from official restraint.

''(2) OFFICIAL RESTRAINT.—The term 'official restraint' means any restraint known to the alien that serves to deprive the alien of liberty and prevents the alien from going at large into the United States. Surveillance unbeknownst to the alien shall not constitute official restraint.

''(3) FELONY.—The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(4) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(5) REMOVAL.—The term 'removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

''(6) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

TITLE IV—ASYLUM REFORM

SEC. 4401. CLARIFICATION OF INTENT REGARDING TAXPAYER-PROVIDED COUNSEL.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—

(1) by striking ''In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings'' and inserting ''In any removal proceedings before an immigration judge, or any other immigration proceedings before the Attorney General, the Secretary of Homeland Security, or any appeal of such a proceeding''.

(2) by striking ''(at no expense to the Government)''; and

(3) by adding at the end the following ''Notwithstanding any other provision of law, in no instance shall the Government bear any expense for counsel for any person in proceedings described in this section.''.

SEC. 4402. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''claim'' and all that follows, and inserting ''claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 1158 of this title, and it is more probable than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 4403. RECORDING EXPEDITED REMOVAL AND CREDIBLE FEAR INTERVIEWS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a uniform manner, to the extent possible, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien.

(d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—There shall be an audio or audio visual recording of interviews of aliens subject to expedited removal. The recording shall be included in the record of proceeding and shall be considered as evidence in any further proceedings involving the alien.

(e) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. 4404. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

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

(2) by striking ''removed, pursuant to a bilateral or multilateral agreement, to'' and inserting ''removed to''.

SEC. 4405. RENUNCIATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY.

(a) IN GENERAL.—Section 208(c) of the Immigration and Nationality Act (8 U.S.C.

1158(c)) is amended by adding at the end the following new paragraph:

''(4) RENUNCIATION OF STATUS PURSUANT TO RETURN TO HOME COUNTRY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), any alien who is granted asylum status under this Act, who, absent changed country conditions, subsequently returns to the country of such alien's nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her status terminated.

''(B) WAIVER.—The Secretary has discretion to waive subparagraph (A) if it is established to the satisfaction of the Secretary that the alien had a compelling reason for the return. The waiver may be sought prior to departure from the United States or upon return.

''(C) EXCEPTION FOR CERTAIN ALIENS FROM CUBA.—Subparagraph (A) shall not apply to an alien who is eligible for adjustment to that of an alien lawfully admitted for permanent residence pursuant to the Cuban Adjustment Act of 1966 (Public Law 89–732).''.

(b) CONFORMING AMENDMENT.—Section 208(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(c)(3)) is amended by inserting after ''paragraph (2)'' the following: ''or (4)''.

SEC. 4406. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subparagraph (A), by striking ''and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking ''If the'' and all that follows and inserting:

''(A) If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application;

''(B) An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part to delay removal from the United States, to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2), or to seek issuance of a Notice to Appeal in order to pursue Cancellation of Removal under section 240A(b); or

''(ii) any of its material elements are deliberately fabricated.

''(C) In determining that an application is frivolous, the Secretary or the Attorney General, must be satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim.

''(D) For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3).) or protection pursuant to the Convention Against Torture.''.

SEC. 4407. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.

(a) ASYLUM CREDIBILITY DETERMINATIONS.—Section 208(b)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting after ''all relevant factors'' the following: '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials''.

(b) RELIEF FOR REMOVAL CREDIBILITY DETERMINATIONS.—Section 240(c)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(4)(C)) is amended by inserting after ''all relevant factors'' the following: '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials''.

SEC. 4408. PENALTIES FOR ASYLUM FRAUD.

Section 1001 of title 18 is amended by inserting at the end of the paragraph—

''(d) Whoever, in any matter before the Secretary of Homeland Security or the Attorney General pertaining to asylum under section 208 of the Immigration and Nationality Act or withholding of removal under section 241(b)(3) of such Act, knowingly and willfully—

''(1) makes any materially false, fictitious, or fraudulent statement or representation; or

''(2) makes or uses any false writings or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 10 years, or both.''.

SEC. 4409. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.

Section 3291 of title 18 is amended—

(1) by striking ''1544,'' and inserting ''1544 and 1546,'';

(2) by striking ''offense.'' and inserting ''offense or within 10 years after the fraud is discovered.''.

SEC. 4410. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(B) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'';

(2) in subsection (b)(2), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears;

(3) in subsection (c)—

(A) in paragraph (1), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(B) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears;

(B) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(C) in paragraph (5)—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (B), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''.

TITLE V—UNACCOMPANIED AND ACCOMPANIED ALIEN MINORS APPREHENDED ALONG THE BORDER

SEC. 5501. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(II) in clause (i), by inserting ''and'' at the end;

(III) in clause (ii), by striking ''; and'' and inserting a period; and

(IV) by striking clause (iii);

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''(8 U.S.C. 1101 et seq.) may—'' and inserting ''(8 U.S.C. 1101 et seq.)—'';

(II) in clause (i), by inserting before ''permit such child to withdraw'' the following: ''may''; and

(III) in clause (ii), by inserting before ''return such child'' the following: ''shall''; and

(iv) in subparagraph (C)—

(I) by amending the heading to read as follows: ''AGREEMENTS WITH FOREIGN COUNTRIES.—''; and

(II) in the matter preceding clause (i), by striking ''The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States'' and inserting ''The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate'';

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (2) the following:

''(3) SPECIAL RULES FOR INTERVIEWING UNACCOMPANIED ALIEN CHILDREN.—An unaccompanied alien child shall be interviewed by a dedicated U.S. Citizenship and Immigration Services immigration officer with specialized training in interviewing child trafficking victims. Such officer shall be in plain clothes and shall not carry a weapon. The interview shall occur in a private room.''; and

(C) in paragraph (6)(D) (as so redesignated)—

(i) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ''who does not meet the criteria listed in paragraph (2)(A)''; and

(ii) in clause (i), by inserting before the semicolon at the end the following: '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: ''believed not to meet the criteria listed in subsection (a)(2)(A)''; and

(ii) in subparagraph (B), by inserting before the period the following: ''and does not meet the criteria listed in subsection (a)(2)(A)''; and

(B) in paragraph (3), by striking ''an unaccompanied alien child in custody shall'' and all that follows, and inserting the following: ''an unaccompanied alien child in custody—

''(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

''(B) in the case of child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.''; and

(3) in subsection (c)—

(A) in paragraph (3), by inserting at the end the following:

''(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

''(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, the following information:

''(I) The name of the individual.

''(II) The social security number of the individual.

''(III) The date of birth of the individual.

''(IV) The location of the individual's residence where the child will be placed.

''(V) The immigration status of the individual, if known.

''(VI) Contact information for the individual.

''(ii) SPECIAL RULE.—In the case of a child who was apprehended on or after June 15, 2012, and before the date of the enactment of this subparagraph, who the Secretary of Health and Human Services placed with an individual, the Secretary shall provide the information listed in clause (i) to the Secretary of Homeland Security not later than 90 days after such date of enactment.

''(iii) ACTIVITIES OF THE SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security shall—

''(I) in the case that the immigration status of an individual with whom a child is placed is unknown, investigate the immigration status of that individual; and

''(II) upon determining that an individual with whom a child is placed is unlawfully present in the United States, initiate removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.).''; and

(B) in paragraph (5)—

(i) by inserting after ''to the greatest extent practicable'' the following: ''(at no expense to the Government)''; and

(ii) by striking ''have counsel to represent them'' and inserting ''have access to counsel to represent them''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unauthorized alien child apprehended on or after June 15, 2012.

SEC. 5502. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking ''1 or both of the immigrant's parents'' and inserting ''either of the immigrant's parents''.

SEC. 5503. JURISDICTION OF ASYLUM APPLICATIONS.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by striking subparagraph (C).

SEC. 5504. QUARTERLY REPORT TO CONGRESS.

Not later than January 5, 2019, and every 3 months thereafter—

(1) the Attorney General shall submit a report on—

(A) the total number of asylum cases filed by unaccompanied alien children and completed by an immigration judge during the 3-month period preceding the date of the report, and the percentage of those cases in which asylum was granted; and

(B) the number of unaccompanied alien children who failed to appear for any proceeding before an immigration judge during the 3-month period preceding the date of the report; and

(2) the Secretary of Homeland Security shall submit a report on the total number of applications for asylum, filed by unaccompanied alien children, that were adjudicated during the 3-month period preceding the date of the report and the percentage of those applications that were granted.

SEC. 5505. BIANNUAL REPORT TO CONGRESS.

Not later than January 5, 2019, and every 6 months thereafter, the Attorney General shall submit a report to Congress on each crime for which an unaccompanied alien child is charged or convicted during the previous 6-month period following their release from the custody of the Secretary of Homeland Security pursuant to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232).

SEC. 5506. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231). There exists no presumption that an alien child who is not an unaccompanied alien child should not be detained, and all such determinations shall be in the discretion of the Secretary of Homeland Security.

''(2) RELEASE OF MINORS OTHER THAN UNACCOMPANIED ALIENS.—In no circumstances shall an alien minor who is not an unaccompanied alien child be released by the Secretary of Homeland Security other than to a parent or legal guardian.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all actions that occur before, on, or after the date of the enactment of this Act.

DIVISION C—BORDER ENFORCEMENT

SEC. 1100. SHORT TITLE.

This division may be cited as the ''Border Security for America Act of 2018''.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this title:

(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term ''advanced unattended surveillance sensors'' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

(2) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(4) HIGH TRAFFIC AREAS.—The term ''high traffic areas'' has the meaning given such term in section 102(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 1111 of this division.

(5) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(7) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(8) SMALL UNMANNED AERIAL VEHICLE.—The term ''small unmanned aerial vehicle'' has the meaning given the term ''small unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

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

(10) UNMANNED AERIAL SYSTEM.—The term ''unmanned aerial system'' has the meaning given the term ''unmanned aircraft system'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(11) UNMANNED AERIAL VEHICLE.—The term ''unmanned aerial vehicle'' has the meaning given the term ''unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

Subtitle A—Infrastructure and Equipment

SEC. 1111. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

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

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the United States border to achieve situational awareness and operational control of the border and deter, impede, and detect illegal activity in high traffic areas.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''subsection (a)'' and inserting ''this section'';

(II) by striking ''roads, lighting, cameras, and sensors'' and inserting ''tactical infrastructure, and technology''; and

(III) by striking ''gain'' inserting ''achieve situational awareness and''; and

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

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—

''(i) IN GENERAL.—Not later than September 30, 2022, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective physical barriers and tactical infrastructure available for achieving situational awareness and operational control of the border.

''(ii) CONSIDERATION FOR CERTAIN PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—The deployment of physical barriers and tactical infrastructure under this subparagraph shall not apply in any area or region along the border where natural terrain features, natural barriers, or the remoteness of such area or region would make any such deployment ineffective, as determined by the Secretary, for the purposes of achieving situational awareness or operational control of such area or region.'';

(iii) in subparagraph (C)—

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

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall, before constructing physical barriers in a specific area or region, consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of Federal, State, local, and tribal governments, and appropriate private property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such physical barriers are to be constructed.'';

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

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

''(ii) NOTIFICATION.—Not later than 60 days after the consultation required under clause (i), the Secretary of Homeland Security shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of the type of physical barriers, tactical infrastructure, or technology the Secretary has determined is most practical and effective to achieve situational awareness and operational control in a specific area or region and the other alternatives the Secretary considered before making such a determination.''; and

(iv) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers''; and

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

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, constructing, and deploying physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, construction, or deployment of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines, in the Secretary's sole discretion, are necessary to maximize the safety and effectiveness of officers or agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.'';

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

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements the Secretary, in the Secretary's sole discretion, determines necessary to ensure the expeditious design, testing, construction, installation, deployment, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. Any such decision by the Secretary shall be effective upon publication in the Federal Register.''; and

(4) by adding after subsection (d) the following new subsections:

''(e) TECHNOLOGY.—Not later than September 30, 2022, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective technology available for achieving situational awareness and operational control of the border.

''(f) LIMITATION ON REQUIREMENTS.—Nothing in this section may be construed as requiring the Secretary of Homeland Security to install tactical infrastructure, technology, and physical barriers in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain situational awareness and operational control over the international border at such location.

''(g) DEFINITIONS.—In this section:

''(1) HIGH TRAFFIC AREAS.—The term 'high traffic areas' means areas in the vicinity of the United States border that—

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

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

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, border wall system, and levee walls.

''(4) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including the following:

''(A) Tower-based surveillance technology.

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

''(C) Vehicle and Dismount Exploitation Radars (VADER).

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology.

''(E) Advanced unattended surveillance sensors.

''(F) Mobile vehicle-mounted and manportable surveillance capabilities.

''(G) Unmanned aerial vehicles.

''(H) Other border detection, communication, and surveillance technology.

''(7) UNMANNED AERIAL VEHICLES.—The term 'unmanned aerial vehicle' has the meaning given the term 'unmanned aircraft' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

SEC. 1112. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) INCREASED FLIGHT HOURS.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that not fewer than 95,000 annual flight hours are carried out by Air and Marine Operations of U.S. Customs and Border Protection.

(b) UNMANNED AERIAL SYSTEM.—The Secretary shall ensure that Air and Marine Operations operate unmanned aerial systems on the southern border of the United States for not less than 24 hours per day for five days per week.

(c) CONTRACT AIR SUPPORT AUTHORIZATION.—The Commissioner shall contract for the unfulfilled identified air support mission critical hours, as identified by the Chief of the U.S. Border Patrol.

(d) PRIMARY MISSION.—The Commissioner shall ensure that—

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

(2) the Executive Assistant Commissioner of Air and Marine Operations assigns the greatest priority to support missions established by the Commissioner to carry out the requirements under this Act.

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

(1) identify critical flight hour requirements; and

(2) direct Air and Marine Operations to support requests from Sector Chiefs as their primary mission.

(f) SMALL UNMANNED AERIAL VEHICLES.—

(1) IN GENERAL.—The Chief of the U.S. Border Patrol shall be the executive agent for U.S. Customs and Border Protection's use of small unmanned aerial vehicles for the purpose of meeting the U.S. Border Patrol's unmet flight hour operational requirements and to achieve situational awareness and operational control.

(2) COORDINATION.—In carrying out paragraph (1), the Chief of the U.S. Border Patrol shall—

(A) coordinate flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the National Airspace System; and

(B) coordinate with the Executive Assistant Commissioner for Air and Marine Operations of U.S. Customs and Border Protection to ensure the safety of other U.S. Customs and Border Protection aircraft flying in the vicinity of small unmanned aerial vehicles operated by the U.S. Border Patrol.

(3) CONFORMING AMENDMENT.—Paragraph (3) of section 411(e) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)) is amended—

(A) in subparagraph (B), by striking ''and'' after the semicolon at the end;

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

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) carry out the small unmanned aerial vehicle requirements pursuant to subsection (f) of section 1112 of the Border Security for America Act of 2018; and''.

(g) SAVING CLAUSE.—Nothing in this section shall confer, transfer, or delegate to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of U.S. Customs and Border Protection, or the Chief of the U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

SEC. 1113. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND TRANSIT ZONE.

(a) IN GENERAL.—Not later than September 30, 2022, the Secretary, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as

amended by section 1111 of this division), and acting through the appropriate component of the Department of Homeland Security, shall deploy to each sector or region of the southern border and the northern border, in a prioritized manner to achieve situational awareness and operational control of such borders, the following additional capabilities:

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

(A) Tower-based surveillance technology.

(B) Subterranean surveillance and detection technologies.

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

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

(ii) Unmanned aerial vehicles with maritime surveillance capability.

(iii) U.S. Customs and Border Protection maritime patrol aircraft.

(iv) Coastal radar surveillance systems.

(v) Maritime signals intelligence capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Man-portable unmanned aerial vehicles.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

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

(F) Mobile vehicle-mounted and man-portable surveillance systems.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

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

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

(E) Mobile vehicle-mounted and man-portable surveillance systems.

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

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(6) BIG BEND SECTOR.—For the Big Bend sector, the following:

(A) Tower-based surveillance technology.

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

(C) Improved agent communications capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Improved agent communications capabilities.

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

(E) Advanced unattended surveillance sensors.

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

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

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

(E) Ultralight aircraft detection capability.

(F) Advanced unattended surveillance sensors.

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

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(D) Ultralight aircraft detection capability.

(E) Advanced unattended surveillance sensors.

(F) Increased monitoring for cross-river dams, culverts, footpaths.

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

(H) Increased maritime interdiction capabilities.

(I) Mobile vehicle-mounted and man-portable surveillance capabilities.

(J) Man-portable unmanned aerial vehicles.

(K) Improved agent communications capabilities.

(10) BLAINE SECTOR.—For the Blaine sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.

(C) Increased maritime interdiction capabilities.

(D) Mobile vehicle-mounted and man-portable surveillance capabilities.

(E) Advanced unattended surveillance sensors.

(F) Ultralight aircraft detection capabilities.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(11) SPOKANE SECTOR.—For the Spokane sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Increased maritime interdiction capabilities.

(C) Mobile vehicle-mounted and man-portable surveillance capabilities.

(D) Advanced unattended surveillance sensors.

(E) Ultralight aircraft detection capabilities.

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

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications systems.

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

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

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

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

(14) DETROIT SECTOR.—For the Detroit sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.
(C) Increased maritime interdiction capabilities.
(D) Mobile vehicle-mounted and man-portable surveillance capabilities.
(E) Advanced unattended surveillance sensors.
(F) Ultralight aircraft detection capabilities.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications systems.
(15) BUFFALO SECTOR.—For the Buffalo sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Coastal radar surveillance systems.
(C) Increased maritime interdiction capabilities.
(D) Mobile vehicle-mounted and man-portable surveillance capabilities.
(E) Advanced unattended surveillance sensors.
(F) Ultralight aircraft detection capabilities.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications systems.
(16) SWANTON SECTOR.—For the Swanton sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(17) HOULTON SECTOR.—For the Houlton sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(18) TRANSIT ZONE.—For the transit zone, the following:
(A) Not later than two years after the date of the enactment of this Act, an increase in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) To increase maritime domain awareness, the following:
(i) Unmanned aerial vehicles with maritime surveillance capability.
(ii) Increased maritime aviation patrol hours.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.
(E) Coastal radar surveillance systems with long range day and night cameras capable of providing full maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.

(b) TACTICAL FLEXIBILITY.—
(1) SOUTHERN AND NORTHERN LAND BORDERS.—
(A) IN GENERAL.—Beginning on September 30, 2021, or after the Secretary has deployed at least 25 percent of the capabilities required in each sector specified in subsection (a), whichever comes later, the Secretary may deviate from such capability deployments if the Secretary determines that such deviation is required to achieve situational awareness or operational control.
(B) NOTIFICATION.—If the Secretary exercises the authority described in subparagraph (A), the Secretary shall, not later than 90 days after such exercise, notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the deviation under such subparagraph that is the subject of such exercise. If the Secretary makes any changes to such deviation, the Secretary shall, not later than 90 days after any such change, notify such committees regarding such change.
(2) TRANSIT ZONE.—
(A) NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives regarding the capability deployments for the transit zone specified in paragraph (18) of subsection (a), including information relating to—
(i) the number and types of assets and personnel deployed; and
(ii) the impact such deployments have on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a).
(B) ALTERATION.—The Secretary may alter the capability deployments referred to in this section if the Secretary—
(i) determines, after consultation with the committees referred to in subparagraph (A), that such alteration is necessary; and
(ii) not later than 30 days after making a determination under clause (i), notifies the committees referred to in such subparagraph regarding such alteration, including information relating to—
(I) the number and types of assets and personnel deployed pursuant to such alteration; and
(II) the impact such alteration has on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a).

(c) EXIGENT CIRCUMSTANCES.—
(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may deploy the capabilities referred to in subsection (a) in a manner that is inconsistent with the requirements specified in such subsection if, after the Secretary has deployed at least 25 percent of such capabilities, the Secretary determines that exigent circumstances demand such an inconsistent deployment or that such an inconsistent deployment is vital to the national security interests of the United States.
(2) NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security of the House of Representative and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 30 days after making a determination under paragraph (1). Such notification shall include a detailed justification regarding such determination.

SEC. 1114. U.S. BORDER PATROL ACTIVITIES.

The Chief of the U.S. Border Patrol shall prioritize the deployment of U.S. Border Patrol agents to as close to the physical land border as possible, consistent with border security enforcement priorities and accessibility to such areas.

SEC. 1115. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

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

"SEC. 435. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

''(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.

''(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

''(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

''(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(3) have a plan for meeting program implementation objectives by managing contractor performance.

''(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

''(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing, evaluating, and using independent verification and validation resources for border security technology. Under the plan, new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

''(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(2) the effective use of taxpayer dollars.''.

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

''Sec. 435. Border security technology program management.''.

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 435 of the Homeland Security Act of 2002, as added by subsection (a). Such section shall be carried out using

amounts otherwise authorized for such purposes.

SEC. 1116. REIMBURSEMENT OF STATES FOR DEPLOYMENT OF THE NATIONAL GUARD AT THE SOUTHERN BORDER.

(a) IN GENERAL.—With the approval of the Secretary and the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, along the southern border for the purposes of assisting U.S. Customs and Border Protection to achieve situational awareness and operational control of the border.

(b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

(1) IN GENERAL.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the southern border.

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

(c) RANGE OF OPERATIONS AND MISSIONS.—The operations and missions assigned under subsection (b) shall include the temporary authority to—

(1) construct reinforced fencing or other physical barriers;

(2) operate ground-based surveillance systems;

(3) operate unmanned and manned aircraft;

(4) provide radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies;

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

(6) provide intelligence support.

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

(e) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall reimburse States for the cost of the deployment of any units or personnel of the National Guard to perform operations and missions in full-time State Active Duty in support of a southern border mission. The Secretary of Defense may not seek reimbursement from the Secretary for any reimbursements paid to States for the costs of such deployments.

(2) LIMITATION.—The total amount of reimbursements under this section may not exceed $35,000,000 for any fiscal year.

SEC. 1117. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER.

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

(b) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include—

(1) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and

(2) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense may deploy such materiel, equipment, and logistics support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Defense $75,000,000 to provide assistance under this section. The Secretary of Defense may not seek reimbursement from the Secretary for any assistance provided under this section.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of Defense shall submit a report to the appropriate congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) regarding any assistance provided under subsection (a) during the period specified in paragraph (3).

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the period specified in paragraph (3), a description of—

(A) the assistance provided;

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

(C) the amounts obligated to provide such assistance.

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

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

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

SEC. 1118. PROHIBITIONS ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND.

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

(1) IN GENERAL.—The Secretary concerned may not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on covered Federal land to carry out the activities described in subsection (b).

(2) APPLICABILITY.—The authority of U.S. Customs and Border Protection to conduct activities described in subsection (b) on covered Federal land applies without regard to whether a state of emergency exists.

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

(1) IN GENERAL.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(A) the execution of search and rescue operations;

(B) the use of motorized vehicles, foot patrols, and horseback to patrol the border area, apprehend illegal entrants, and rescue individuals; and

(C) the design, testing, construction, installation, deployment, and operation of physical barriers, tactical infrastructure, and technology pursuant to section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 1111 of this division).

(c) CLARIFICATION RELATING TO WAIVER AUTHORITY.—

(1) IN GENERAL.—The activities of U.S. Customs and Border Protection described in subsection (b)(2) may be carried out without regard to the provisions of law specified in paragraph (2).

(2) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

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

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

(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act'').

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

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

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

(G) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

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

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

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

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

(L) Chapter 3125 of title 54, United States Code (formerly known as the ''Archaeological and Historic Preservation Act'').

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

(N) Chapter 3203 of title 54, United States Code (formerly known as the ''Historic Sites, Buildings, and Antiquities Act'').

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

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

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

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

(S) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

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

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

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

(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

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

(Y) Sections 102(29) and 103 of the California Desert Protection Act of 1994 (Public Law 103–433).

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

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

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

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

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

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

(FF) The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(GG) The American Indian Religious Freedom Act (42 U.S.C. 1996).

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

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

(3) APPLICABILITY OF WAIVER TO SUCCESSOR LAWS.—If a provision of law specified in paragraph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2008, and before the date of the enactment of

this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent the waiver applied to that provision of law.

(4) SAVINGS CLAUSE.—The waiver authority under this subsection may not be construed as affecting, negating, or diminishing in any manner the applicability of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), in any relevant matter.

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

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

(2) any additional authority to restrict legal access to such land.

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

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

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

(f) TRIBAL SOVEREIGNTY.—Nothing in this section may be construed to supersede, replace, negate, or diminish treaties or other agreements between the United States and Indian tribes.

(g) MEMORANDA OF UNDERSTANDING.—The requirements of this section shall not apply to the extent that such requirements are incompatible with any memorandum of understanding or similar agreement entered into between the Commissioner and a National Park Unit before the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' includes all land under the control of the Secretary concerned that is located within 100 miles of the southern border or the northern border.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Department of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Department of the Interior, the Secretary of the Interior.

SEC. 1119. LANDOWNER AND RANCHER SECURITY ENHANCEMENT.

(a) ESTABLISHMENT OF NATIONAL BORDER SECURITY ADVISORY COMMITTEE.—The Secretary shall establish a National Border Security Advisory Committee, which—

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

(A) verifying security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223); and

(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and

(2) may provide, through the Secretary, recommendations to Congress.

(b) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security.

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

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

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

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

SEC. 1120. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than September 30, 2022, the Secretary, after coordinating with the heads of the relevant Federal, State, and local agencies, shall begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations.

(b) EXTENT.—The waiver authority under subsection (c) of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 1111 of this division, shall extend to activities carried out pursuant to this section.

SEC. 1121. SOUTHERN BORDER THREAT ANALYSIS.

(a) THREAT ANALYSIS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a Southern border threat analysis.

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

(A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(i) to unlawfully enter the United States through the Southern border; or

(ii) to exploit security vulnerabilities along the Southern border;

(B) improvements needed at and between ports of entry along the Southern border to prevent terrorists and instruments of terror from entering the United States;

(C) gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts;

(D) the current percentage of situational awareness achieved by the Department along the Southern border;

(E) the current percentage of operational control achieved by the Department on the Southern border; and

(F) traveler crossing times and any potential security vulnerability associated with prolonged wait times.

(3) ANALYSIS REQUIREMENTS.—In compiling the Southern border threat analysis required under this subsection, the Secretary shall consider and examine—

(A) the technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought;

(B) the personnel needs and challenges, including such needs and challenges associated with recruitment and hiring;

(C) the infrastructure needs and challenges;

(D) the roles and authorities of State, local, and tribal law enforcement in general border security activities;

(E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security;

(F) the terrain, population density, and climate along the Southern border; and

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

(4) CLASSIFIED FORM.—To the extent possible, the Secretary shall submit the Southern border threat analysis required under this subsection in unclassified form, but may submit a portion of the threat analysis in classified form if the Secretary determines such action is appropriate.

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

(1) IN GENERAL.—Not later than 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2018, and every five years thereafter, the Secretary, acting through the Chief of the U.S. Border Patrol, shall issue a Border Patrol Strategic Plan.

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

(A) the Southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis;

(B) efforts to analyze and disseminate border security and border threat information between border security components of the Department and other appropriate Federal departments and agencies with missions associated with the Southern border;

(C) efforts to increase situational awareness, including—

(i) surveillance capabilities, including capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets;

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

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

(F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States;

(G) efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department;

(H) any technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary determines to be necessary;

(I) operational coordination unity of effort initiatives of the border security components of the Department, including any relevant task forces of the Department;

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

(K) cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the Northern border or the Southern border;

(L) border security information received from consultation with State, local, tribal, territorial, and Federal law enforcement agencies that have jurisdiction on the Northern border or the Southern border, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border agricultural and ranching organizations and representatives from business and civic organizations along the Northern border or the Southern border;

(M) staffing requirements for all departmental border security functions;

(N) a prioritized list of departmental research and development objectives to enhance the security of the Southern border;

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

(i) identifying and detecting fraudulent documents;

(ii) understanding the scope of enforcement authorities and the use of force policies; and

(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

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

SEC. 1122. AMENDMENTS TO U.S. CUSTOMS AND BORDER PROTECTION.

(a) DUTIES.—Subsection (c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended—

(1) in paragraph (18), by striking ''and'' after the semicolon at the end;

(2) by redesignating paragraph (19) as paragraph (21); and

(3) by inserting after paragraph (18) the following new paragraphs:

''(19) administer the U.S. Customs and Border Protection public private partnerships under subtitle G;

''(20) administer preclearance operations under the Preclearance Authorization Act of 2015 (19 U.S.C. 4431 et seq.; enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C. 4301 et seq.); and''.

(b) OFFICE OF FIELD OPERATIONS STAFFING.—Subparagraph (A) of section 411(g)(5) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)) is amended by inserting before the period at the end the following: ''compared to the number indicated by the current fiscal year work flow staffing model''.

(c) IMPLEMENTATION PLAN.—Subparagraph (B) of section 814(e)(1) of the Preclearance Authorization Act of 2015 (19 U.S.C. 4433(e)(1); enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C. 4301 et seq.) is amended to read as follows:

''(B) a port of entry vacancy rate which compares the number of officers identified in subparagraph (A) with the number of officers at the port at which such officer is currently assigned.''.

(d) DEFINITION.—Subsection (r) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended—

(1) by striking ''this section, the terms'' and inserting the following: ''this section:

''(1) the terms'';

(2) in paragraph (1), as added by subparagraph (A), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) the term 'unmanned aerial systems' has the meaning given the term 'unmanned aircraft system' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

SEC. 1123. AGENT AND OFFICER TECHNOLOGY USE.

In carrying out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 1111 of this division) and section 1113 of this division, the Secretary shall, to the greatest extent practicable, ensure that technology deployed to gain situational awareness and operational control of the border be provided to front-line officers and agents of the Department of Homeland Security.

SEC. 1124. INTEGRATED BORDER ENFORCEMENT TEAMS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 1115 of this division, is further amended by adding at the end the following new section:

''SEC. 436. INTEGRATED BORDER ENFORCEMENT TEAMS.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Department a program to be known as the Integrated Border Enforcement Team program (referred to in this section as 'IBET').

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

''(1) strengthen security between designated ports of entry;

''(2) detect, prevent, investigate, and respond to terrorism and violations of law related to border security;

''(3) facilitate collaboration among components and offices within the Department and international partners;

''(4) execute coordinated activities in furtherance of border security and homeland security; and

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

''(c) COMPOSITION AND LOCATION OF IBETS.—

''(1) COMPOSITION.—IBETs shall be led by the United States Border Patrol and may be comprised of personnel from the following:

''(A) Other subcomponents of U.S. Customs and Border Protection.

''(B) U.S. Immigration and Customs Enforcement, led by Homeland Security Investigations.

''(C) The Coast Guard, for the purpose of securing the maritime borders of the United States.

''(D) Other Department personnel, as appropriate.

''(E) Other Federal departments and agencies, as appropriate.

''(F) Appropriate State law enforcement agencies.

''(G) Foreign law enforcement partners.

''(H) Local law enforcement agencies from affected border cities and communities.

''(I) Appropriate tribal law enforcement agencies.

''(2) LOCATION.—The Secretary is authorized to establish IBETs in regions in which such teams can contribute to IBET missions, as appropriate. When establishing an IBET, the Secretary shall consider the following:

''(A) Whether the region in which the IBET would be established is significantly impacted by cross-border threats.

''(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in an IBET.

''(C) Whether, in accordance with paragraph (3), other joint cross-border initiatives already take place within the region in which the IBET would be established, including other Department cross-border programs such as the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

''(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new IBET or to expand an existing IBET in a given region, the Secretary shall ensure that the IBET under consideration does not duplicate the efforts of other existing interagency task forces or centers within such region, including the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

''(d) OPERATION.—

''(1) IN GENERAL.—After determining the regions in which to establish IBETs, the Secretary may—

''(A) direct the assignment of Federal personnel to such IBETs; and

''(B) take other actions to assist Federal, State, local, and tribal entities to participate in such IBETs, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with such participation.

''(2) LIMITATION.—Coast Guard personnel assigned under paragraph (1) may be assigned only for the purposes of securing the maritime borders of the United States, in accordance with subsection (c)(1)(C).

''(e) COORDINATION.—The Secretary shall coordinate the IBET program with other similar border security and antiterrorism programs within the Department in accordance with the strategic objectives of the Cross-Border Law Enforcement Advisory Committee.

''(f) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into memoranda of understanding with appropriate representatives of the entities specified in subsection (c)(1) necessary to carry out the IBET program.

''(g) REPORT.—Not later than 180 days after the date on which an IBET is established and biannually thereafter for the following six years, the Secretary shall submit to the appropriate congressional committees, including the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and in the case of Coast Guard personnel used to secure the maritime borders of the United States, additionally to the Committee on Transportation and Infrastructure of the House of Representatives, a report that—

''(1) describes the effectiveness of IBETs in fulfilling the purposes specified in subsection (b);

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

''(3) addresses ways to support joint training for IBET stakeholder agencies and radio interoperability to allow for secure cross-border radio communications; and

''(4) assesses how IBETs, Border Enforcement Security Task Forces, and the Integrated Cross-Border Maritime Law Enforcement Operation Program can better align operations, including interdiction and investigation activities.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 435 the following new item:

''Sec. 436. Integrated Border Enforcement Teams.''.

SEC. 1125. TUNNEL TASK FORCES.

The Secretary is authorized to establish Tunnel Task Forces for the purposes of detecting and remediating tunnels that breach the international border of the United States.

SEC. 1126. PILOT PROGRAM ON USE OF ELECTROMAGNETIC SPECTRUM IN SUPPORT OF BORDER SECURITY OPERATIONS.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall conduct a pilot program to test and evaluate the use of electromagnetic spectrum by U.S. Customs and Border Protection in support of border security operations through—

(1) ongoing management and monitoring of spectrum to identify threats such as unauthorized spectrum use, and the jamming and hacking of United States communications assets, by persons engaged in criminal enterprises;

(2) automated spectrum management to enable greater efficiency and speed for U.S. Customs and Border Protection in addressing emerging challenges in overall spectrum use on the United States border; and

(3) coordinated use of spectrum resources to better facilitate interoperability and interagency cooperation and interdiction efforts at or near the United States border.

(b) REPORT TO CONGRESS.—Not later than 180 days after the conclusion of the pilot program conducted under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings and data derived from such program.

SEC. 1127. HOMELAND SECURITY FOREIGN ASSISTANCE.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by sections 1115 and 1124 of this division, is further amended by adding at the end the following new section:

"SEC. 437. SECURITY ASSISTANCE.

''(a) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, may provide to a foreign government, financial assistance and, with or without reimbursement, security assistance, including equipment, training, maintenance, supplies, and sustainment support.

''(b) DETERMINATION.—The Secretary may only provide financial assistance or security assistance pursuant to subsection (a) if the Secretary determines that such assistance would enhance the recipient government's capacity to—

''(1) mitigate the risk or threat of transnational organized crime and terrorism;

''(2) address irregular migration flows that may affect the United States, including any detention or removal operations of the recipient government; or

''(3) protect and expedite legitimate trade and travel.

''(c) LIMITATION ON TRANSFER.—The Secretary may not—

''(1) transfer any equipment or supplies that are designated as a munitions item or controlled on the United States Munitions List, pursuant to section 38 of the Foreign Military Sales Act (22 U.S.C. 2778); or

''(2) transfer any vessel or aircraft pursuant to this section.

''(d) RELATED TRAINING.—In conjunction with a transfer of equipment pursuant to subsection (a), the Secretary may provide such equipment-related training and assistance as the Secretary determines necessary.

''(e) MAINTENANCE OF TRANSFERRED EQUIPMENT.—The Secretary may provide for the maintenance of transferred equipment through service contracts or other means, with or without reimbursement, as the Secretary determines necessary.

''(f) REIMBURSEMENT OF EXPENSES.—

''(1) IN GENERAL.—The Secretary may collect payment from the receiving entity for the provision of security assistance under this section, including equipment, training, maintenance, supplies, sustainment support, and related shipping costs.

''(2) TRANSFER.—Notwithstanding any other provision of law, to the extent the Secretary does not collect payment pursuant to paragraph (1), any amounts appropriated or otherwise made available to the Department of Homeland Security may be transferred to the account that finances the security assistance provided pursuant to subsection (a).

''(g) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any reimbursement collected pursuant to subsection (f) shall—

''(1) be credited as offsetting collections to the account that finances the security assistance under this section for which such reimbursement is received; and

''(2) remain available until expended for the purpose of carrying out this section.

''(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting, augmenting, or diminishing the authority of the Secretary of State.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following new item:

''Sec. 437. Security assistance.''.

Subtitle B—Personnel

SEC. 1131. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

(a) BORDER PATROL AGENTS.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents.

(b) CBP OFFICERS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection as of such date, the Commissioner shall hire, train, and assign to duty, not later than September 30, 2022—

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

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

(c) AIR AND MARINE OPERATIONS.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Customs and Border Protection to maintain not fewer than 1,675 full-time equivalent agents and not fewer than 264 Marine and Air Interdiction Agents for southern border air and maritime operations.

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

(1) K–9 UNITS.—Not later than September 30, 2022, the Commissioner shall deploy not fewer than 300 new K–9 units, with supporting officers of U.S. Customs and Border Protection and other required staff, at land ports of entry and checkpoints, on the southern border and the northern border.

(2) USE OF CANINES.—The Commissioner shall prioritize the use of canines at the primary inspection lanes at land ports of entry and checkpoints.

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

(1) INCREASE.—Not later than September 30, 2022, the Commissioner shall increase the number of horseback units, with supporting officers of U.S. Customs and Border Protection and other required staff, by not fewer than 100 officers and 50 horses for security patrol along the Southern border.

(2) HORSEBACK UNIT SUPPORT.—The Commissioner shall construct new stables, maintain and improve existing stables, and provide other resources needed to maintain the health and well-being of the horses that serve in the horseback units of U.S. Customs and Border Protection.

(f) U.S. CUSTOMS AND BORDER PROTECTION SEARCH TRAUMA AND RESCUE TEAMS.—Not later than September 30, 2022, the Commissioner shall increase by not fewer than 50 the number of officers engaged in search and rescue activities along the southern border.

(g) U.S. CUSTOMS AND BORDER PROTECTION TUNNEL DETECTION AND TECHNOLOGY PROGRAM.—Not later than September 30, 2022, the Commissioner shall increase by not fewer than 50 the number of officers assisting task forces and activities related to deployment and operation of border tunnel detection technology and apprehensions of individuals using such tunnels for crossing into the United States, drug trafficking, or human smuggling.

(h) AGRICULTURAL SPECIALISTS.—Not later than September 30, 2022, the Secretary shall hire, train, and assign to duty, in addition to the officers and agents authorized under subsections (a) through (g), 631 U.S. Customs and Border Protection agricultural specialists to ports of entry along the southern border and the northern border.

(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient Office of Professional Responsibility special agents to maintain an active duty presence of not fewer than 550 full-time equivalent special agents.

(j) U.S. CUSTOMS AND BORDER PROTECTION OFFICE OF INTELLIGENCE.—Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient Office of Intelligence personnel to maintain not fewer than 700 full-time equivalent employees.

(k) GAO REPORT.—If the staffing levels required under this section are not achieved by September 30, 2022, the Comptroller General of the United States shall conduct a review of the reasons why such levels were not achieved.

SEC. 1132. U.S. CUSTOMS AND BORDER PROTECTION RETENTION INCENTIVES.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

"§ 9702. U.S. Customs and Border Protection temporary employment authorities

''(a) DEFINITIONS.—In this section—

''(1) the term 'CBP employee' means an employee of U.S. Customs and Border Protection described under any of subsections (a) through (h) of section 1131 of the Border Security for America Act of 2018;

''(2) the term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection;

''(3) the term 'Director' means the Director of the Office of Personnel Management;

''(4) the term 'Secretary' means the Secretary of Homeland Security; and

''(5) the term 'appropriate congressional committees' means the Committee on Oversight and Government Reform, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate.

''(b) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

''(1) STATEMENT OF PURPOSE AND LIMITATION.—The purpose of this subsection is to allow U.S. Customs and Border Protection to expeditiously meet the hiring goals and staffing levels required by section 1131 of the Border Security for America Act of 2018. The Secretary shall not use this authority beyond meeting the requirements of such section.

''(2) DIRECT HIRE AUTHORITY.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees if the Secretary has given public notice for the positions.

''(3) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a recruitment or relocation bonus of up to 50 percent of the annual rate of basic pay to an individual CBP employee at the beginning of the service period multiplied by the number of years (including a fractional part of a year) in the required service period to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

''(A) the Secretary determines that conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to the regulations referenced in subsection (b)(2)(B(ii)(I) of such section or to any other provision of that section); and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(4) RETENTION BONUSES.—The Secretary may pay a retention bonus of up to 50 percent of basic pay to an individual CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

''(A) the Secretary determines that—

''(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section);

''(ii) in the absence of a retention bonus, the CBP employee would be likely to leave—

''(I) the Federal service; or

''(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(5) RULES FOR BONUSES.—

''(A) MAXIMUM BONUS.—A bonus paid to an employee under—

''(i) paragraph (3) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

''(ii) paragraph (4) may not exceed 50 percent of the annual rate of basic pay of the employee.

''(B) RELATIONSHIP TO BASIC PAY.—A bonus paid to an employee under paragraph (3) or (4) shall not be considered part of the basic pay of the employee for any purpose, including for retirement or in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552.

''(C) PERIOD OF SERVICE FOR RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—

''(i) A bonus paid to an employee under paragraph (4) may not be based on any period of such service which is the basis for a recruitment or relocation bonus under paragraph (3).

''(ii) A bonus paid to an employee under paragraph (3) or (4) may not be based on any period of service which is the basis for a recruitment or relocation bonus under section 5753 or a retention bonus under section 5754.

''(c) SPECIAL RATES OF PAY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section to assist the Secretary in meeting the requirements of section 1131 of the Border Security for America Act of 2018. The Director shall prioritize the consideration of requests from the Secretary for such special rates of pay and issue a decision as soon as practicable. The Secretary shall provide such information to the Director as the Director deems necessary to evaluate special rates of pay under this subsection.

''(d) OPM OVERSIGHT.—

''(1) Not later than September 30 of each year, the Secretary shall provide a report to the Director on U.S. Customs and Border Protection's use of authorities provided under subsections (b) and (c). In each report, the Secretary shall provide such information as the Director determines is appropriate to ensure appropriate use of authorities under such subsections. Each report shall also include an assessment of—

''(A) the impact of the use of authorities under subsections (b) and (c) on implementation of section 1131 of the Border Security for America Act of 2018;

''(B) solving hiring and retention challenges at the agency, including at specific locations;

''(C) whether hiring and retention challenges still exist at the agency or specific locations; and

''(D) whether the Secretary needs to continue to use authorities provided under this section at the agency or at specific locations.

''(2) CONSIDERATION.—In compiling a report under paragraph (1), the Secretary shall consider—

''(A) whether any CBP employee accepted an employment incentive under subsection (b) and (c) and then transferred to a new location or left U.S. Customs and Border Protection; and

''(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

''(3) DISTRIBUTION.—In addition to the Director, the Secretary shall submit each report required under this subsection to the appropriate congressional committees.

''(e) OPM ACTION.—If the Director determines the Secretary has inappropriately used authorities under subsection (b) or a special rate of pay provided under subsection (c), the Director shall notify the Secretary and the appropriate congressional committees in writing. Upon receipt of the notification, the Secretary may not make any new appointments or issue any new bonuses under subsection (b), nor provide CBP employees with further special rates of pay, until the Director has provided the Secretary and the appropriate congressional committees a written notice stating the Director is satisfied safeguards are in place to prevent further inappropriate use.

''(f) IMPROVING CBP HIRING AND RETENTION.—

''(1) EDUCATION OF CBP HIRING OFFICIALS.—Not later than 180 days after the date of the enactment of this section, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve the education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

''(2) ELEMENTS.—Elements of the strategy under paragraph (1) shall include the following:

''(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees.

''(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas.

''(C) The development of pilot programs or other programs, as appropriate, consistent with authorities provided to the Secretary to address identified hiring challenges, including in rural or remote areas.

''(D) Developing and enhancing strategic recruiting efforts through the relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas.

''(E) Examination of existing agency programs on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

''(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families.

''(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families.

''(H) Evaluation of Department of Homeland Security internship programs and the usefulness of those programs in improving hiring by the Secretary in rural or remote areas.

''(3) EVALUATION.—

''(A) IN GENERAL.—Each year, the Secretary shall—

''(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

''(ii) make any appropriate updates to the strategy under paragraph (1).

''(B) INFORMATION.—The evaluation conducted under subparagraph (A) shall include—

''(i) any reduction in the time taken by the Secretary to fill mission-critical positions, including in rural or remote areas;

''(ii) a general assessment of the impact of the strategy implemented under paragraph (1) on hiring challenges, including in rural or remote areas; and

''(iii) other information the Secretary determines relevant.

''(g) INSPECTOR GENERAL REVIEW.—Not later than two years after the date of the enactment of this section, the Inspector General of the Department of Homeland Security shall review the use of hiring and pay flexibilities under subsections (b) and (c) to determine whether the use of such flexibilities is helping the Secretary meet hiring and retention needs, including in rural and remote areas.

''(h) REPORT ON POLYGRAPH REQUESTS.—The Secretary shall report to the appropriate congressional committees on the number of requests the Secretary receives from any other Federal agency for the file of an applicant for a position in U.S. Customs and Border Protection that includes the results of a polygraph examination.

''(i) EXERCISE OF AUTHORITY.—

''(1) SOLE DISCRETION.—The exercise of authority under subsection (b) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71 and any collective bargaining agreement.

''(2) DELEGATION.—The Secretary may delegate any authority under this section to the Commissioner.

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Secretary or the Director from applicability of the merit system principles under section 2301.

''(k) SUNSET.—The authorities under subsections (b) and (c) shall terminate on September 30, 2022. Any bonus to be paid pursuant to subsection (b) that is approved before such date may continue until such bonus has been paid, subject to the conditions specified in this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. U.S. Customs and Border Protection temporary employment authorities.''.

SEC. 1133. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Anti-Border Corruption Reauthorization Act of 2018''.

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

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; and

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

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

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Border Security for America Act of 2018.''.

(c) SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.—

(1) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NON-EXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''.

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

''SEC. 5. REPORTING.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to each such reporting period—

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

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

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

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

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

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

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''.

(3) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following new section:

''SEC. 6. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer' defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

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

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5' with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(d) POLYGRAPH EXAMINERS.—Not later than September 30, 2022, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this subtitle.

SEC. 1134. TRAINING FOR OFFICERS AND AGENTS OF U.S. CUSTOMS AND BORDER PROTECTION.

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

''(l) TRAINING AND CONTINUING EDUCATION.—

''(1) MANDATORY TRAINING.—The Commissioner shall ensure that every agent and officer of U.S. Customs and Border Protection receives a minimum of 21 weeks of training that are directly related to the mission of the U.S. Border Patrol, Air and Marine, and the Office of Field Operations before the initial assignment of such agents and officers.

''(2) FLETC.—The Commissioner shall work in consultation with the Director of the Federal Law Enforcement Training Centers to establish guidelines and curriculum

for the training of agents and officers of U.S. Customs and Border Protection under subsection (a).

''(3) CONTINUING EDUCATION.—The Commissioner shall annually require all agents and officers of U.S. Customs and Border Protection who are required to undergo training under subsection (a) to participate in not fewer than eight hours of continuing education annually to maintain and update understanding of Federal legal rulings, court decisions, and Department policies, procedures, and guidelines related to relevant subject matters.

''(4) LEADERSHIP TRAINING.—Not later than one year after the date of the enactment of this subsection, the Commissioner shall develop and require training courses geared towards the development of leadership skills for mid- and senior-level career employees not later than one year after such employees assume duties in supervisory roles.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report identifying the guidelines and curriculum established to carry out subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(c) ASSESSMENT.—Not later than four years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report that assesses the training and education, including continuing education, required under subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

Subtitle C—Grants

SEC. 1141. OPERATION STONEGARDEN.

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

''SEC. 2009. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency—

''(1) shall be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border; and

''(2) shall be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office.

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

''(1) equipment, including maintenance and sustainment costs;

''(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities;

''(3) any activity permitted for Operation Stonegarden under the Department of Homeland Security's Fiscal Year 2017 Homeland Security Grant Program Notice of Funding Opportunity; and

''(4) any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

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

''(e) REPORT.—For each of fiscal years 2018 through 2022, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains information on the expenditure of grants made under this section by each grant recipient.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000 for each of fiscal years 2018 through 2022 for grants under this section.''.

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

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

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

''Sec. 2009. Operation Stonegarden.''.

Subtitle D—Authorization of Appropriations

SEC. 1151. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated for fiscal years 2018 through 2022, $24,800,000,000 to implement this title and the amendments made by this title, of which—

(1) $9,300,000,000 shall be used by the Department of Homeland Security to construct physical barriers pursuant to section 102 of the Illegal Immigration and Immigrant Responsibility Act of 1996, as amended by section 1111 of this division;

(2) $1,000,000,000 shall be used by the Department to improve tactical infrastructure pursuant to such section 102, as amended by such section 1111;

(3) $5,800,000,000 shall be used by the Department to carry out section 1112 of this division;

(4) $200,000,000 shall be used by the Coast Guard for deployments of personnel and assets under paragraph (18) of section 1113(a) of this division; and

(5) $8,500,000,000 shall be used by the Department to carry out section 1131 of this division.

TITLE II—EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING

SEC. 2101. PORTS OF ENTRY INFRASTRUCTURE.

(a) ADDITIONAL PORTS OF ENTRY.—

(1) AUTHORITY.—The Administrator of General Services may, subject to section 3307 of title 40, United States Code, construct new ports of entry along the northern border and southern border at locations determined by the Secretary.

(2) CONSULTATION.—

(A) REQUIREMENT TO CONSULT.—The Secretary and the Administrator of General Services shall consult with the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and appropriate representatives of State and local governments, and Indian tribes, and property owners in the United States prior to determining a location for any new port of entry constructed pursuant to paragraph (1).

(B) CONSIDERATIONS.—The purpose of the consultations required by subparagraph (A) shall be to minimize any negative impacts of constructing a new port of entry on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.

(b) EXPANSION AND MODERNIZATION OF HIGH-PRIORITY SOUTHERN BORDER PORTS OF ENTRY.—Not later than September 30, 2021, the Administrator of General Services, subject to section 3307 of title 40, United States Code, and in coordination with the Secretary, shall expand or modernize high-priority ports of entry on the southern border, as determined by the Secretary, for the purposes of reducing wait times and enhancing security.

(c) PORT OF ENTRY PRIORITIZATION.—Prior to constructing any new ports of entry pursuant to subsection (a), the Administrator of General Services shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable.

(d) NOTIFICATIONS.—

(1) RELATING TO NEW PORTS OF ENTRY.—Not later than 15 days after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary and the Administrator of General Services shall jointly notify the Members of Congress who represent the State or congressional district in which such new port of entry will be located, as well as the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security, the Committee on Ways and Means, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary of the House of Representatives. Such notification shall include information relating to the location of such new port of entry, a description of the need for such new port of entry and associated anticipated benefits, a description of the consultations undertaken by the Secretary and the Administrator pursuant to paragraph (2) of such subsection, any actions that will be taken to minimize negative impacts of such new port of entry, and the anticipated timeline for construction and completion of such new port of entry.

(2) RELATING TO EXPANSION AND MODERNIZATION OF PORTS OF ENTRY.—Not later than 180 days after enactment of this Act, the Secretary and the Administrator of General Services shall jointly notify the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security, the Committee on Ways and Means, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary of the House of Representatives of the ports of entry on the southern border that are the subject of expansion or modernization pursuant to subsection (b) and the Secretary's and Administrator's plan for expanding or modernizing each such port of entry.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as providing the Secretary new authority related to the construction, acquisition, or renovation of real property.

SEC. 2102. SECURE COMMUNICATIONS.

(a) IN GENERAL.—The Secretary shall ensure that each U.S. Customs and Border Protection and U.S. Immigration and Customs

Enforcement officer or agent, if appropriate, is equipped with a secure radio or other two-way communication device, supported by system interoperability, that allows each such officer to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.

(b) U.S. BORDER PATROL AGENTS.—The Secretary shall ensure that each U.S. Border Patrol agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, and at border checkpoints, has a multi- or dual-band encrypted portable radio.

(c) LTE CAPABILITY.—In carrying out subsection (b), the Secretary shall acquire radios or other devices with the option to be LTE-capable for deployment in areas where LTE enhances operations and is cost effective.

SEC. 2103. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) EXPANSION.—Not later than September 30, 2021, the Secretary shall fully implement the Border Security Deployment Program of the U.S. Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal year 2018 to carry out subsection (a).

SEC. 2104. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.

(a) UPGRADE.—Not later than one year after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall upgrade all existing license plate readers on the northern and southern borders on incoming and outgoing vehicle lanes.

(b) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall conduct a one-month pilot program on the southern border using license plate readers for one to two cargo lanes at the top three high-volume land ports of entry or checkpoints to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Finance of the Senate, and the Committee on Homeland Security, and Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives the results of the pilot program under subsection (b) and make recommendations for implementing use of such technology on the southern border.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal year 2018 to carry out subsection (a).

SEC. 2105. NON-INTRUSIVE INSPECTION OPERATIONAL DEMONSTRATION.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Commissioner shall establish a six-month operational demonstration to deploy a high-throughput non-intrusive passenger vehicle inspection system at not fewer than three land ports of entry along the United States-Mexico border with significant cross-border traffic. Such demonstration shall be located within the pre-primary traffic flow and should be scalable to span up to 26 contiguous in-bound traffic lanes without reconfiguration of existing lanes.

(b) REPORT.—Not later than 90 days after the conclusion of the operational demonstration under subsection (a), the Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report that describes the following:

(1) The effects of such demonstration on legitimate travel and trade.

(2) The effects of such demonstration on wait times, including processing times, for non-pedestrian traffic.

(3) The effectiveness of such demonstration in combating terrorism and smuggling.

SEC. 2106. BIOMETRIC EXIT DATA SYSTEM.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by inserting after section 415 the following new section:

"SEC. 416. BIOMETRIC ENTRY-EXIT.

''(a) ESTABLISHMENT.—The Secretary shall—

''(1) not later than 180 days after the date of the enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives an implementation plan to establish a biometric exit data system to complete the integrated biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including—

''(A) an integrated master schedule and cost estimate, including requirements and design, development, operational, and maintenance costs of such a system, that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(B) cost-effective staffing and personnel requirements of such a system that leverages existing resources of the Department that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(C) a consideration of training programs necessary to establish such a system that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(D) a consideration of how such a system will affect arrival and departure wait times that takes into account prior reports on such matter issued by the Government Accountability Office and the Department;

''(E) information received after consultation with private sector stakeholders, including the—

''(i) trucking industry;

''(ii) airport industry;

''(iii) airline industry;

''(iv) seaport industry;

''(v) travel industry; and

''(vi) biometric technology industry;

''(F) a consideration of how trusted traveler programs in existence as of the date of the enactment of this section may be impacted by, or incorporated into, such a system;

''(G) defined metrics of success and milestones;

''(H) identified risks and mitigation strategies to address such risks;

''(I) a consideration of how other countries have implemented a biometric exit data system; and

''(J) a list of statutory, regulatory, or administrative authorities, if any, needed to integrate such a system into the operations of the Transportation Security Administration; and

''(2) not later than two years after the date of the enactment of this section, establish a biometric exit data system at the—

''(A) 15 United States airports that support the highest volume of international air travel, as determined by available Federal flight data;

''(B) 10 United States seaports that support the highest volume of international sea travel, as determined by available Federal travel data; and

''(C) 15 United States land ports of entry that support the highest volume of vehicle, pedestrian, and cargo crossings, as determined by available Federal border crossing data.

''(b) IMPLEMENTATION.—

''(1) PILOT PROGRAM AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not later than six months after the date of the enactment of this section, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on non-pedestrian outbound traffic at not fewer than three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border. Such pilot program may include a consideration of more than one biometric mode, and shall be implemented to determine the following:

''(A) How a nationwide implementation of such biometric exit data system at land ports of entry shall be carried out.

''(B) The infrastructure required to carry out subparagraph (A).

''(C) The effects of such pilot program on legitimate travel and trade.

''(D) The effects of such pilot program on wait times, including processing times, for such non-pedestrian traffic.

''(E) The effects of such pilot program on combating terrorism.

''(F) The effects of such pilot program on identifying visa holders who violate the terms of their visas.

''(2) AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—

''(A) IN GENERAL.—Not later than five years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of non-pedestrian outbound traffic.

''(B) EXTENSION.—The Secretary may extend for a single two-year period the date specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that support the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system.

''(3) AT AIR AND SEA PORTS OF ENTRY.—Not later than five years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry.

''(4) AT LAND PORTS OF ENTRY FOR PEDESTRIANS.—Not later than five years after the date of the enactment of this section, the

Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of pedestrians.

''(c) EFFECTS ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas.

''(d) TERMINATION OF PROCEEDING.—Notwithstanding any other provision of law, the Secretary shall, on the date of the enactment of this section, terminate the proceeding entitled 'Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (''US–VISIT'')', issued on April 24, 2008 (73 Fed. Reg. 22065).

''(e) DATA-MATCHING.—The biometric exit data system established under this section shall—

''(1) match biometric information for an individual, regardless of nationality, citizenship, or immigration status, who is departing the United States against biometric data previously provided to the United States Government by such individual for the purposes of international travel;

''(2) leverage the infrastructure and databases of the current biometric entry and exit system established pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b) for the purpose described in paragraph (1); and

''(3) be interoperable with, and allow matching against, other Federal databases that—

''(A) store biometrics of known or suspected terrorists; and

''(B) identify visa holders who violate the terms of their visas.

''(f) SCOPE.—

''(1) IN GENERAL.—The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data at the time of departure for all categories of individuals who are required by the Secretary to provide biometric entry data.

''(2) EXCEPTION FOR CERTAIN OTHER INDIVIDUALS.—This section shall not apply in the case of an individual who exits and then enters the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) the itinerary of which originates and terminates in the United States.

''(3) EXCEPTION FOR LAND PORTS OF ENTRY.—This section shall not apply in the case of a United States or Canadian citizen who exits the United States through a land port of entry.

''(g) COLLECTION OF DATA.—The Secretary may not require any non-Federal person to collect biometric data, or contribute to the costs of collecting or administering the biometric exit data system established under this section, except through a mutual agreement.

''(h) MULTI-MODAL COLLECTION.—In carrying out subsections (a)(1) and (b), the Secretary shall make every effort to collect biometric data using multiple modes of biometrics.

''(i) FACILITIES.—All facilities at which the biometric exit data system established under this section is implemented shall provide and maintain space for Federal use that is adequate to support biometric data collection and other inspection-related activity. For non-federally owned facilities, such space shall be provided and maintained at no cost to the Government. For all facilities at land ports of entry, such space requirements shall be coordinated with the Administrator of General Services.

''(j) NORTHERN LAND BORDER.—In the case of the northern land border, the requirements under subsections (a)(2)(C), (b)(2)(A), and (b)(4) may be achieved through the sharing of biometric data provided to U.S. Customs and Border Protection by the Canadian Border Services Agency pursuant to the 2011 Beyond the Border agreement.

''(k) FAIR AND OPEN COMPETITION.—The Secretary shall procure goods and services to implement this section via fair and open competition in accordance with the Federal Acquisition Regulations.

''(l) OTHER BIOMETRIC INITIATIVES.—Nothing in this section may be construed as limiting the authority of the Secretary to collect biometric information in circumstances other than as specified in this section.

''(m) CONGRESSIONAL REVIEW.—Not later than 90 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and Committee on the Judiciary of the House of Representatives reports and recommendations regarding the Science and Technology Directorate's Air Entry and Exit Re-Engineering Program of the Department and the U.S. Customs and Border Protection entry and exit mobility program demonstrations.

''(n) SAVINGS CLAUSE.—Nothing in this section shall prohibit the collection of user fees permitted by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 415 the following new item:

''Sec. 416. Biometric entry-exit.''.

SEC. 2107. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES.

(a) FINDING.—Congress finds that personnel constraints exist at land ports of entry with regard to sanitary and phytosanitary inspections for exported goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in the best interest of cross-border trade and the agricultural community—

(1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional hours to facilitate and expedite the flow of legitimate trade and commerce of perishable goods in a manner consistent with rules of the Department of Agriculture; and

(2) cross designation should be available for personnel who will assist more than one agency or department of the United States at land ports of entry to facilitate and expedite the flow of increased legitimate trade and commerce.

SEC. 2108. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $1,250,000,000 for each of fiscal years 2018 through 2022 to carry out this title, of which—

(1) $2,000,000 shall be used by the Secretary for hiring additional Uniform Management Center support personnel, purchasing uniforms for CBP officers and agents, acquiring additional motor vehicles to support vehicle mounted surveillance systems, hiring additional motor vehicle program support personnel, and for contract support for customer service, vendor management, and operations management; and

(2) $250,000,000 per year shall be used to implement the biometric exit data system described in section 416 of the Homeland Security Act of 2002, as added by section 2106 of this division.

SEC. 2109. DEFINITION.

In this title, the term ''Secretary'' means the Secretary of Homeland Security.

TITLE III—VISA SECURITY AND INTEGRITY

SEC. 3101. VISA SECURITY.

(a) VISA SECURITY UNITS AT HIGH-RISK POSTS.—Paragraph (1) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) AUTHORIZATION.—Subject to the minimum number specified in subparagraph (B), the Secretary''; and

(2) by adding at the end the following new subparagraph:

''(B) RISK-BASED ASSIGNMENTS.—

''(i) IN GENERAL.—In carrying out subparagraph (A), the Secretary shall assign, in a risk-based manner, and considering the criteria described in clause (ii), employees of the Department to not fewer than 75 diplomatic and consular posts at which visas are issued.

''(ii) CRITERIA DESCRIBED.—The criteria referred to in clause (i) are the following:

''(I) The number of nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

''(II) Information on the cooperation of such country with the counterterrorism efforts of the United States.

''(III) Information analyzing the presence, activity, or movement of terrorist organizations (as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) within or through such country.

''(IV) The number of formal objections based on derogatory information issued by the Visa Security Advisory Opinion Unit pursuant to paragraph (10) regarding nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located.

''(V) The adequacy of the border and immigration control of such country.

''(VI) Any other criteria the Secretary determines appropriate.

''(iii) RULE OF CONSTRUCTION.—The assignment of employees of the Department pursuant to this subparagraph is solely the authority of the Secretary and may not be altered or rejected by the Secretary of State.''.

(b) COUNTERTERROR VETTING AND SCREENING.—Paragraph (2) of section 428(e) of the Homeland Security Act of 2002 is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Screen any such applications against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''.

(c) TRAINING AND HIRING.—Subparagraph (A) of section 428(e)(6) of the Homeland Security Act of 2002 is amended by—

(1) striking ''The Secretary shall ensure, to the extent possible, that any employees'' and

inserting ''The Secretary, acting through the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement, shall provide training to any employees''; and

(2) striking ''shall be provided the necessary training''.

(d) PRE-ADJUDICATED VISA SECURITY ASSISTANCE AND VISA SECURITY ADVISORY OPINION UNIT.—Subsection (e) of section 428 of the Homeland Security Act of 2002 is amended by adding at the end the following new paragraphs:

''(9) REMOTE PRE-ADJUDICATED VISA SECURITY ASSISTANCE.—At the visa-issuing posts at which employees of the Department are not assigned pursuant to paragraph (1), the Secretary shall, in a risk-based manner, assign employees of the Department to remotely perform the functions required under paragraph (2) at not fewer than 50 of such posts.

''(10) VISA SECURITY ADVISORY OPINION UNIT.—The Secretary shall establish within U.S. Immigration and Customs Enforcement a Visa Security Advisory Opinion Unit to respond to requests from the Secretary of State to conduct a visa security review using information maintained by the Department on visa applicants, including terrorism association, criminal history, counter-proliferation, and other relevant factors, as determined by the Secretary.''.

(e) DEADLINES.—The requirements established under paragraphs (1) and (9) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)), as amended and added by this section, shall be implemented not later than three years after the date of the enactment of this Act.

SEC. 3102. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 2106 of this division, is further amended by adding at the end the following new sections:

''SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

''(a) IN GENERAL.—Not later than one year after the date of the enactment of this section, the Commissioner of U.S. Customs and Border Protection shall—

''(1) screen electronic passports at airports of entry by reading each such passport's embedded chip; and

''(2) to the greatest extent practicable, utilize facial recognition technology or other biometric technology, as determined by the Commissioner, to inspect travelers at United States airports of entry.

''(b) APPLICABILITY.—

''(1) ELECTRONIC PASSPORT SCREENING.—Paragraph (1) of subsection (a) shall apply to passports belonging to individuals who are United States citizens, individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), and individuals who are nationals of any other foreign country that issues electronic passports.

''(2) FACIAL RECOGNITION MATCHING.—Paragraph (2) of subsection (a) shall apply, at a minimum, to individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act.

''(c) ANNUAL REPORT.—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Chief Privacy Officer of the Department, shall issue to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report through fiscal year 2021 on the utilization of facial recognition technology and other biometric technology pursuant to subsection (a)(2). Each such report shall include information on the type of technology used at each airport of entry, the number of individuals who were subject to inspection using either of such technologies at each airport of entry, and within the group of individuals subject to such inspection at each airport, the number of those individuals who were United States citizens and legal permanent residents. Each such report shall provide information on the disposition of data collected during the year covered by such report, together with information on protocols for the management of collected biometric data, including timeframes and criteria for storing, erasing, destroying, or otherwise removing such data from databases utilized by the Department.

''SEC. 420A. CONTINUOUS SCREENING BY U.S. CUSTOMS AND BORDER PROTECTION.

''The Commissioner of U.S. Customs and Border Protection shall, in a risk based manner, continuously screen individuals issued any visa, and individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), who are present, or are expected to arrive within 30 days, in the United States, against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following new items:

''Sec. 420. Electronic passport screening and biometric matching.

''Sec. 420A. Continuous screening by U.S. Customs and Border Protection.''.

SEC. 3103. REPORTING OF VISA OVERSTAYS.

Section 2 of Public Law 105–173 (8 U.S.C. 1376) is amended—

(1) in subsection (a)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by inserting before the period at the end the following: '', and any additional information that the Secretary determines necessary for purposes of the report under subsection (b)''; and

(2) by amending subsection (b) to read as follows:

''(b) ANNUAL REPORT.—Not later than June 30, 2018, and not later than June 30 of each year thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report providing, for the preceding fiscal year, numerical estimates (including information on the methodology utilized to develop such numerical estimates) of—

''(1) for each country, the number of aliens from the country who are described in subsection (a), including—

''(A) the total number of such aliens within all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

''(B) the number of such aliens within each of the classes of nonimmigrant aliens, as well as the number of such aliens within each of the subclasses of such classes of nonimmigrant aliens, as applicable;

''(2) for each country, the percentage of the total number of aliens from the country who were present in the United States and were admitted to the United States as nonimmigrants who are described in subsection (a);

''(3) the number of aliens described in subsection (a) who arrived by land at a port of entry into the United States;

''(4) the number of aliens described in subsection (a) who entered the United States using a border crossing identification card (as such term is defined in section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6))); and

''(5) the number of Canadian nationals who entered the United States without a visa whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States.''.

SEC. 3104. STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM VERIFICATION.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure that the information collected under the program established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is available to officers of U.S. Customs and Border Protection for the purpose of conducting primary inspections of aliens seeking admission to the United States at each port of entry of the United States.

SEC. 3105. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by sections 1115, 1124, and 1127 of this division, is further amended by adding at the end the following new sections:

''SEC. 438. SOCIAL MEDIA SCREENING.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall, to the greatest extent practicable, and in a risk based manner and on an individualized basis, review the social media accounts of certain visa applicants who are citizens of, or who reside in, high-risk countries, as determined by the Secretary based on the criteria described in subsection (b).

''(b) HIGH-RISK CRITERIA DESCRIBED.—In determining whether a country is high-risk pursuant to subsection (a), the Secretary shall consider the following criteria:

''(1) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

''(2) The level of cooperation of the country with the counter-terrorism efforts of the United States.

''(3) Any other criteria the Secretary determines appropriate.

''(c) COLLABORATION.—To carry out the requirements of subsection (a), the Secretary may collaborate with—

''(1) the head of a national laboratory within the Department's laboratory network with relevant expertise;

''(2) the head of a relevant university-based center within the Department's centers of excellence network; and

''(3) the heads of other appropriate Federal agencies.

''SEC. 439. OPEN SOURCE SCREENING.

''The Secretary shall, to the greatest extent practicable, and in a risk based manner, review open source information of visa applicants.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this division is further amended by inserting after the item relating to section 437 the following new items:

''Sec. 438. Social media screening.

''Sec. 439. Open source screening.''.

TITLE IV—TRANSNATIONAL CRIMINAL ORGANIZATION ILLICIT SPOTTER PREVENTION AND ELIMINATION

SEC. 4101. SHORT TITLE.

This title may be cited as the ''Transnational Criminal Organization Illicit Spotter Prevention and Elimination Act''.

SEC. 4102. UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

(a) BRINGING IN AND HARBORING OF CERTAIN ALIENS.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in subsection (a)(2), by striking ''brings to or attempts to'' and inserting the following: ''brings to or attempts or conspires to''; and

(2) by adding at the end the following:

''(5) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if that person, at the time of the offense, used or carried a firearm or who, in furtherance of any such crime, possessed a firearm.''.

(b) AIDING OR ASSISTING CERTAIN ALIENS TO ENTER THE UNITED STATES.—Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) is amended—

(1) by inserting after ''knowingly aids or assists'' the following: ''or attempts to aid or assist''; and

(2) by adding at the end the following: ''In the case of a person convicted of an offense under this section, the sentence otherwise provided for may be increased by up to 10 years if that person, at the time of the offense, used or carried a firearm or who, in furtherance of any such crime, possessed a firearm.''.

(c) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Section 1361 of title 18, United States Code, is amended—

(1) by striking ''If the damage'' and inserting the following:

''(1) Except as otherwise provided in this section, if the damage''; and

(2) by adding at the end the following:

''(2) If the injury or depredation was made or attempted against any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry or otherwise was intended to construct, excavate, or make any structure intended to defeat, circumvent, or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry, by a fine under this title or imprisonment for not more than 15 years, or both.

''(3) If the injury or depredation was described under paragraph (2) and, in the commission of the offense, the offender used or carried a firearm or, in furtherance of any such offense, possessed a firearm, by a fine under this title or imprisonment for not more than 20 years, or both.''.

DIVISION D—LAWFUL STATUS FOR CERTAIN CHILDHOOD ARRIVALS

SEC. 1101. DEFINITIONS.

In this division:

(1) IN GENERAL.—Except as otherwise specifically provided, the terms used in this division have the meanings given such terms in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) CONTINGENT NONIMMIGRANT.—The term ''contingent nonimmigrant'' means an alien who is granted contingent nonimmigrant status under this division.

(3) EDUCATIONAL INSTITUTION.—The term ''educational institution'' means—

(A) an institution that is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

(B) an elementary, primary, or secondary school within the United States; or

(C) an educational program assisting students either in obtaining a high school equivalency diploma, certificate, or its recognized equivalent under State law, or in passing a General Educational Development exam or other equivalent State-authorized exam or other applicable State requirements for high school equivalency.

(4) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(5) SEXUAL ASSAULT OR HARASSMENT.—The term ''sexual assault or harassment'' means—

(A) conduct engaged in by an alien 18 years of age or older, which consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, and—

(i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(iii) such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment;

(B) conduct constituting a criminal offense of rape, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A));

(C) conduct constituting a criminal offense of statutory rape, or any offense of a sexual nature involving a victim under the age of 18 years, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A));

(D) sexual conduct with a minor who is under 14 years of age, or with a minor under 16 years of age where the alien was at least 4 years older than the minor;

(E) conduct punishable under section 2251 or 2251A (relating to the sexual exploitation of children and the selling or buying of children), or section 2252 or 2252A (relating to certain activities relating to material involving the sexual exploitation of minors or relating to material constituting or containing child pornography) of title 18, United States Code; or

(F) conduct constituting the elements of any other Federal or State sexual offense requiring a defendant, if convicted, to register on a sexual offender registry (except that this provision shall not apply to convictions solely for urinating or defecating in public).

(6) VICTIM.—The term ''victim'' has the meaning given the term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

SEC. 1102. CONTINGENT NONIMMIGRANT STATUS FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES AS MINORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may grant contingent nonimmigrant status to an alien who—

(1) meets the eligibility requirements set forth in subsection (b);

(2) submits a completed application before the end of the period set forth in subsection (c)(2); and

(3) has paid the fees required under subsection (c)(5).

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—An alien is eligible for contingent nonimmigrant status if the alien establishes by clear and convincing evidence that the alien meets the requirements set forth in this subsection.

(2) GENERAL REQUIREMENTS.—The requirements under this paragraph are that the alien—

(A) is physically present in the United States on the date on which the alien submits an application for contingent nonimmigrant status;

(B) was physically present in the United States on June 15, 2007;

(C) was younger than 16 years of age on the date the alien initially entered the United States;

(D) is a person of good moral character;

(E) was under 31 years of age on June 15, 2012, and at the time of filing an application under subsection (c);

(F) has maintained continuous physical presence in the United States from June 15, 2012, until the date on which the alien is granted contingent nonimmigrant status under this section;

(G) had no lawful immigration status on June 15, 2012;

(H) has requested the release to the Department of Homeland Security of all records regarding their being adjudicated delinquent in State or local juvenile court proceedings, and the Department has obtained all such records; and

(I) possesses a valid Employment Authorization Document which authorizes the alien to work as of the date of the enactment of this Act, which was issued pursuant to the June 15, 2012, U.S. Department of Homeland Security Memorandum entitled, ''Exercising Prosecutorial Discretion With Respect to Individuals Who Came to the United States as Children''.

(3) EDUCATION REQUIREMENT.—

(A) IN GENERAL.—An alien may not be granted contingent nonimmigrant status under this section unless the alien establishes by clear and convincing evidence that the alien—

(i) is enrolled in, and is in regular full-time attendance at, an educational institution within the United States; or

(ii) has acquired a diploma from a high school in the United States, has earned a General Educational Development certificate recognized under State law, or has earned a recognized high school equivalency certificate under applicable State law.

(B) EVIDENCE.—An alien shall demonstrate compliance with clause (i) or (ii) of subparagraph (A) by providing a valid certified transcript or diploma from the educational institution the alien is enrolled in or from which the alien has acquired a diploma or certificate.

(4) GROUNDS FOR INELIGIBILITY.—An alien is ineligible for contingent nonimmigrant status if the Secretary determines that the alien—

(A) has a conviction for—

(i) an offense classified as a felony in the convicting jurisdiction;

(ii) an aggravated felony;

(iii) an offense classified as a misdemeanor in the convicting jurisdiction which involved—

(I) domestic violence (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)));

(II) child abuse or neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)));

(III) assault resulting in bodily injury (as such term is defined in section 2266 of title 18, United States Code);

(IV) the violation of a protection order (as such term is defined in section 2266 of title 18, United States Code); or

(V) driving while intoxicated or driving under the influence (as such terms are defined in section 164(a)(2) of title 23, United States Code);

(iv) two or more misdemeanor convictions (excluding minor traffic offenses that did not involve driving while intoxicated or driving under the influence, or that did not subject any individual other than the alien to bodily injury); or

(v) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under section 237(a) of such Act (8 U.S.C. 1227(a));

(B) has been adjudicated delinquent in a State or local juvenile court proceeding for an offense equivalent to—

(i) an offense relating to murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), statutory rape, or any offense of a sexual nature involving a victim under the age of 18 years, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A));

(ii) a crime of violence, as such term is defined in section 16 of title 18, United States Code; or

(iii) an offense punishable under section 401 of the Controlled Substances Act (21 U.S.C. 841);

(C) has a conviction for any other criminal offense, which regard to which the alien has not satisfied any civil legal judgements awarded to any victims (or family members of victims) of the crime;

(D) is described in section 212(a)(2)(J) of the Immigration and Nationality Act (8 U.S.C. 1882(a)(2)(J)) (relating to aliens associated with criminal gangs);

(E) has been charged with a felony or misdemeanor offense (excluding minor traffic offenses that did not involve driving while intoxicated or driving under the influence, or that did not subject any individual other than the alien to bodily injury), and the charge or charges are still pending;

(F) is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except that in determining an alien's inadmissibility—

(i) paragraphs (5), (7), and (9)(B) of such section shall not apply; and

(ii) subparagraphs (A), (D), and (G) of paragraph (6), and paragraphs (9)(C)(i)(I) and (10)(B), of such section shall not apply, except in the case of the alien unlawfully entering the United States after June 15, 2007;

(G) is deportable under section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), except that in determining an alien's deportability—

(i) subparagraph (A) of section 237(a)(1) of such Act shall not apply with respect to grounds of inadmissibility that do not apply pursuant to subparagraph (C) of such section; and

(ii) subparagraphs (B) through (D) of section 237(a)(1) and section 237(a)(3)(A) of such Act shall not apply;

(H) was, on the date of the enactment of this Act—

(i) an alien lawfully admitted for permanent residence;

(ii) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or granted asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158); or

(iii) an alien who, according to the records of the Secretary or the Secretary of State, is lawfully present in the United States in any nonimmigrant status (other than an alien considered to be a nonimmigrant solely due to the application of section 244(f)(4) of the Immigration and Nationality Act (8 U.S.C. 1254a(f)(4)) or the amendment made by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229)), notwithstanding any unauthorized employment or other violation of nonimmigrant status;

(I) has failed to comply with the requirements of any removal order or voluntary departure agreement;

(J) has been ordered removed in absentia pursuant to section 240(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(5)(A));

(K) has failed or refused to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability;

(L) if over the age of 18, has failed to demonstrate that he or she is able to maintain himself or herself at an annual income that is not less than 125 percent of the Federal poverty level throughout the period of admission as a contingent nonimmigrant, unless the alien has demonstrated that the alien is enrolled in, and is in regular full-time attendance at, an educational institution within the United States;

(M) is delinquent with respect to any Federal, State, or local income or property tax liability;

(N) has failed to pay to the Treasury, in addition to any amounts owed, an amount equal to the aggregate value of any disbursements received by such alien for refunds described in section 1324(b)(2);

(O) has income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service; or

(P) has at any time engaged in sexual assault or harassment.

(c) APPLICATION PROCEDURES.—

(1) IN GENERAL.—An alien may apply for contingent nonimmigrant status by submitting a completed application form via electronic filing to the Secretary during the application period set forth in paragraph (2), in accordance with the interim final rule made by the Secretary under section 1105.

(2) APPLICATION PERIOD.—The Secretary may only accept applications for contingent nonimmigrant status from aliens in the United States during the 1-year period beginning on the date on which the interim final rule is published in the Federal Register pursuant to section 1105.

(3) APPLICATION FORM.—

(A) REQUIRED INFORMATION.—The application form referred to in paragraph (1) shall collect such information as the Secretary determines to be necessary and appropriate in order to determine whether an alien meets the eligibility requirements set forth in subsection (b).

(B) INTERVIEW.—The Secretary shall conduct an in-person interview of each applicant for contingent nonimmigrant status under this section as part of the determination as to whether the alien meets the eligibility requirements set forth in subsection (b).

(4) DOCUMENTARY REQUIREMENTS.—An application filed by an alien under this section shall include the following:

(A) One or more of the following documents demonstrating the alien's identity:

(i) A passport (or national identity document) from the alien's country of origin.

(ii) A certified birth certificate along with photo identification.

(iii) A State-issued identification card bearing the alien's name and photograph.

(iv) An Armed Forces identification card issued by the Department of Defense.

(v) A Coast Guard identification card issued by the Department of Homeland Security.

(B) A certified copy of the alien's birth certificate or certified school transcript demonstrating that the alien satisfies the requirement of subsection (b)(2)(A)(iii) and (v).

(C) A certified school transcript demonstrating that the alien satisfies the requirements of subsection (b)(2)(A)(ii) and (vi).

(D) Immigration records from the Department of Homeland Security (demonstrating that the alien satisfies the requirements under subsection (b)(2)(A)(i), (ii), and (vi)).

(5) FEES.—

(A) STANDARD PROCESSING FEE.—

(i) IN GENERAL.—Aliens applying for contingent nonimmigrant status under this section shall pay a processing fee to the Department of Homeland Security in an amount determined by the Secretary.

(ii) RECOVERY OF COSTS.—The processing fee authorized under clause (i) shall be set at a level that is, at a minimum, sufficient to recover the full costs of processing the application, including any costs incurred—

(I) to adjudicate the application;

(II) to take and process biometrics;

(III) to perform national security and criminal checks;

(IV) to prevent and investigate fraud; and

(V) to administer the collection of such fee.

(iii) DEPOSIT AND USE OF PROCESSING FEES.—Fees collected under clause (i) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(B) BORDER SECURITY FEE.—

(i) IN GENERAL.—Aliens applying for contingent nonimmigrant status under this section shall pay a border security fee to the Department of Homeland Security in an amount of $1,000.

(ii) USE OF BORDER SECURITY FEES.—Fees collected under clause (i) shall be available, to the extent provided in advance in appropriation Acts, to the Secretary of Homeland Security for the purposes of carrying out division C, and the amendments made by that division.

(6) ALIENS APPREHENDED BEFORE OR DURING THE APPLICATION PERIOD.—If an alien who is apprehended during the period beginning on the date of the enactment of this Act and ending on the last day of the application period described in paragraph (2) appears prima facie eligible for contingent nonimmigrant status, to the satisfaction of the Secretary, the Secretary—

(A) shall provide the alien with a reasonable opportunity to file an application under this section during such application period; and

(B) may not remove the individual until the Secretary has denied the application, unless the Secretary, in the Secretary's sole and unreviewable discretion, determines that expeditious removal of the alien is in the national security, public safety, or foreign policy interests of the United States, or the Secretary will be required for constitutional reasons or court order to release the alien from detention.

(7) SUSPENSION OF REMOVAL DURING APPLICATION PERIOD.—

(A) ALIENS IN REMOVAL PROCEEDINGS.—Notwithstanding any other provision of this division, if the Secretary determines that an alien, during the period beginning on the date of the enactment of this Act and ending on the last day of the application period described in subsection (c)(2), is in removal, deportation, or exclusion proceedings before the Executive Office for Immigration Review and is prima facie eligible for contingent nonimmigrant status under this section—

(i) the Secretary shall provide the alien with the opportunity to file an application for such status; and

(ii) upon motion by the alien and with the consent of the Secretary, the Executive Office for Immigration Review shall—

(I) provide the alien a reasonable opportunity to apply for such status; and

(II) if the alien applies within the time frame provided, suspend such proceedings until the Secretary has made a determination on the application.

(B) ALIENS ORDERED REMOVED.—If an alien who meets the eligibility requirements set forth in subsection (b) is present in the United States and has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States pursuant to section 212(a)(6)(A)(i) or 237(a)(1)(B) or (C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(i), 1227(a)(1)(B) or (C)), the Secretary shall provide the alien with the opportunity to file an application for contingent nonimmigrant status provided that the alien has not failed to comply with any order issued pursuant to section 239 or 240B of the Immigration and Nationality Act (8 U.S.C. 1229, 1229c).

(C) PERIOD PENDING ADJUDICATION OF APPLICATION.—During the period beginning on the date on which an alien applies for contingent nonimmigrant status under subsection (c) and ending on the date on which the Secretary makes a determination regarding such application, an otherwise removable alien may not be removed from the United States unless—

(i) the Secretary makes a prima facie determination that such alien is, or has become, ineligible for contingent nonimmigrant status under subsection (b); or

(ii) the Secretary, in the Secretary's sole and unreviewable discretion, determines that removal of the alien is in the national security, public safety, or foreign policy interest of the United States.

(8) SECURITY AND LAW ENFORCEMENT CLEARANCES.—

(A) BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant contingent nonimmigrant status to an alien under this section unless such alien submits biometric and biographic data in accordance with procedures established by the Secretary.

(B) ALTERNATIVE PROCEDURES.—The Secretary may provide an alternative procedure for applicants who cannot provide the biometric data required under subparagraph (A) due to a physical impairment.

(C) CLEARANCES.—

(i) DATA COLLECTION.—The Secretary shall collect, from each alien applying for status under this section, biometric, biographic, and other data that the Secretary determines to be appropriate—

(I) to conduct national security and law enforcement checks; and

(II) to determine whether there are any factors that would render an alien ineligible for such status.

(ii) ADDITIONAL SECURITY SCREENING.—The Secretary, in consultation with the Secretary of State and the heads of other agencies as appropriate, shall conduct an additional security screening upon determining, in the Secretary's opinion based upon information related to national security, that an alien is or was a citizen or resident of a region or country known to pose a threat, or that contains groups or organizations that pose a threat, to the national security of the United States.

(iii) PREREQUISITE.—The required clearances and screenings described in clauses (i)(I) and (ii) shall be completed before the alien may be granted contingent nonimmigrant status.

(9) DURATION OF STATUS AND EXTENSION.—The initial period of contingent nonimmigrant status—

(A) shall be 3 years unless revoked pursuant to subsection (e); and

(B) may be extended for additional 3-year terms if—

(i) the alien remains eligible for contingent nonimmigrant status under subsection (b);

(ii) the alien again passes background checks equivalent to the background checks described in subsection (c)(9); and

(iii) such status was not revoked by the Secretary for any reason.

(d) TERMS AND CONDITIONS OF CONTINGENT NONIMMIGRANT STATUS.—

(1) WORK AUTHORIZATION.—The Secretary shall grant employment authorization to an alien granted contingent nonimmigrant status who requests such authorization.

(2) TRAVEL OUTSIDE THE UNITED STATES.—

(A) IN GENERAL.—The status of a contingent nonimmigrant who is absent from the United States without authorization shall be subject to revocation under subsection (e).

(B) AUTHORIZATION.—The Secretary may authorize a contingent nonimmigrant to travel outside the United States and may grant the contingent nonimmigrant reentry provided that the contingent nonimmigrant—

(i) was not absent from the United States for a period of more than 15 consecutive days, or 90 days in the aggregate during each 3-year period that the alien is in contingent nonimmigrant status, unless the contingent nonimmigrant's failure to return was due to extenuating circumstances beyond the individual's control; and

(ii) is otherwise admissible to the United States, except as provided in subsection (b)(4)(F).

(C) CLARIFICATION ON ADMISSION.—The admission to the United States of a contingent nonimmigrant after such trips as described in subparagraph (B) shall not be considered an admission for the purposes of section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)).

(3) INELIGIBILITY FOR HEALTH CARE SUBSIDIES AND REFUNDABLE TAX CREDITS.—

(A) HEALTH CARE SUBSIDIES.—A contingent nonimmigrant—

(i) is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 and shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section; and

(ii) shall be subject to the rules applicable to individuals who are not lawfully present set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)).

(B) REFUNDABLE TAX CREDITS.—A contingent nonimmigrant shall not be allowed any credit under sections 24 and 32 of the Internal Revenue Code of 1986.

(4) FEDERAL, STATE, AND LOCAL PUBLIC BENEFITS.—For purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.), a contingent nonimmigrant shall not be considered a qualified alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(5) CLARIFICATION.—An alien granted contingent nonimmigrant status under this division shall not be considered to have been admitted to the United States for the purposes of section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)).

(e) REVOCATION.—

(1) IN GENERAL.—The Secretary shall revoke the status of a contingent nonimmigrant at any time if the alien—

(A) no longer meets the eligibility requirements set forth in subsection (b);

(B) knowingly uses documentation issued under this section for an unlawful or fraudulent purpose; or

(C) was absent from the United States at any time without authorization after being granted contingent nonimmigrant status.

(2) ADDITIONAL EVIDENCE.—In determining whether to revoke an alien's status under paragraph (1), the Secretary may require the alien—

(A) to submit additional evidence; or

(B) to appear for an in-person interview.

(3) INVALIDATION OF DOCUMENTATION.—If an alien's contingent nonimmigrant status is revoked under paragraph (1), any documentation issued by the Secretary to such alien under this section shall automatically be rendered invalid for any purpose except for departure from the United States.

SEC. 1103. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) EXCLUSIVE ADMINISTRATIVE REVIEW.—Administrative review of a determination of an application for status, extension of status, or revocation of status under this division shall be conducted solely in accordance with this section.

(b) ADMINISTRATIVE APPELLATE REVIEW.—

(1) ESTABLISHMENT OF ADMINISTRATIVE APPELLATE AUTHORITY.—The Secretary shall establish or designate an appellate authority to provide for a single level of administrative appellate review of a determination with respect to applications for status, extension of status, or revocation of status under this division.

(2) SINGLE APPEAL FOR EACH ADMINISTRATIVE DECISION.—

(A) IN GENERAL.—An alien in the United States whose application for status under this division has been denied or revoked may file with the Secretary not more than 1 appeal, pursuant to this subsection, of each decision to deny or revoke such status.

(B) NOTICE OF APPEAL.—A notice of appeal filed under this subparagraph shall be filed not later than 30 calendar days after the date of service of the decision of denial or revocation.

(3) RECORD FOR REVIEW.—Administrative appellate review under this subsection shall be de novo and based only on—

(A) the administrative record established at the time of the determination on the application; and

(B) any additional newly discovered or previously unavailable evidence.

(c) JUDICIAL REVIEW.—

(1) APPLICABLE PROVISIONS.—Judicial review of an administratively final denial or revocation of, or failure to extend, an application for status under this division shall be governed only by chapter 158 of title 28, except as provided in paragraphs (2) and (3) of this subsection, and except that a court may not order the taking of additional evidence under section 2347(c) of such chapter.

(2) SINGLE APPEAL FOR EACH ADMINISTRATIVE DECISION.—An alien in the United States whose application for status under this division has been denied, revoked, or failed to be extended, may file not more than 1 appeal, pursuant to this subsection, of each decision to deny or revoke such status.

(3) LIMITATION ON CIVIL ACTIONS.—

(A) CLASS ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of the enactment of this Act pertaining to the administration or enforcement of the application for status under this division.

(B) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the application for status under this division, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety;

(iv) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation; and

(v) limit the relief to the case at issue and shall not extend any prospective relief to include any other application for status under this division pending before the Secretary or in a Federal court (whether in the same or another jurisdiction).

SEC. 1104. PENALTIES AND SIGNATURE REQUIREMENTS.

(a) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Whoever files an initial or renewal application for contingent nonimmigrant status under this division and knowingly and willfully falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(b) SIGNATURE REQUIREMENTS.—An applicant under this division shall sign their application, and the signature shall be an original signature. A parent or legal guardian may sign for a child or for an applicant whose physical or developmental disability or mental impairment prevents the applicant from being competent to sign. In such a case, the filing shall include evidence of parentage or legal guardianship.

SEC. 1105. RULEMAKING.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue interim final regulations to implement this division, which shall take effect immediately upon publication in the Federal Register.

SEC. 1106. STATUTORY CONSTRUCTION.

Except as specifically provided, nothing in this division may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member on the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. NADLER) each will control 20 minutes. The gentleman from Texas (Mr. MCCAUL) and the gentleman from Mississippi (Mr. THOMPSON) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4760.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I introduced H.R. 4760, along with MICHAEL MCCAUL, MARTHA MCSALLY, and RAÚL LABRADOR, to provide an equitable and permanent legal status for unlawful aliens who grew up in America after their parents brought them here as children. Just as importantly, we want to strengthen our borders, close gaping loopholes, curtail endemic fraud, and enhance interior immigration enforcement so that our Nation won't face the same dilemma in a few years.

President Trump did the right thing and tried to end President Obama's blatantly unconstitutional DACA program. As a Federal court ruled in enjoining DACA's sister program, DHS cannot ''enact a program whereby it not only ignores the dictates of Congress, but actively acts to thwart them. . . . The DHS Secretary is not just rewriting the laws; he is creating them from scratch.'' President Trump also did the right thing by immediately turning to us, asking Congress to fix the problem.

As he asked for, H.R. 4760 solves the DACA conundrum. It provides DACA beneficiaries with an indefinitely renewable legal nonimmigrant status allowing them to live and work in the United States without worry and travel abroad as they choose. It also allows them to receive green cards on the same terms as any other intending immigrant around the world.

As I indicated, the bill will help ensure that the distressing DACA dilemma does not recur. It ends catch and release at the border, battles asylum fraud, and ensures that unaccompanied minors caught at the border will be treated equally, regardless of their home country. It will ensure that the law no longer tempts minors and their parents to make the dangerous illicit journey to the United States and to line the pockets of cancerous cartels with hundreds of millions of dollars.

The bill will also take away the other magnet that draws millions of persons to come to the United States illegally: the jobs magnet. Through the inclusion of LAMAR SMITH's Legal Workforce Act, it makes E-Verify mandatory. After two decades of constant improvement, E-Verify has become an extremely effective, reliable, and easy way for employers to ensure that they have hired a legal workforce. Three-quarters of a million employers currently use E-Verify, which almost instantaneously confirms the work eligibility of new hires 99 percent of the time.

The bill will also allow DHS to deport members of MS–13 and other virulent criminal gangs and allow it to detain dangerous aliens who cannot be removed. It will combat the public safety menace of sanctuary cities in multiple ways, including by allowing the Justice Department to withhold from them law enforcement grants.

The bill makes significant reforms to our legal immigration system. It puts an end to extended family chain migration and terminates the diversity visa green card lottery, which awards green cards at random to people with no ties to the United States or any particular skills.

In addition, it replaces the dysfunctional H–2A agricultural guestworker program. The H–2A program is slow, bureaucratic, and frustrating, often forcing growers to leave crops to rot in the fields. They also must pay an artificially inflated wage rate, along with providing free housing and transportation. In doing the right thing, H–2A users are almost always repaid by being placed at a competitive disadvantage in the marketplace.

The bill provides growers with streamlined access to guestworkers when sufficient American labor cannot be found. It finally provides dairies and food processors with year-round labor needs with access to a guestworker program. It avoids the pitfalls of the H–2A program, and it will remain at its core a true guestworker program. As growers learned the hard way after the 1986 amnesty, illegal farmworkers will leave en mass and flock to the cities when provided with permanent residence.

The Agricultural Guestworker Act contained in this bill is supported by the American Farm Bureau Federation, the dairy industry, and over 200 distinct agricultural organizations from across the United States.

Following introduction of this legislation, I have sat down with my colleagues for months to learn of any concerns and to strive to improve the bill. The product of this intensive work is better legislation. While I am disappointed that the rule did not allow me to include all of the improvements made possible by the input of so many Members, I am gratified that I could include the refinements to the H–2C agricultural guestworker program.

To give just one example, the bill now clarifies that the Department of Homeland Security will issue documents to unlawful alien farmworkers who have been sponsored by growers to join the program, authorizing them to return to the United States without the need for visas after completing their initial touchbacks. This will create certainty for growers, allowing them to receive pre-approval of their H–2C petitions for current workers before they leave the country and precertification of the workers' admission back into the United States before they leave.

Congress has a unique opportunity to act before the country ends up with another large population who crossed the border illegally as children. Let's take this historic moment to come together and support vital legislation that provides commonsense, reasonable solutions.

Mr. Speaker, I urge my colleagues to join President Trump and support H.R. 4760, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 20, 2018.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for the opportunity to review the relevant provisions of the text of H.R. 4760, the Securing America's Future Act of 2018. As you are aware, the bill was primarily referred to the Committee on the Judiciary, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner. Accordingly, I agree to discharge H.R. 4760 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

K. MICHAEL CONAWAY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 20, 2018.

Hon. K. MICHAEL CONAWAY,
Chairman, Committee on Agriculture, Washington, DC.

DEAR CHAIRMAN CONAWAY: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R. 4760, the ''Securing America's Future Act of 2018,'' so that the bill may proceed expeditiously to the House floor.

I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 4760 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 20, 2018.

Hon. BOB GOODLATTE,
Chairman, Committee on Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE: I write concerning H.R. 4760, the ''Securing America's Future Act of 2018''. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Homeland Security.

In order to expedite floor consideration of H.R. 4760, the Committee on Homeland Security agrees to forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee on Homeland Security's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response into the Congressional Record during consideration of the measure on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 20, 2018.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R. 4760, the ''Securing America's Future Act of 2018,'' so that the bill may proceed expeditiously to the House floor.

I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 4760 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

BOB GOODLATTE,
Chairman.

Mr. NADLER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I strongly oppose H.R. 4760.

This legislation is nothing more than a wish-list of the far right anti-immigrant fringe. It would do nothing to solve the real problems plaguing our immigration system, while causing untold suffering for millions of people.

The world has watched President Trump create a family separation crisis out of thin air. I personally met with fathers whose children had been ripped from their arms, who have no idea when, or if, they will ever see their children again.

One father I spoke to was promised he would be kept with his young child, only to have officers enter his room in the middle of the night and forcibly take away his young daughter.

We have all seen the anguished faces of the parents separated from their children, and listened to the desperate cries of sobbing children screaming for their parents. This is government-sponsored child abuse.

This bill does absolutely nothing to solve the crisis. The President, after falsely claiming that he had no choice but to enact this cruel and brutal policy, now says he will end it, proving that he and his administration were lying all along. But it is not clear that yesterday's executive order immediately ends family separation. It also puts our country on a dangerous path to prolonged detention for parents and children.

The Keeping Families Together Act, which I introduced this week, along with virtually every Democratic Member, would actually prevent children from being separated from their parents, except in extraordinary circumstances.

We could vote on that legislation today. But instead, we have this bill before us now. This bill turns all undocumented immigrants into criminals. It takes particular aim at families, children, workers, businesses, public safety, and our fundamental values as a nation, all at once. It is almost impressive how many bad ideas have been crammed into one comprehensive package.

For example, it eliminates most visa categories that promote family reunification, as well as the diversity visa program, which provides residents of many countries the only method of immigrating to the United States. It removes critical protections for unaccompanied children, and it does away with other important safeguards for children traveling with their parents.

It would decimate the agriculture community by requiring employers to use the E-Verify employment verification system without fixing the underlying immigration system. And it would undercut American workers by importing guestworkers at drastically depressed wages.

It would also undermine our asylum system, breaking with our proud tradition of being a beacon of hope and freedom for the oppressed.

In exchange for all these harsh, anti-immigrant provisions, it offers the most minimal protections to Dreamers, creating a renewable temporary status with no path to citizenship, leaving them in perpetual limbo, and unable to become full members of society in the only country they have ever known.

This is an act of extortion we cannot abide. This bill fails to repair our broken immigration system and, indeed, in many ways, makes it even worse, and all without substantially helping the Dreamers.

Mr. Speaker, I urge my colleagues to reject this bill, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

□ 1230

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), who is the author of an important provision in this bill related to electronic verification of employment, and he is the former chairman of the House Judiciary Committee.

Mr. SMITH of Texas. Mr. Speaker, let me thank the chairman of the Judiciary Committee, the gentleman from Virginia (Mr. GOODLATTE), for all that he has done to advance immigration reform during this Congress.

I do support H.R. 4760, Securing America's Future Act. This legislation ensures that our immigration policies put the interests of Americans first.

We need to thank not only Chairman GOODLATTE, but others who have put so much time and effort into this legislation. We appreciate Mr. GOODLATTE's diligence, expertise, and commitment to improving our immigration system.

Any immigration reform considered by Congress must, at a minimum, secure our borders, implement workforce verification to end the illegal jobs magnet, reduce chain migration, bolster interior enforcement, and prevent abuse of our asylum laws. Securing America's Future Act includes all of these necessary provisions.

The bill delivers on the President's pledge to voters to complete physical barriers along our southern border, penalize lawless sanctuary cities, and end the Obama administration's catch-and-release policy that returns dangerous criminal immigrants to our streets to prey on innocent Americans.

Of special interest to me is the inclusion of the Legal Workforce Act in the bill, which requires all new employees' work eligibility to be verified. This will reduce illegal immigration and save jobs for American workers.

Also important is the deadline to finally implement an entry-exit tracking system to identify visa overstayers. They comprise half of the almost 1 million new illegal immigrants every year.

Securing America's Future Act helps keep our communities safe and protects American workers. It deserves our enthusiastic support.

Madam Speaker, again I want to thank Chairman GOODLATTE for offering this legislation.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), the distinguished ranking member of the Immigration Subcommittee.

Ms. LOFGREN. Madam Speaker, this is an anti-immigrant bill. It slashes legal immigration. It will injure the ag industry. It criminalizes nearly the entire undocumented population. It will undermine public safety and removes critical protections for families and children, and it even fails to provide a pathway to legal permanent residence for Dreamers.

Sometimes my friends across the aisle say the problem with immigration is we don't have assimilation. You don't get assimilation when you create a permanent underclass of people who are Americans in every way but their paperwork.

It eliminates family-based categories, and this is the relatives of Americans. American citizens and legal permanent residents, forget it. You are not going to be able to get your family members in if this bill passes.

It mandates the use of E-Verify, which would be highly disruptive to restaurants, hotels, and other industries, and the changes in the ag worker provision are just a fig leaf.

The bill transforms a civil law violation into a crime so that undocumented immigrants, including the parents of Dreamers the bill purports to help, become criminals overnight.

It would accelerate separation of kids from parents when 11 million American workers suddenly become subject to prosecution.

Undermining our asylum system by establishing impossibly high evidentiary burdens, it removes protections, as I have said, and it does nothing to reunite the thousands of children who have been taken away from their parents at the border. Instead, it facilitates putting mothers in the cages with their toddlers.

So why are we debating a bill that nearly everyone, even many in the Republican Party, think is a terrible idea? I fear it is because the very extreme elements of the Republican Party have become the loudest and the most powerful.

I continue to have faith in the good people of our country. The American people spoke out loudly against President Trump's family separation policy. They couldn't stand seeing little children, babies, and toddlers ripped from their mother's arms. And we saw a reversal, but it is not a solution, because locking up mothers, putting those mothers in the cages with their toddlers is not the solution to this problem.

We are not going to let hatred, bigotry, and xenophobia prevail in this country.

Madam Speaker, I urge a ''no'' vote on this bill.

Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIÉRREZ).

Mr. GUTIERREZ. Madam Speaker, the reelection strategy for every single Republican Member of the House is to stand strong with a President willing to take children from their parents in order to look mean and nasty and cruel to children who are fleeing for their lives. You own that. That is your campaign strategy.

As of today, Republicans want to put the children in the same jails as the parents and fight to hold them indefinitely and demand we charge asylum seekers as criminals and jail them with their children. The more than 2,300 children who have been taken from their parents and put in a vast system spread over thousands of miles, we just don't know if those children will ever see their families again. You own that, too. That is what you are campaigning on to save your jobs this coming November.

Taking DACA away from Dreamers: that is your policy, too. And then putting bills on the floor to cut legal immigration and build a wall are your strategies to blame Democrats for what you are doing.

Republicans want to be both the arsonists and the firefighters, and you can't be both.

I don't blame Speaker RYAN and Chairman GOODLATTE. They are not bad people. They are both decent men of faith who have been put in a position of defending policies that are cruel, inhumane, and run deeply contrary to the will of the American people and the values of our Nation.

This must be morally wrenching for them. But honestly, I have little sympathy. Each has made a devil's bargain to trade their reputation for Stephen Miller's agenda and Donald Trump's name.

Legal immigration? No.

An asylum policy that protects human lives? No.

DACA to protect Dreamers? No.

Policies that treat wife-beating, rape, and human trafficking as matters that require us to protect women? No.

A nation of immigrants? No.

All they want is a wall.

Even though both are leaving office because the Republican Party is no longer home for decent men and women of values, faith, and conscience, both are leaving us with one last commitment: to put the needs of this erratic President above the will of the people and above the good of our Nation.

At some point, someone needs to stop complimenting the emperor on his new set of clothes and start telling the President he is naked. Covering his rear end from all the lies, the deceit, and the soullessness is no longer sustainable.

The SPEAKER pro tempore (Ms. FOXX). Members are reminded to refrain from engaging in personalities toward the President and to direct their remarks to the Chair.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume to respond to some of the false charges that we are hearing here.

First of all, with regard to E-Verify, unfortunately, there is a misconception that it is our intention to implement the new H–2C program and mandate E-Verify for agriculture simultaneously. This could not be further from the truth.

The AG Act, under that act, E-Verify would not be mandated for agriculture until the H–2C is properly up and running and no sooner than 24 months after enactment of the legislation. In addition, E-Verify will only apply to future hires.

Secondly, I want to respond to those who complain about what we are doing for the DACA recipients in this legislation. I want to make it very, very clear we are going to do something that is legal, something that is constitutional for them instead of something that was illegal and unconstitutional, and it is going to be superior in this bill to what was done for them there, because they

will be allowed to remain in the United States permanently, renewing every 3 years. They are only excluded if they do not meet certain criteria.

The fact of the matter is we will have an opportunity for them to avail themselves of existing pathways to citizenship. If they are married to a United States citizen, as it would be logical that a great many of these DACA recipients are because of the fact that they have grown up here, they will be able to benefit from that. They could not do that under the Obama executive order. So this is much better than how the Democrats have treated the DACA recipients.

Lastly, whether the labor workforce status quo is sustainable for American agriculture, under current law in California and other States, farmers are facing chronic employee shortages. Last fall, the California Farm Bureau announced the results of an informal survey of its members. The survey showed that 69 percent of those surveyed were experiencing labor shortfalls. Despite all the efforts California farmers and ranchers have made to find and hire people to work on their operations, they still can't find enough willing and qualified employees.

California Farm Bureau President Paul Wenger said: ''Farmers have offered higher wages, benefits, and more year-round jobs. They have tried to mechanize operations where possible and have even changed crops or left ground idle, but employee shortages persist.''

The labor force status quo is simply unsustainable for American agriculture. Clearly, this is not a situation that is going to be solved by granting permanent resident status to farmworkers. In fact, that is the opposite of what is needed.

Granting permanent resident status to illegal farmworkers will not do anything to ensure that farmers and ranchers have access to the labor they need for years to come. It is shortsighted and does nothing to relieve employers or legal farmworkers of the unnecessary burdens and competitive disadvantage they face under the outdated H–2A program.

Americans' food can be grown in other countries where land and labor are far cheaper. To ensure that our meat and produce continue to be grown in America and that our Nation's agricultural industry thrives in the global marketplace, the U.S. needs a flexible, workable, and fair guest worker program like the H–2C program established in the AG Act and contained in the legislation that we are debating right now.

Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Speaker, let me thank the gentleman for yielding the time.

Madam Speaker, I urge my colleagues to stand in full opposition to Securing America's Future Act, H.R. 4760.

First of all, let me say that the only thing that the President's executive order shows is that he is willing to rip families apart unless it costs him politically. If there is a political price to pay, then he will back up and try to confuse what is really going on. But at the end of the day, this zero-tolerance policy is absolutely wrong and we have to end it now.

Making unlawful presence a crime is probably a violation of international law. This bill makes it difficult, makes it impossible for people who are seeking asylum to come here and try to get their cases adjudicated. They are running, in many cases, from the most abominable situations imaginable. People should know that America is the kind of place you can come to if you are seeking refuge.

Let me also say that this thing to build this wall, we will never allow that. We will never agree to that, and we will oppose it with everything we have because it is a symbol of hate and division.

Mr. GOODLATTE. Madam Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Virginia has 8 minutes remaining. The gentleman from New York has 11 minutes remaining.

Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. CORREA).

Mr. CORREA. Madam Speaker, I thank the gentleman from New York, Congressman NADLER, for this opportunity to speak on this bill.

Madam Speaker, I was hired to work across the aisle, to come to Washington to get things done, to fix problems. Earlier this month, we had a discharge petition that we needed two more signatures on that would have given us the opportunity here on this floor to vote on four immigration bills under the queen-of-the-hill rule. Essentially, that means that whatever bill gets more votes moves ahead.

Among those four bills was Mr. GOODLATTE's bill, and, of course, also one of those bills was the Aguilar-Hurd bill that was a product of both Democrats and Republicans coming together working on a solution.

□ 1245

Unfortunately, we weren't given the opportunity to vote on all these four bills. And the current bill on the floor today does not offer a pathway to citizenship for Dreamers. Of course, it does not address the current problem of reuniting children who are separated from their families.

Madam Speaker, I ask today, my colleagues, please reject this legislation. And I ask the Speaker to give us the opportunity to vote on the Aguilar-Hurd bill.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the gentleman from Idaho (Mr. LABRADOR), the chairman of the Immigration and Border Security Subcommittee of the Judiciary Committee.

Mr. LABRADOR. Madam Speaker, I rise in strong support of H.R. 4760, the Securing America's Future Act. This bill provides the tools needed to enforce our immigration laws, secure our borders, and begin the process of reforming our legal immigration system while also ensuring a generous protection for DACA recipients.

Enforcement remains the key to our system. Without enforcement, our laws have little effect. This bill targets criminal gangs, dangerous aliens, and the sanctuary policies that allow these public safety threats to thrive.

The bill also provides a permanent solution for DACA recipients. They can apply to receive a 3-year, indefinitely renewable visa so they can live and work in the United States forever, as long as they abide by the laws. This permanent status gives DACA recipients more surety than President Obama's temporary program ever did.

The bill will finally make good on our commitment to grant our growers and other workers a workable agricultural guest worker program. The lack of a reliable source of labor when an American workforce is simply not available is imperiling the future of American agriculture.

The bill's H–2C program will be a true guest worker program that will allow the current agricultural workforce to participate on the same terms and conditions as any other worker around the world. The program is endorsed by the American Farm Bureau. It is a critical part of this bill.

Finally, it closes the loopholes that have allowed fraud to destroy the integrity of our asylum system by raising the credible fear standard and sending a clear message that fraud and frivolity will not be tolerated in the United States.

This is a good bill, and I encourage every Member to support it.

Mr. NADLER. Madam Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. LAWRENCE).

Mrs. LAWRENCE. Madam Speaker, I rise today in strong opposition to H.R. 4760, the Securing America's Future Act.

Instead of working in a bipartisan manner, like open rules and committee hearings, Members of this body now must vote on two bills that will hurt immigrant families and communities by worsening the family separation crisis on the border and funding the divisive border wall.

H.R. 4760 is a hardline anti-immigration bill that fails to provide a permanent path to citizenship for our Dreamers. It makes family reunification much more difficult. It provides $25 billion for the Trump wall. This is while we are going to be confronted with a farm bill that cuts food for starving and poor children in America. It would expand the family separation, and it harms children.

Madam Speaker, this is not the America I know. This bill is nothing more than an attempt to appease the administration and the most extreme faction of the Republican Party.

Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), the ranking member of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee.

Ms. JACKSON LEE. Madam Speaker, it certainly saddens me to have to come call legislation harsh and cruel; for if there is anything that we should do in a bipartisan or, frankly, nonpartisan manner, it should be the complement to the Statue of Liberty, which, over the centuries, has been the standard-bearer of the values and virtues of this Nation.

I am saddened that we have come to a point, having worked on the Judiciary Committee with outstanding leaders like my ranking member, my chairman, the subcommittee ranking, Ms. LOFGREN, for many years on real immigration reform, here we are today.

Let me tell you why I am opposed to this. It may be because I represent Americans, Americans who are in the 18th Congressional District in Texas. It may be because we are one of the most diverse cities—my mayor says the most diverse city—in the Nation. It may be that we have South Asians and Haitians. We have people from Eastern Europe. We have those, of course, who are Latino. We have those from the Caribbean, and Africans, and many, many more. We have those from Europe.

Here is what this bill will do. It will quash any opportunity for mom and dad to bring in extended family members, citizen mom and dad to bring in their family members. It ends legal immigration and what we have called the values of America, family reunification.

At the same time, the ugly name that has been given to diversity visas is not true. Those who come through the diversity visa for small countries—should we discriminate against small countries?—have the highest level of education and go into medicine and science and try to help.

Then there is no relief for DACA. People who are military, paramedics, lawyers, teachers, we are dependent upon them, having grown up here, loving this Nation, pledging to the flag, pledging to the United States flag.

Then, finally, let me say that it is a sin and a shame that we have such an administration.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Madam Speaker, I yield the gentlewoman from Texas an additional 30 seconds.

Ms. JACKSON LEE. Then, as we have not done anything for DACA, we have not done anything for the children snatched away from their families, the children that I saw for 2 days on the border at Texas—Roger, who I held in my hands; maybe the 2-year-old like this—because what it does is it does nothing to reunite the children. It does nothing, after 20 days, to be able to protect them, because the fake executive order does not go beyond 20 days.

Frankly, we don't know where the 2,000 children are, and I know the values of the faith community in America are to reunite. I am saddened that we have this bill. I ask my colleagues to oppose this bill.

Mr. GOODLATTE. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON. Madam Speaker, I rise in support of the pending legislation before us. I believe it is very important that we show that we do want to address this issue, and I think the Goodlatte-McCaul bill does that in a humane way.

Now, we have this issue of separation of children that has arisen at the border just in the last week or so. The Trump policy is not any different on paper than the Obama policy was. What is different is the way it has been covered, and President Trump has realized that something needs to be done differently and has signed an executive order yesterday to that effect.

I personally think that we ought to go back to the original policy where, if you wanted political asylum, you applied at the embassy or the consulate in your home country. And if you bring your children, and you march them across the deserts of Mexico, and you bring them all the way to the Texas border, you do get a court hearing, but I would say that we give that court hearing back in their country of origin. And if we have to send them back at taxpayer expense, we deduct the cost from existing aid packages that we are giving to those home countries. That way, they don't have to come all the way to the Texas border or the California border or the Arizona border or the New Mexico border in order to get their day in court. They wait in their home country, and then they get their day in court there.

Nobody wants to separate families, but it is the parents who bring the children with them. It is not the United States Government that is forcing those parents to try to come to this country illegally and bring their children.

The Goodlatte bill funds border security. It begins to solve some of the issues of the lottery system. I personally think it is much better to have a merit-based immigration system than a lottery system where you just happen to, luck of the draw, get a come-into-the-United-States card.

I think this is a good piece of legislation, and I hope we pass it this afternoon.

Mr. NADLER. Madam Speaker, how much time is remaining, please?

The SPEAKER pro tempore. The gentleman from New York has 6½ minutes remaining. The gentleman from Virginia has 4 minutes remaining.

Mr. NADLER. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Madam Speaker, I rise today in strong opposition to this cruel, anti-immigrant bill. This bill is so bad, they even want to destroy legal immigration to this country.

For decades, our immigration laws were discriminatory, favoring Nordic and Western Europeans, restricting Italians and Jews, and banning the Chinese completely. Finally, in 1965, during the civil rights era, Senator Ted Kennedy ushered in a fair immigration system based on family reunification.

Because this system brings families together, immigrant households are less likely to rely on public benefits. And immigrants are also buying homes and starting businesses at a faster rate.

But now, with this bill, Republicans are trying to undo that progress and make America White again.

Worse, they are tearing families apart to do this. While Trump and Republicans are ripping parents from children at the border, they are trying to do the same through our immigration laws. This war on families must stop.

Mr. GOODLATTE. Madam Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Madam Speaker, this afternoon, the U.S. Chamber of Commerce sent an alert to Members of Congress that says the cuts to legal immigration in this bill are bad news for States.

Madam Speaker, I yield 1 minute to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Madam Speaker, I rise in strong opposition to the Securing America's Future Act. It is obscene to bring this deeply flawed bill to the floor when thousands of children have been ripped from their parents.

Americans across the country are outraged over the Trump administration's actions to separate families at the border. And Trump's answer? An executive order that cages families indefinitely and will be immediately challenged in court.

Unfortunately, this bill before us would do nothing to stop any of this. Instead, it criminalizes every undocumented man, woman, and child in this country and subjects them to the same cruel policy being played out at our border. It is shocking we are even considering this bill.

Let's be on the right side of history. Let's stop tearing families apart. Let's stop caging people fleeing violence.

I urge my colleagues to do the right thing and defeat this repugnant bill.

Mr. GOODLATTE. Madam Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

□ 1300

Ms. LEE. Madam Speaker, I thank the ranking member for yielding me the time and for his tireless advocacy.

Madam Speaker, I rise in strong opposition to H.R. 4760. This is an anti-immigrant bill, plain and simple: It fails to provide a pathway to citizenship for Dreamers; it dismantles family immigration; it ends the important diversity visa lottery program; it funds $30 billion for Trump's border wall; and it fails to address the horrible zero-tolerance policy.

Why are we moving forward with a bill that does not address the malicious detention of families seeking asylum, a bill that does nothing to reunite the 2,300 children separated from their parents?

These policies are really a disgrace and a stain on our country.

Just imagine the horrors of these families fleeing violence, domestic abuse, but we are not providing refuge. No. Our government—our government—has been ripping children out of the arms of parents. We are holding kids in cages. And now the Trump administration wants to leave whole families, including young children, in jail for extended periods of time.

Locking up kids is child abuse. It is a violation of their human rights. We must ensure that these children are reunited with their families.

Madam Speaker, I urge my colleagues to vote ''no'' on this bill. And as my colleague Congresswoman CHU said, it is about making America White again.

Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, I thank the ranking member for yielding me the time.

Madam Speaker, this bill does many things, but the one thing that it does not do is heal the wound in the soul of America. It does not provide a pathway for these babies to return home to their parents.

This bill is about as bad as it can get if you care about what you see in this picture. Children should not become the tools of the trade for politicians.

This bill will legitimize children as the tools of the trade. We cannot pass it. We should not pass it. We must rethink what we are doing to this country.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. HOLDING). The gentleman from New York has from 2½ minutes remaining. The gentleman from Virginia has 4 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN), the ranking member of the Immigration and Border Security Subcommittee.

Ms. LOFGREN. Mr. Speaker, this bill is a step in the wrong direction in so many ways.

I wish that we had had an opportunity to sit down, reason together, and come up with a plan that really serves our country. That didn't happen.

Here is what the result was: The Chamber of Commerce has just reported that the Niskanen Center that they have relied on indicates that, if this bill became law, the U.S. would lose $319 billion in GDP. That would be the impact, according to the U.S. Chamber of Commerce, for adopting this bill.

And I wonder what my colleagues on the other side of the aisle are really doing by turning every undocumented person in the United States, currently a civil law violation, into a crime. We are now creating 11 million prosecution opportunities.

At the same time, The Washington Post is just reporting, this is the headline: ''Trump Administration Will Stop Prosecuting Migrant Parents Who Cross the Border Illegally with Children, Official Says.''

What are we doing here? We are doing a bill that would incarcerate families and children to pursue a policy that the administration now says they don't intend to pursue.

Now, I don't have a lot of trust in the Trump administration because it changes daily.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I would urge my colleagues on the other side of the aisle to take a step back here.

Your President has left you out on a limb. He just sawed that limb off for a bill that does damage to the country for a policy that he now has apparently abandoned. This is a ridiculous situation here.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 30 seconds remaining.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is a harsh anti-immigrant package that fails to provide a pathway to citizenship for Dreamers and that fails to end family separation, while slashing legal immigration, crippling our agriculture industry, criminalizing undocumented immigrants, undermining public safety, and removing critical protection for families and children, all in one monstrous bill.

Mr. Speaker, there is no justification for anyone voting for this bill. I urge my colleagues to oppose this legislation, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first of all, this bill has been mischaracterized and was just again.

This bill makes provisions for when the immigration service prosecutes somebody at the border. It doesn't tell them when to do that. So it is entirely incorrect to make that assertion.

I see the conflicting news reports about what the intention of the administration is today on that issue, but that does not change the fact that that has nothing to do with the good measures in this bill that correct the problems that we are speaking about.

The overwhelming majority of the American people want children to be with their parents, and I have just seen a poll a few minutes ago that shows that the overwhelming majority of them want those children detained with their parents, not to have the parents and the children released into the interior of the country where they never return for their hearing.

That kind of open border policy that is supported by the advocates on the other side of the aisle is not good for America, and it is not good for sound immigration policy.

We are a nation of immigrants. There is not a person in this room who can't go back a few generations or several generations and find someone in their family who immigrated to the United States. But we are also a nation of laws, and respect for the rule of law and following our legal immigration system is the foundation of our society.

So, to me, when you say that it is not good enough to do better for the DACA recipients than Barack Obama did, where do you get that idea from?

When you say that we are not a generous country with regard to immigration and that this is an anti-immigration bill when it sustains far more legal immigration than any other country on Earth, they are completely wrong.

But at the same time that we do that and we promote that in this bill, good legal immigration policy and something fair for the DACA recipients, we must also have secure borders in our country, and we must give any administration, not just this one, the tools it needs to close the loopholes to secure the border and to end crazy programs like the visa lottery program that gives 55,000 green cards to people just based on pure luck. There are better things to do with those green cards to move to a merit-based immigration system.

I urge my colleagues to support this important legislation, reject the negative ideas of the opposition, and move forward with a policy that does both something important for the DACA recipients but also secures America's national security interests and the interests of our citizens.

Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today because we finally have the opportunity to secure our borders once and for all.

Before coming to Congress, I was a counterterrorism prosecutor in the Justice Department. I saw the threats along our border firsthand.

After getting elected to the House, the very first bill I introduced put an end to this catch-and-release system. Here we are in this Chamber 14 years later, and I am still fighting for it.

Doing nothing should not be an option. As I have said before, it is time for Congress to act. Today, we have an historic opportunity to fix this problem once and for all with the Securing America's Future Act.

Our legislation delivers on the President's four pillars, which I worked closely with him on. It secures the border by building a wall, ends chain migration and the diversity lottery, provides a rational DACA solution, and also deploys new technology and adds boots on the ground.

We must move toward a moral, merit-based system and not a random system.

This legislation also provides, Mr. Speaker, a legal solution that will keep families together when they cross the border illegally.

Our bill brings a generational change that prevents us from revisiting these problems down the road.

But this isn't just about closing loopholes and fixing broken laws. Border security is a national security issue. Violent gangs like MS–13, human traffickers and smugglers sneaking into our country infect our neighborhoods, and too many lives are at risk, and opioids come across the border.

Unfortunately, the threats do not stop there. We know that international terrorists are trying to exploit our border. This was made clear from the materials found in bin Laden's compound and from propaganda outlets like Inspire magazine. The 9/11 Commission report even stated that predecessors to al-Qaida had been exploiting weaknesses in our border security since the 1990s.

In April, Secretary Nielsen testified that ISIS has encouraged its followers to cross our southwest border, given the loopholes that they are also aware of. We must solve this problem, and we must solve it today.

So, Mr. Speaker, I urge my colleagues to support this bill and give the American people the security that they have long demanded and deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 4760, a bill that doubles down on the President's cruel zero-tolerance policy. This harsh anti-immigrant, anti-American bill is the realization of the President's cruel immigration and border security rhetoric and policies.

Remember when the Republican Party used to say it was the party of family values? H.R. 4760 is focused on families, but not in a good way. It is focused on separating families, incarcerating families, and eliminating pathways for family-based immigration.

Remember when the Republican Party used to say it was the party of law and order? Well, it does take action with respect to local law enforcement, but not in a good way. It would withhold Homeland Security and other law enforcement grants from so-called sanctuary cities that, for the purpose of public safety, seek to foster trust from immigrant communities.

Law enforcement officials across the country oppose this provision because it would make their communities less safe. For example, Latinos in three major cities have been reporting fewer crimes since President Trump took office, particularly as it relates to domestic violence and sexual assault.

Finally, remember when the Republican Party used to say it was the party of fiscal discipline? Well, no more.

□ 1315

If enacted, H.R. 4760, would require billions of taxpayers' dollars to be wasted on the President's border walls, which I seem to recall hearing that it will be paid for by the Mexican Government. Now they want the taxpayers of America to pay for it.

It also waives the paygo scorecard. So now you pull a hat trick. You spend the money, but you don't score it. So, ultimately, it won't show up in our budget numbers. Shame on you.

With that, Mr. Speaker, I urge a ''no'' vote on H.R. 4760, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to gentlewoman from Arizona (Ms. MCSALLY), the chair of the Subcommittee on Border and Maritime Security.

Ms. MCSALLY. Mr. Speaker, I thank the chairman for his years of hard work on this issue to secure our border.

Mr. Speaker, I rise today in support of H.R. 4760, the Securing America's Future Act. As one of only nine Members of Congress who represent communities along our southern border, and as the Border and Maritime Security Subcommittee chair, I have witnessed firsthand the security threats we face from an unsecure border and the dysfunctions of our immigration system.

Since I came to Congress, I have been working passionately to protect Arizonans from the public safety threats that accompany a porous border, and to start to fix a dysfunctional immigration system.

This bill which we have been tirelessly working on since September last year, along with Chairman MCCAUL, Chairman GOODLATTE, and Congressman LABRADOR, represent an important step to keep our country safe by securing the border, including building the wall, closing many legal loopholes, ending chain migration, ending the visa lottery, cracking down on sanctuary cities and MS–13 gangs, and providing a legislative solution to the DACA population that is reasonable and fair and doesn't incentivize more illegal activity in the future.

This is the first legislation on these topics in the House that President Trump has supported, and we worked very closely with the administration in the process to propose this thoughtful solution to fix these very real and complex security and economic challenges.

Like many pieces of legislation though, this bill is not perfect. There are many improvements, such as the guaranteed funding mechanism for border security, including the wall, and other technical corrections that we worked on over the last 6 months that I sure would have liked to have seen in this version of the bill on the floor.

Nonetheless, I strongly support passage of this legislation as the first significant proposal to solve these very serious issues that continue to impact communities in Arizona and the rest of the country.

I remain ready to lead and help deliver legislation to the President's desk that he can sign into law. I would urge our colleagues, especially on the other side of the aisle, who say they care about border security and DACA recipients, to not play politics and vote ''yes'' on this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Mrs. DEMINGS), the retired chief of police of Orlando, Florida.

Mrs. DEMINGS. Mr. Speaker, during my 27 years in law enforcement, I fought many threats to our families. But today, I have to say that I am ashamed that our leaders now say that those families are the threat.

Families seeking asylum are not a threat. Toddlers and children at the border are not a threat. Dreamers who are brought here as young children, both of us know, are not a threat.

Mr. Speaker, I ask: Why is it so easy to reject those who we believe are different from us? We will not allow this administration to make America a country that only accepts the rich and well-connected. When we know better, we are supposed to do better.

And so I urge my colleagues on the other side of the aisle, you are right, let's stop playing politics. Let's do better and reject this dangerous piece of legislation.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. HIGGINS), a member of the Homeland Security Committee.

Mr. HIGGINS of Louisiana. Mr. Speaker, I rise today in support of H.R. 4760, the Securing America's Future Act of 2018. I am a cosponsor of this legislation. I remind all of my colleagues that a sovereign nation cannot stand without sovereign borders.

I remind my colleagues on both sides of the aisle that we are Representatives of citizens of the 50 sovereign

States of America. We have not been elected by citizens of Mexico or Nicaragua or El Salvador.

We represent American interests. This is an America-first bill that secures America's southern border.

Mr. Speaker, I urge all of my colleagues to embrace their oath and to recognize their service to these citizens that depend upon sound, decisive measures from this body.

Mr. THOMPSON of Mississippi. Mr. Speaker, we all recognize the sovereignty of our country, but we also recognize its diversity, and we all are immigrants. So let's get over it.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Miss RICE).

Miss RICE of New York. Mr. Speaker, it is a shame that we are wasting our time today on two bills that are harmful and hyperpartisan when we all know that the USA Act, introduced by Representatives AGUILAR and HURD, have the votes to pass on this House floor.

This bipartisan solution would finally provide our Dreamers, college students, veterans, servicemembers, and business owners with the status and certainty that they have long deserved. The USA Act would also effectively secure our borders without wasting taxpayer money on a wall that would not make us any safer.

The bills being considered today are simply not what most Americans want. They deny Dreamers a path to citizenship. They abandon our obligation to protect those fleeing persecution and violence. And they do nothing to reunite the families who have already been torn apart by the Trump administration.

Mr. Speaker, I urge you to do the responsible thing, to finally govern, and allow the bipartisan USA Act to come to the floor.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. ESTES), a member of the Homeland Security Committee.

Mr. ESTES of Kansas. Mr. Speaker, I rise today in support of H.R. 4760, Securing America's Future Act.

Mr. Speaker, our immigration system is broken. For decades, administrations have offered temporary fixes or chosen to not enforce certain provisions of the law. However, the election of President Trump shows a clear desire by the American people to fix our broken immigration system and secure our border.

The Securing America's Future Act addresses these issues and provides needed solutions. The bill secures our border by authorizing a wall, providing new border technology, and putting more boots on the ground.

The bill refocuses legal immigration on skills that are needed by ending the visa lottery program and chain migration. It also prevents future illegal immigration by mandating E-Verify for employers and cracking down on sanctuary cities.

Important for my State of Kansas, this bill includes H–2C agricultural visas which allows people to come work and provide the skills our farmers need.

Finally, this bill gives stability to children brought here illegally by providing a renewable legal status as long as recipients pay taxes and obey the law, without providing a special path to citizenship because no one should get to jump the line.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Houston, Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the distinguished gentleman for yielding the time.

I would offer to say that those Guatemalan Americans, El Salvadoran Americans, those Americans from the country of Mexico, and others who serve in the United States military, certainly reflect the diversity of this Nation.

I would offer to say that, sadly, this is the image that is America today. It is not the Statue of Liberty. I stand to oppose this bill because I know, as a member of the Homeland Security Committee, we had a plan that was bipartisan that would provide for border security that included technology and barriers.

Now, we have succumbed to a process which every good-thinking person has to oppose, including the business community. Law enforcement opposes this legislation, in particular, because it makes communities less safe.

Just this week a Texas sheriff's deputy was arrested for sexually assaulting a 4-year-old girl and threatening to deport the undocumented mother if she reported the claim. Good law enforcement officers understand that they need to have people report the crime.

We know that it was an immigrant, a researcher, who helped us get the polio vaccine.

Finally, young people who now are coming to this country, snatched away from their parents, unaccompanied youngsters as well, will no longer have the protections of the special immigrant juvenile status. It strips crucial protections for abused, abandoned, and neglected children by limiting their ability to access special immigrant juvenile status.

This bill is a bad bill. It is not an immigration bill. It is a bad bill and it really is not for the American people.

Mr. MCCAUL. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Mrs. LESKO), the newest member of the Homeland Security Committee.

Mrs. LESKO. Mr. Speaker, I rise today in support of H.R. 4760, the Securing America's Future Act, vital legislation to the State of Arizona. My constituents back home know all too well how desperately we need our borders secured. I signed on as a cosponsor of this bill because it will fund a wall and other protective infrastructure, close the gaping loopholes in our immigration laws, and finally secure our southern border, ending this problem once and for all.

It is disappointing that with all of the rhetoric coming from my colleagues across the aisle, they still refuse to come to the negotiating table and work toward a legislative solution.

Our broken immigration system cannot continue to be ignored. I want to thank Chairman MCCAUL and Chairman GOODLATTE for their work on this much-needed legislation, and I urge all of my colleagues to support this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as you heard, H.R. 4760 is fatally flawed. We are here only today debating it because the Republican leadership was essentially extorted by extremists within its ranks.

Instead, we should be here debating legislation to give Dreamers a path to citizenship. We should be here debating legislation to give safe haven to refugees from Haiti, El Salvador, Sudan, and Nicaragua.

We should be here debating a measure to end zero tolerance and family separation. Even before the Trump administration created this family separation crisis, America's image was suffering the effects of the Trump slump due to the President's inflammatory and cruel immigration and border security policies and rhetoric.

In fact, last June, the Pew Research Center released an international survey that concluded that sentiment regarding the U.S. had taken a dramatic turn for the worse.

What the President and supporters of H.R. 4760 do not understand is that what makes America great is its people, both native-born and immigrants.

Let's send a message to the President that we know what makes America great. Let's defeat H.R. 4760.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Let me say, this is a historic opportunity to get something done that we probably haven't gotten done in 25 years. But let me first say that I am a father of five children.

I have been down to the detention centers and seen these kids down there, these babies. From a human standpoint, it is one of the most horrible experiences I have had in my lifetime.

Let me say this, Mr. Speaker: this bill protects our children. It protects our children because it provides a deterrent for them not to come here in the first place. It also keeps families together and doesn't separate them, as current law dictates. Current law dictates this, if we don't change the law.

Let me also add, I talked to the Secretary today and 10,000 of these 12,000 children who are in the detention centers came without their parents. And

who were their guardians: the drug traffickers, the smugglers, and the coyotes, as they made the dangerous journey from Central America all the way up through Mexico and into the United States.

□ 1330

I have seen horrors of that, and this bill will provide the deterrence to stop that from happening because, as we know, they are abused on the way up that journey. They are abused physically and sexually and demoralized and recruited. That has to stop, and, Mr. Speaker, this bill will stop that.

Mr. Speaker, I urge my colleagues to support it, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition of H.R. 4760, the ''Securing America's Future Act of 2018.''

H.R. 4760 is a DREAM Killer Bill that fails to fix our nation's fractured immigration system.

This bill slashes legal immigration, it cripples our agricultural industry, criminalizes undocumented immigrants, undermines our public safety, and denies critical protections for children and families.

H.R. 4760 withholds grants from communities implementing community trust policies that limit law enforcement officials questioning an individual's immigration status.

This Republican-sponsored bill forces local governments to comply with Trump's mass deportation agenda, despite Republican's historic demands that the federal government stay out of people's lives.

My colleagues and I will never vote in favor of a bill that perpetuates the administration's mass deportation agenda, especially in light of the human rights violations we are currently witnessing at our U.S.-Mexico border.

When I visited the border this past weekend, what I witnessed was horrific. It was not the America that I know and love.

Since early May, more than 2,300 children have been separated from their parents.

By playing the blame game and putting the burden on Congress to fix what President Trump alone has started, the Administration issued an Executive Order yesterday that pretends to open the door for a halt of his intentionally barbaric policy of separating families intended to deter people from attempting to cross the border.

The new policy detains entire families together, including children, but ignores legal time limits on the detention of minors.

The President is ignoring the immigration laws that set the precedent on this arena.

The Flores Settlement, issued in 1997, was the result of a class action lawsuit filed on behalf of immigrant children in the U.S. District Court for the Central District of California.

It requires the government to release children from immigration detention without unnecessary delay to parents, relatives, or those willing to accept custody.

It also mandates that the government cannot keep children in detention for over 20 days.

Trump's executive order is in direct violation of the Flores agreement by allowing children to be detained for well-over 20 days.

H.R. 4760 is a politically motivated bill intended to spread the false narrative that immigrants are criminals, liars, and job stealers who are somehow a drain on our society and deserving of punishment.

Nothing could be further from the truth.

Many of our nation's most beloved and respected figures that are even taught about in schools, were immigrants.

H.R. unfairly and unnecessarily subjects immigrants to lengthy criminal sentences, as well as excessive detention and unreasonable scrutiny.

The restrictive features of the bill—including asylum provisions, cancelling the applications of 3 million people waiting to immigrate legally, and permanent reductions in legal immigration—we are told are a small price to pay to help Dreamers gain a pathway to citizenship.

However, this is not the case.

The CATO Institute recently reported that 82 percent of Dreamers would not even benefit from this bill's citizenship path.

H.R. 4760 does not provide a pathway to citizenship for Dreamers; instead, it denies Dreamers the coveted American Dream.

Mr. Speaker, I stand in strong opposition to H.R. 4760, the ''Securing America's Future Act of 2018.''

This bill offers minimal protections for Dreamers in exchange for implementing Trump's mass deportation plan.

It includes a litany of bad proposals from the House Judiciary Committee.

It eliminates most family-based immigration categories, as well as the diversity visa program.

It mandates the use of E-Verify on a nationwide basis, thereby crippling industries such as agriculture, restaurants, hotels, construction, and many others.

It purports to address concerns in the agricultural industry. But its solution is to replace the 1 to 1.5 million undocumented farmworkers in this country with an army of guest workers at drastically depressed wages.

This would undermine the wages and working conditions on farms and a host of other sectors (like forestry, logging, and food processing) that employ many U.S. workers and have never been considered agriculture.

It subjects each and every undocumented immigrant over the age of 18 to criminal prosecution by making it a crime to be here without immigration status.

This would effectively turn most undocumented immigrants—including the parents of the Dreamers the bill purports to help—into criminals overnight.

It undermines our asylum system by establishing impossibly high evidentiary burdens and denying asylum to those that travel through ''so-called'' safe third countries.

It removes critical protections for unaccompanied children and creates a scheme to swiftly remove them without an opportunity to see a judge.

It also abolishes important child safety protections for children traveling with their parents.

No Path to Citizenship: In exchange for all of the above, and much more, the bill offers no path to citizenship.

Instead, it creates a renewable ''contingent nonimmigrant'' status that would perpetually deny Dreamers the American Dream.

Dead on Arrival: We are only voting on this bill to appease members of the House Freedom Caucus.

A similar bill offered by Senator Grassley only received 39 votes in the Senate.

The bill is simply too extreme for many Republicans, as indicated by letters of opposition from right-leaning groups such as the U.S. Chamber of Commerce, the Koch-brothers funded LIBRE Initiative, and the CATO Institute.

Expands Family Separation: The Trump/Sessions zero-tolerance prosecution policy is fueling the wave of family separation at the border.

This bill doubles down on the use of criminal prosecution by making unlawful presence a misdemeanor, or a felony under many circumstances.

This would exponentially increase family separation in the interior, as it transforms nonviolent, civil immigration violations into criminal offenses.

The result would be the arrest, conviction, and detention of millions of immigrants.

Harms Children: Republicans will likely argue that this bill treats unaccompanied alien children (UACs) from Central American like those from Mexico and therefore does nothing more than remedy a loophole in the law.

But in fact, this bill removes basic protections for all UACs. Among other things, the bill: removes protections for young children aged 13 and under, as well as children with disabilities; eliminates an existing provision allowing limited government funding for counsel for UACs, relegating many children to appear in immigration court without legal representation; requires DHS to investigate and remove all potential UAC sponsors. This would both disincentivize sponsors from coming forward to claim children and overburden state foster care systems:

eliminates the ability for all UACs to first present their asylum claims to specially trained USCIS asylum officers in a non-adversarial setting. UACs would instead be required to present their claims in open court to an immigration judge, opposite a trained ICE trial lawyer, and likely without legal representation; and

strips crucial protections for abused, abandoned and neglected children by limiting their ability to access Special Immigrant Juvenile status.

Makes Communities Less Safe: The bill withholds DHS grants and other law enforcement grants from communities that implement community trust policies that limit or restrict law enforcement questioning of an individual's immigration status.

Although Republicans often demand that the federal government stay out of people's lives, the bill forces local governments to cooperate with Trump's mass deportation agenda.

Republicans have long sought to turn ''sanctuary cities'' into a pejorative term, but studies show that such jurisdictions have ''statistically significantly lower'' criminal activity compared to other jurisdictions.

Law enforcement officials across the country oppose these provisions because it would make their communities less safe.

For example, Latinos in three major cities have been reporting fewer crimes since Trump took office, particularly as it relates to domestic violence and sexual assault.

Just this week, a Texas sheriff's deputy was arrested for sexually assaulting a 4-year-old girl and threatening to deport the undocumented mother if she reported the crime.

If enacted, the bill would supercharge Trump's deportation agenda, thereby turning undocumented immigrants into prey for criminals.

Destabilizes Agriculture: The bill mandates E-Verify use nationwide, despite the reliance

on undocumented immigrants by several large sectors of the U.S. economy.

To address labor concerns in agriculture and various other industries, the bill creates a massive new guestworker program in which undocumented farmworkers may purportedly participate.

But the bill's unrealistic and anti-worker provisions would have devastating impacts on those workers, as well as similarly situated U.S. workers and employers.

Among other things, the bill provides status to undocumented farmworkers through a ''report to deport'' guestworker program that requires them to first leave the country—including their homes and families—with no assurance that they would be able to return.

Few would participate in such a program.

The guestworker program would eventually result in millions of guestworkers in the country, and all would be paid at far-below market wages.

This combination would have devastating impacts on the labor market—not only in agriculture, but in other covered industries such as logging, forestry, and food processing.

Given what Republicans often say about the need to protect U.S. workers, we cannot see why they would support this bill.

Fails to Fix the Broken System: The bill fails to repair our fundamentally broken immigration system.

H.R. 4760 is simply a politically motivated bill intended to propagate the fiction that immigrants are criminals, liars, and job stealers who are somehow a drain on our society and need to be punished.

Nothing could be further from the truth. Immigrants generally play a positive role in our society, and this bill unfairly and unnecessarily subjects them to lengthy criminal sentences, as well as excessive detention and unreasonable scrutiny.

Republicans have long championed their identity as the ''Party of Lincoln,'' but this bill proves that they have clearly become the ''Party of Trump.''

Trump champions nativist fear-mongering, relies on alternative facts, and seeks to send America back to the dark ages of isolationism and cultural in-fighting.

This is the wrong direction for our country.

Family Immigration Led To John Tu's Billion Dollar Company.

John Tu created wealth, shared that wealth with his employees and demonstrated people can achieve the American Dream while also fulfilling the dreams of others.

Immigrant entrepreneurs possess relatively few options for starting a business and remaining in the United States.

There is no startup visa that allows individuals to receive permanent residence specifically for starting a business.

Once someone acquires permanent residence (a green card) he or she has the freedom to start a business in America.

That is why the stories we hear about successful foreign-born entrepreneurs come almost exclusively from individuals sponsored by an employer or family member.

John Tu is a great example of this.

John Tu (No. 87 on the Forbes 400 list) was born in China in 1941, where he lived with his parents and sisters.

He describes himself as a mediocre student unable to attend the best Chinese colleges.

He was denied a visa to the United States and instead applied to a college in Germany, where in 1978 he earned a degree in electrical engineering.

''My dream of coming to the United States persisted,'' said John in testimony before the Senate Subcommittee on Immigration.

He recalled visiting his sister, who was living in Boston.

She had come to America as a student and married a U.S. citizen born in Taiwan. That trip reignited his dreams.

''My experience brought me to the conclusion that in the U.S. one can be anything he wants. I decided right then that I would find a way to make my home in America.''

His sister, who became a U.S. citizen, sponsored John for immigration through the immigrant preference category for the siblings of U.S. citizens.

As someone willing to take a chance on a new country, it's not surprising John Tu quickly became an entrepreneur.

He started a one-man gift shop in Arizona, where his sister had moved to, and sold collectables imported from China.

A few years later, John ventured into commercial real estate, eventually buying a condominium in Los Angeles.

In California, he met David Sun, his future business partner, who also was born in China.

In 1982, John Tu and David Sun started a computer hardware company called Camintonn Corporation.

They later sold the company to AST Research, with each man earning about $1 million.

But a year later, John and David lost almost everything.

Their broker, a trusted friend, invested poorly, which caused their savings to be nearly wiped out in the October 1987 stock market crash.

John Tu and David Sun picked themselves up and did what entrepreneurs do best—they started another business.

Their new company, Kingston Technology, sought to fill a niche in the marketplace for computer memory products.

''Kingston soon began developing memory products for a variety of PCs and thriving beyond either of our expectations.

It is ironic that from the biggest financial failure came my most successful venture,'' said John.

The company grew to over 500 U.S. employees and by 1996 was valued at $1.5 billion.

Not surprisingly, this attracted the interest of buyers. That year, John and David sold 80 percent of Kingston to Japan-based Softbank Corp.

While the sale initially made news, it is what John Tu and David Sun did with the proceeds that generated worldwide attention: The two men set aside $100 million in profits from the sale and awarded bonuses to their American employees, something virtually unheard.

In many cases, the bonuses ranged from $100,000 to $300,000.

This decision changed the lives of those working at Kingston, allowing many to fund dreams for themselves and their children.

''The bonus meant a great deal to the employees, for some it meant ridding themselves of debt, for others a down payment on a house, and for one person the opportunity to return to college and finish his education,'' said Kingston employee Gary McDonald.

He decided to use the bonus money to fund schooling and assistance for his four children, two of whom had special needs, including one with autism.

''Without the bonus it would have been much more of a financial struggle,'' he said.

Fate intervened and in July 1999, for business reasons, Softbank decided to sell its 80 percent share in Kingston back to John Tu and David Sun for less than half of the original sale price.

Today, Kingston is ''the world's largest independent manufacturer of memory products,'' according to the company.

Kingston employs more than 3,000 people around the world and maintains its headquarters in Fountain Valley, California. It has garnered a number of awards, including Fortune magazine's list of the ''Best Companies to Work for in America.'' John and his company Kingston contribute to many charitable causes.

An Immigrant And An Immigrant's Son Saved Americans From Polio.

Polio struck future presidents and poor children alike, becoming an epidemic that consumed Americans throughout much of the 20th century.

Immigrant Albert Sabin and the son of an immigrant, Jonas Salk, developed the vaccines that ended polio as a threat to Americans.

Neither Salk or Sabin—or their life-saving Polio vaccines—would have been in America if not for family immigration.

''Without Sabin and Salk, American children would continue to be paralyzed for life by polio,'' Michel Zaffran, director of polio eradication at the World Health Organization, said in an interview. ''Their contribution is quite simply immeasurable.''

Americans today do not consider polio a threat. That was not always the case.

''No disease drew as much attention, or struck the same terror, as polio,'' according to David Oshinsky, author of the Pulitzer Prize-winning book Polio: An American Story.

''Polio hit without warning. There was no way of telling who would get it and who would be spared.

It killed some of its victims and marked others for life, leaving behind vivid reminders for all to see: wheelchairs, crutches, leg braces, breathing devices, deformed limbs.''

Franklin Delano Roosevelt, who used a wheelchair throughout his presidency, is the most famous victim of polio.

But at its approximate height, in 1949, around 40,000 cases were reported in America, according to Oshinsky.

In San Angelo, Texas, one out of every 124 residents contracted the disease, resulting in 24 deaths and 84 cases of permanent paralysis, affecting mostly children.

Cases of polio first appeared in the U.S. in the 1800s.

The invention of the electron microscope in the 1930s allowed researchers to see the virus that causes the polio infection, which is spread through fecal waste, from one person to another, by hand, food, water and other methods.

When Albert Sabin was born in Poland in 1906, Americans could not have known this Polish infant would someday grow up and change their lives.

''When he was 15, his family came to the United States to escape the murderous pogroms [against Jews] that erupted there following World War I,'' according to David Oshinsky.

''The Sabins settled in Paterson, New Jersey, an immigrant textile center, where his father took a job as a weaver. Fluent in Polish and German, but knowing no English, Sabin was tutored by a cousin who encouraged him to avoid the dead-end life of the silk mills by getting an education.''

Sabin did well in high school, while working to help support the family, and accepted an offer from an uncle who offered to pay his college tuition if he agreed to join him as a dentist.

Albert did not enjoy studying dentistry and lost his uncle's financial support.

In a great example of mentoring, the well-regarded New York University (NYU) professor William Hallock Park, a bacteriologist, saw something in Sabin and arranged for a scholarship.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 954, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. MICHELLE LUJAN GRISHAM of New Mexico. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Michelle Lujan Grisham of New Mexico moves to recommit the bill H.R. 4760 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

In section 1, in the heading, strike ''**; TABLE OF CONTENTS**''.

In subsection (a) of section 1, strike the enumerator and the heading.

Strike subsection (b) of section 1 and all that follows through the end of the bill, and insert the following:

SEC. 2. DEFINITIONS.

In this Act:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) DACA.—The term ''DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals program announced by President Obama on June 15, 2012.

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

(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) ELEMENTARY SCHOOL; HIGH SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'', ''high school'', and ''secondary school'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

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

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

(B) does not include an institution of higher education outside of the United States.

(8) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term ''permanent resident status on a conditional basis'' means status as an alien lawfully admitted for permanent residence on a conditional basis under this Act.

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

(10) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(11) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. 2. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions under this Act.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if—

(A) the alien has been continuously physically present in the United States since the date that is 4 years before the date of the enactment of this Act;

(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

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

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

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) has not been convicted of—

(I) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

(II) three or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more; and

(D) the alien—

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

(ii) has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States; or

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

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

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

(2) WAIVER.—With respect to any benefit under this Act, the Secretary may waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or family unity or if the waiver is otherwise in the public interest.

(3) TREATMENT OF EXPUNGED CONVICTIONS.—An expunged conviction shall not automatically be treated as an offense under paragraph (1). The Secretary shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the Secretary determines that the alien should be eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

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

(5) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require an alien applying for permanent resident status on a conditional basis under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

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

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

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

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

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

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

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

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

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

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

(7) BACKGROUND CHECKS.—

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

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and

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

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants such alien permanent resident status on a conditional basis under this section.

(8) MEDICAL EXAMINATION.—

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

(B) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under subparagraph (A).

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

(c) DETERMINATION OF CONTINUOUS PRESENCE.—

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

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

(d) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

(2) ALIENS SUBJECT TO REMOVAL.—The Secretary shall provide a reasonable opportunity to apply for relief under this section to any alien who requests such an opportunity or who appears prima facie eligible for relief under this section if the alien is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order.

(3) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—

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

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

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

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

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

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

(e) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis under this Act.

SEC. 3. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

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

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

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

(b) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this Act and the requirements to have the conditional basis of such status removed.

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

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

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

(A) notice of the proposed termination; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis or applying for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied and who had temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) immediately before receiving or applying for such permanent resident status on a conditional basis, as appropriate, may not return to such temporary protected status if—

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

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for such temporary protected status.

SEC. 4. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

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

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

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

(C)(i) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States;

(ii) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; or

(iii) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in section 3(b)(1)(D)(iii), shall not count toward the time requirements under this clause.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary shall remove the conditional basis of an alien's permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

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

(ii) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and

(iii) demonstrates that—

(I) the alien has a disability;

(II) the alien is a full-time caregiver of a minor child; or

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

(3) CITIZENSHIP REQUIREMENT.—

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

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

(4) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may require aliens applying for lawful permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

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

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

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

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

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

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

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

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

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

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not remove the conditional basis of an alien's permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment.

(6) BACKGROUND CHECKS.—

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

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien's permanent resident status; and

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

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

(b) TREATMENT FOR PURPOSES OF NATURALIZATION.—

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

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization while the alien is in permanent resident status on a conditional basis.

SEC. 5. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

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

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

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

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

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

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under section 3(b)(1)(A), or to establish that an alien has not abandoned residence in the United States, as required under section 5(a)(1)(B), the alien may submit documents to the Secretary, including—

(1) employment records that include the employer's name and contact information;

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

(3) records of service from the Uniformed Services;

(4) official records from a religious entity confirming the alien's participation in a religious ceremony;

(5) passport entries;

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

(7) automobile license receipts or registration;

(8) deeds, mortgages, or rental agreement contracts;

(9) tax receipts;

(10) insurance policies;

(11) remittance records;

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

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

(14) dated bank transactions; or

(15) two or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

(c) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under section 3(b)(1)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

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

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

(3) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;

(4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

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

(6) employment records that include the employer's name and contact information;

(7) official records from a religious entity confirming the alien's participation in a religious ceremony;

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

(9) automobile license receipts or registration;

(10) deeds, mortgages, or rental agreement contracts;

(11) tax receipts;

(12) travel records;

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

(14) dated bank transactions;

(15) remittance records; or

(16) insurance policies.

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

(1) has been admitted to the institution; or

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

(e) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

(1) a high school diploma, certificate of completion, or other alternate award;

(2) a high school equivalency diploma or certificate recognized under State law; or

(3) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

(g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 3(b)(1)(D)(iii), 3(d)(3)(A)(iii), or 5(a)(1)(C), the alien shall submit school records from the United States school that the alien is currently attending that include—

(1) the name of the school; and

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

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

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

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

(A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

(B) bank records; or

(C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

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

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks

parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate;

(B) the name, address, and telephone number of the affiant; and

(C) the nature and duration of the relationship between the affiant and the alien.

(4) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

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

(B) bear the name of the individual receiving treatment; and

(C) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

(i) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies one of the criteria for the hardship exemption set forth in section 5(a)(2)(A)(iii), the alien shall submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—

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

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

(j) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

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

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

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

(4) health records from the appropriate Uniformed Service.

(k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

(1) IN GENERAL.—An alien may satisfy the employment requirement under section 5(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such employment requirement; and

(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

(A) bank records;

(B) business records;

(C) employer records;

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

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

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

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(l) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 6. RULEMAKING.

(a) INITIAL PUBLICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish regulations implementing this Act in the Federal Register. Such regulations shall allow eligible individuals to immediately apply affirmatively for the relief available under section 3 without being placed in removal proceedings.

(b) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to subsection (a) shall be effective, on an interim basis, immediately upon publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which interim regulations are published under this section, the Secretary shall publish final regulations implementing this Act.

(d) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code, (commonly known as the ''Paperwork Reduction Act'') shall not apply to any action to implement this Act.

SEC. 7. CONFIDENTIALITY OF INFORMATION.

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

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

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status on a conditional basis or a request for DACA may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for permanent resident status on a conditional basis;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

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

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

SEC. 8. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

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

Ms. MICHELLE LUJAN GRISHAM of New Mexico (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman is recognized for 5 minutes in support of her motion.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

When DACA was terminated in September, this Chamber promised hundreds of thousands of young people and the American public that we would have a public debate and vote to protect Dreamers. We gather here today, instead, to vote on legislation that fails to protect these young people, radically changes our immigration laws, and derails the bipartisan queen-of-the-hill effort that would give us a solution.

H.R. 4760 is a hyperpartisan, sweeping bill which would fundamentally change our legal immigration system and negatively impact our economy, which is why it is opposed by the majority of the Republican Conference, faith groups, businesses, chambers, and, quite frankly, everyone in between.

If enacted, these policies would undermine local law enforcement, hurt businesses, and rip apart communities through mass deportation, while telling hundreds of thousands of American Dreamers that they can only be a guest in the only country most of them have ever known, but that they will never truly be American.

The truth is that this bill is a poison pill-ridden effort that does nothing to get us closer to passing a bipartisan, narrow, and targeted solution for Dreamers.

Congress—that is each and every one of us—has a responsibility to address this Trump-created crisis in a bipartisan, rapid, compassionate, and meaningful way. This is what the American people want us to do. But since the start of the Trump administration, a divisive and twisted narrative has been perpetrated to villainize, scapegoat, and hurt immigrant families.

This week, the pain of immigrant families was felt by each and every person in America who heard the terror and cries of children being torn from their parents. This week we have experienced the horror many immigrant families feel every single day, and we have seen how ugly it is to use vulnerable immigrant children, mothers, and fathers as political pawns.

But we have also seen Americans stand up for these families. We saw them rebuke the President and his heinous policy. Today we must do the same thing by standing up for Dreamers. We must meet our responsibility as Members of Congress by voting for legislation that fixes this Trump-created DACA crisis, not by voting for legislation that makes it worse.

Every time that a bipartisan fix for Dreamers is within our reach, this chaotic Republican Conference caves to those who aim to exploit Dreamers in order to impose radical changes to our immigration system.

The provisions in H.R. 4760's partisan anti-immigrant bill betray our most fundamental American values. It is a reflection of the xenophobic agenda of the Trump White House which prioritizes billions upon billions on a wasteful wall, cuts legal immigration, and ends our obligation to protect Dreamers.

This is the latest example of Republicans putting Trump's anti-immigrant demands above moral decency, families, Dreamers, and the will of the American people. It is indefensible and immoral that this House continues to derail bipartisan efforts to protect Dreamers. The antics that we are witnessing are why the American people have lost faith that their Representatives can find bipartisan solutions to our Nation's most pressing issues.

But as a Member of Congress in the minority party at a time of deep political division and instability, I still believe it is possible for us to work together to improve the well-being of families, children, and young people. Mr. Speaker, that is why I am asking and I am imploring you to join me in voting for the bipartisan Dream Act that upholds our values and fulfills our promise to protect Dreamers and their families.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I rise in strong opposition to this effort to distract us from the major problems that we are attempting to address in our country. This motion to recommit only—only—deals with amnesty for a far larger population of people than the American people expect to have addressed. The people who are the DACA recipients are people who arrived here as young children before June 15, 2007.

This bill does nothing to solve the problem with the surge of people at the border of our country. It does nothing to create a new border security wall and fencing system, technology and personnel who are needed, and judges in courtrooms to process the huge number—the 600,000 backlog—of amnesty cases that we have.

This does nothing to close the loopholes that are allowing people to enjoy what is called catch and release. When they come into the country, some of them even turn themselves in knowing that, ultimately, they are going to be released into the interior of the United States. We need to give the administration the tools they need to stop this problem. It is not a new problem.

The Obama administration wanted a number of the changes that are in this bill with regard to clarifying things like the terrible Flores decision, which is at the heart of the problem we have with young children being separated from their parents.

We fix those things in this legislation, and yet this would substitute all of that for something that is just targeted at what the other party wants to do. And they call upon us to work in a bipartisan fashion.

This bill addresses all of the areas that need to be addressed, and they give lip service to the other areas, but they do not address them. This is proof of that by the fact that it only deals with amnesty.

We need to have a movement to a merit-based immigration system. We need to end the terrible visa lottery system, which is a national security problem and which is something that does not benefit the American economy.

We need to move from chain migration to a merit-based system, and we need to make sure that we treat the DACA recipients better than they are treated under the unconstitutional, illegal Obama process, but not at the cost of not doing the other three pillars that we are seeking to address.

We need to address border security and interior enforcement; we need to end the visa lottery and move to a merit-based system; and we need to end chain migration.

It also doesn't have anything about E-Verify or helping 1 million agricultural guest workers who want to work in this country legally and the farmers who want to have a system that allows them to do that legally.

This is the bill that we need to pass, not this motion to recommit. I urge my colleague to oppose the motion to recommit and support the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. MICHELLE LUJAN GRISHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 191, nays 234, not voting 2, as follows:

[Roll No. 281]

YEAS—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NAYS—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)

Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lesko
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—2

Jeffries
Payne

□ 1404

Messrs. WEBSTER of Florida, SAM JOHNSON of Texas, ROE of Tennessee, GOSAR, and BOST changed their vote from ''yea'' to ''nay.''

Messrs. CUELLAR, LAWSON of Florida, Mses. CASTOR of Florida, JACKSON LEE, Messrs. BEYER, NOLAN, AL GREEN of Texas, and LARSON of Connecticut changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NADLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 231, not voting 3, as follows:

[Roll No. 282]

AYES—193

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cole
Collins (GA)
Collins (NY)
Comer
Conaway
Cook
Cramer
Crawford
Culberson
Curtis
Davidson
Davis, Rodney
DeSantis
DesJarlais
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Fleischmann
Flores
Fortenberry
Foxx
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Kelly (MS)
Kelly (PA)
Kinzinger
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Latta
Lesko
Lewis (MN)
Long
Loudermilk
Lucas
Luetkemeyer
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Norman
Nunes
Olson
Palazzo
Palmer
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Rooney, Thomas J.
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (MO)
Smith (NE)
Smith (TX)
Smucker
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—231

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Biggs
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman
Cohen
Comstock
Connolly
Cooper
Correa
Costa
Costello (PA)
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
Denham
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Faso
Ferguson
Fitzpatrick
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Gohmert
Gomez
Gonzalez (TX)
Gosar
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Hurd
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
King (NY)
Knight
Krishnamoorthi
Kuster (NH)
Lamb
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Love
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
MacArthur
Maloney, Carolyn B.
Maloney, Sean
Massie
Matsui
McCollum
McEachin
McGovern
McMorris Rodgers
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Paulsen
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Reed
Reichert
Rice (NY)
Richmond
Rohrabacher
Ros-Lehtinen
Rosen
Roskam
Roybal-Allard
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Shuster
Simpson
Sinema
Sires
Smith (NJ)
Smith (WA)
Soto
Speier
Stefanik
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Turner
Upton
Valadao
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

NOT VOTING—3

Jeffries
Payne
Yarmuth

□ 1411

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1415

PROVIDING FOR CONSIDERATION OF H.R. 6136, BORDER SECURITY AND IMMIGRATION REFORM ACT OF 2018

Mr. NEWHOUSE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 953 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 953

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6136) to amend the immigration laws and provide for border security, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington is recognized for 1 hour.

Mr. NEWHOUSE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time

as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NEWHOUSE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NEWHOUSE. Mr. Speaker, on Wednesday, the House Rules Committee met and reported a rule, House Resolution 953, providing for consideration of H.R. 6136, the Border Security and Immigration Reform Act. This legislation demonstrates a pivotal moment in our Nation's history, one in which we can choose to, for the first time in decades, make significant improvements to our Nation's broken immigration system.

Mr. Speaker, I have been in this body for just about 3½ years, and throughout that period of time, and even before as I was working to become a Congressman, I have always been clear with the people of the Fourth Congressional District of the State of Washington that fixing our broken immigration system is a top priority and one that I believe my district, my State, and the entire Nation desperately needs.

With the rule that we bring forward today, I can look my constituents in the eye, and, with certainty, I can tell them that I believe that this legislation, the underlying bill, this consensus legislation that we have before us, is the best opportunity this body has had in many, many years—in fact, decades—to get something signed into law to make a true, lasting, substantive difference to improve our broken immigration system.

While it may not be perfect—few bills are—H.R. 6136, the Border Security and Immigration Reform Act, includes several main tenets to addressing our immigration crisis, and, I should add, it is the only bill that we are considering that includes all four pillars that the President, on numerous occasions, has stated must be a part of any legislation that he will sign into law.

First, this legislation includes desperately needed appropriations for border security. The bill appropriates funding for further construction of the border wall, as well as technology, personnel, and modernization of our ports of entry.

Our border security system is broken and must be fixed, so I would look to my fellow conservatives and say: This is our one shot to get this done. This is our one opportunity to live up to the commitment we gave to our constituents when we said we would secure our border.

Mr. Speaker, I truly believe that this is our only chance, and we can't waste it. We can't squander it. Let's get our border secured once and for all, and keep our commitment to our people.

It also includes a desperately needed solution for the DACA population. I have shared with many of my colleagues time and time again that I have the second highest number of DACA recipients in my district in the State of Washington out of the entire Republican Conference. A full third of Washington State's DACA population lives in my district of central Washington.

I can tell you that I have met with literally hundreds of them, including just this week. Monday afternoon, I met with about half a dozen of these young people. They are smart, hard-working, respectful, caring members of our community, people that you would be proud to call your own constituents. I am proud that this legislation provides them with the certainty that they need so that they can continue moving forward with their educational and professional endeavors, and continue to be productive, upstanding members of society.

Do you know what they told me that they wanted and that they need? They would like hope. We can give it to them with this bill.

Mr. Speaker, this bill also, importantly, addresses the terrible situation that we have all been witnessing regarding family separation at the border. Children should not be taken away from their parents. We can enforce our laws and enforce our border while also keeping families together.

This situation has shown one more broken piece of an immigration system that is not working for anyone, and another example that shows why reform is so desperately needed. It makes clear that minors at the border must remain with their parent or legal guardian.

Mr. Speaker, I want to share an excerpt that comes from an interview that I just watched with one of our Border Patrol agents, a Mr. Chris Cabrera, and if I may quote him, Mr. Speaker.

''We've had this situation going on for 4 years now, and for some reason, we haven't fixed it. I don't think you can necessarily blame it on one administration or the other. It started under one and is continuing under another. It hasn't been fixed, and it needs to be fixed.

''Right now, we have this beacon of, 'We'll leave the light on for you and let you come illegally into the country.' If you've seen some of the stuff we've seen down here, you would understand just how important it is to have a tough stance to divert people from coming here. When you see a 12-year-old girl with a Plan B pill—her parents put her on birth control because they know getting violated is part of the journey—that's a terrible way to live. When you see a 4-year-old girl traveling completely alone with just her parents' phone number written across her shirt, something needs to be done.

''We had a 9-year-old boy last year have a heat stroke and die in front of us with no family around. That's because we're allowing people to take advantage of this system.

''Let's be honest here, if we want this law changed, then that's on Congress. That's on nobody else but Congress. They need to get to work and change this law.''

So I would respectfully challenge my colleagues on both sides of the aisle, but on the other side of the aisle especially, do not join Senator SCHUMER, who says there is no need for a legislative solution. There is a need. I urge you to reject much of the rhetoric that I have heard on the floor just today rejecting funding for border security.

It can be easy to make this political and refuse to move a solution forward that actually has a chance of being signed into law in an effort to score political points. That is really easy. But this is just too important. Congress can legislate on this. Congress must legislate on this. And with this bill before us, we can fix this.

Now, to me, something important this legislation does not address is the desperate need for a reliable, efficient, and fair program for American farmers to access a legal, stable supply of workers. Our broken H–2A and guest worker program has hobbled much of the agricultural industry from attaining a reliable workforce.

Chairman GOODLATTE of the House Judiciary Committee has been a steadfast advocate for reforming this system, and I thank him for his dedication to this matter over the years. I am heartened by the commitment the Speaker, as well as the majority leader, have given to me and others for a stand-alone vote on agricultural workforce legislation before the August recess. And I pledge to Chairman GOODLATTE to work with him and all of my colleagues on that legislation.

So while this bill does not fix every broken aspect of our immigration system, it does take a major consensus-based step toward addressing several main components, including providing certainty for DACA recipients and finally securing our border once and for all.

Honestly, Mr. Speaker, many of my constituents are asking me a pretty hard question: Why isn't this bill bipartisan? Why aren't any Democrats supporting it? I don't know the answer to that, but it may be just as simple as this: Because it is actually something that the President will sign into law.

Even though it provides certainty for the DACA population, which we all want, even though it addresses the terrible situation of family separation at the border, which I hear is something everybody wants to fix, anything that actually fulfills the President's goal of securing the border my Democratic colleagues seemingly refuse to vote for.

Now, I don't engage in hyperbole, but I do not think it is hyperbolic to say that my Democratic colleagues may not want to secure our border or enforce our immigration laws. That is what I see. It is clear to me their desire

to not give the President a ''win'' is more important than their desire to actually fix and find a solution to these issues.

Mr. Speaker, compromise is hard. It is tough stuff. Consensus is always difficult. Both of these things seem to have become four letter words. The same goes for cooperation and negotiation. But these are values that I, and many of us, have tried to espouse as we have worked together with colleagues from both sides of the aisle for these many months to find a solution to DACA while also securing our border.

□ 1430

But at the end of the day, we should all be operating under one reality—one thing that maybe some people do not want to accept or admit—whether you like it or not, the President has made it clear what must be included in any bill in order to be signed into law, he has told us what he needs. Now, I have acknowledged this, and I admit, it may be easier for some of us to admit than others, but that is the reality. If my colleagues refuse to accept that the President's top priority is securing the border, then consensus, Mr. Speaker, is just not possible.

I believe our President has shown good-faith willingness to compromise on the issue of DACA. He has come a long way.

Unfortunately, we have not seen that same good-faith effort coming from all of our colleagues. It is disappointing, my friends on the other side of the aisle refuse to work with us to try to find a solution here.

Mr. Speaker, history will be our greatest judge. It is always easy to be a no, but I will always strive to get to yes for the betterment of our Nation's future. There is simply too much riding on this legislation for us to not work as hard as we can to get to yes. The people of this country deserve nothing less.

Mr. Speaker, I urge my colleagues to support this rule and support the underlying legislation, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am strongly against this rule and the underlying legislation. We have a human rights catastrophe on our hands. In less than 90 days, the Trump administration has ripped 2,500 children out of their parents' arms.

I am the father of a 3-year-old and a 6-year-old. I can only imagine what it would mean to have them taken to parts unknown, perhaps even locked in a cage, not knowing, not being able to find out what is happening to them.

This was a conscious decision that President Trump and Attorney General Sessions made to separate children from parents. It was not the congressional intent of the law. It was not the way that President Obama implemented the law. It was not the way President Trump implemented the law until 90 days ago. But then President Trump made this mean-spirited decision to literally take little children, even babies, away from their mothers in our country, to place innocent children in facilities that have mats on the floor or thermal blankets for warmth, away from the loving embrace of a mom or a dad.

The President called this a zero-tolerance policy. It was simply the only reason that these families that are fleeing to the U.S., who are trying to keep their children safe, are being treated like criminals and having their young children taken away from them.

Children are being moved around this country faster than the Office of Refugee Resettlement can even track. We already know that the Office of Refugee Resettlement has a history of literally losing children, losing track of them while they are in custody, and now they are responsible for even more young, innocent lives.

Young children are being placed with host families as far away from the border as Michigan and Washington State. Parents don't even know where their children are. And young children are simply terrified about what happened to their loving mom and their loving dad, and how our country, the United States of America, could be complicit in separating them from the only parents they know.

This is an embarrassment for our Nation, and it must end.

And it is offensive when these bills before us are talked about as consensus or compromise, when no Democrats were involved. It may be a consensus between far-right Republicans and rightwing Republicans, but it is not a consensus among moderates, independents, or a single Democrat.

And when it comes to caring about these kids, I know my Republican colleagues care as well. So show it by supporting a true compromise bill, like the Dream Act, like other bills that we have had before us, like comprehensive immigration reform that, of course, will get votes from both sides of the aisle because they are the right thing to do for our country.

There are long-term consequences for this shortsighted policy. The very act of separating a family has traumatic and long-lasting impact for young girls like this, taken away from their mom and dad, their culture, their support system. They don't even have the tools at a young age to process what is going on or the trauma or the reality of the situation.

One Colorado pediatric emergency doctor treating children removed from their parents said: ''The children clung so tightly and completely to their foster mothers, both at the emergency department and at home, that they were literally unable to put them down. They were terrified that their world would be broken for a second time.''

The Trump administration is creating a generation of thousands of kids, many of whom will grow up in our country, whose first and sometimes most formative memories is of somebody wearing the badge or the flag of our country tearing them apart from their mother or their father while they are screaming, while they are crying out in the void of a fluorescently-lit warehouse funded by your taxpayer dollars.

According to the Office of Refugee Resettlement, responsible for the care of these kids, many children remain in these shelters for 57 days on average.

It is further disturbing that President Trump would willingly pull families apart and not have any plan for reuniting them even with his executive order, no plans to unite the over 2,500 children who have been torn apart from their parents.

According to the former director of ICE, these family separations may become permanent, literally leaving hundreds of kids here in the U.S. left in an already stressed and underfunded child welfare system, where they literally have a mom or dad fully capable of giving them care and loving them that has been forcibly separated from their own young children.

My office has been flooded with calls—I know yours has too, Mr. Speaker—some callers crying on the other end, demanding that we do something.

Yet, instead of ensuring that we provide resources families need and reunite them and heal the trauma, the Republicans are bringing to the floor partisan bills that would detain families indefinitely and criminalize even more immigrants. But this is what happens in a broken, failing, unaccountable immigration system. On that, we agree.

So, please, begin the discussions of compromise, of consensus. And that doesn't mean yourselves, Republicans. You control this body. You get to say what we vote on. It means involve caring independent, unaffiliated, Democrats, moms and dads, the faith community, the law enforcement community. Don't just have this discussion behind closed doors and come out with even more draconian measures that tear even more families apart.

So instead of bringing two bills to the floor that have widespread opposition, even in your own party—Republicans failed to pass their own bill—there are bipartisan solutions that would not only pass the House, but would get a large majority of the House. We could probably get to two-thirds of this House voting for compassion and love if we only were willing to try, bills that truly balance and include border security and safety and the values of our country, so we know that we, as Americans and as taxpayers, are not complicit in tearing a young girl's world apart.

Look, in Congress we often argue on policy issues. And I respect Mr. NEWHOUSE, my friend from Washington. And I would tell him that what a compromise means, Mr. NEWHOUSE, is not

you compromising with Stephen Miller; it means you compromising with LUIS GUTIÉRREZ or ZOE LOFGREN or me or the faith community. It is not a compromise when reasonable people like Mr. NEWHOUSE and Mr. CURBELO go into a backroom and have the reason beaten out of them by hateful fearmongering that is, frankly, un-American.

Look, I urge my Republican colleagues to imagine that these children were theirs, because they are ours, they are our wards, they are in our country. This cannot be allowed to continue. We need to reject this rule.

Mr. Speaker, I urge my colleagues to oppose this heartless, inhumane bill and begin a true process of compromise and consensus that can secure our borders, fix our broken immigration system, unite families, restore the rule of law, and reflect our values as Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would like to remind the gentleman that the Dream Act that he says is supported by many people in this Chamber would do nothing to address the issue that is happening at the border right now. The only piece of legislation before us today is the bill that we have in front of us, H.R. 6136, that if we pass that would solve that situation now.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Utah (Mrs. LOVE).

Mrs. LOVE. Mr. Speaker, in the past few years, we the American people have been presented with false choices: between following the rule of law or showing compassion to people in need.

I have had the privilege of being born in the United States, but I grew up with parents who faced the hardships of living under a dictatorship. They came to America hoping that the peace and the opportunity they heard about really did exist. They worked hard jobs, scrubbing toilets, they learned our language, studied our history, learned our system of government and our Constitution. And after many years, when they finally had the privilege of taking the oath of citizenship and pledging their allegiance to the American flag, they knew exactly what they were saying and they meant every word of it.

They were not just enjoying the blessings of what this country had to offer, but they were willing to take on the responsibilities that came with it. They gave me an appreciation for this great Nation and told me every day that I was blessed to be born in it.

Mr. Speaker, I urge everyone to attend a naturalization ceremony and see the journey and the sacrifices that people have made to achieve citizenship. I think every American should take that oath of allegiance.

The goal of any immigration reform should be about family, safety, economic and community stability. The practice of separating loving families from their children at the border is heartbreaking to watch, which is why we should support this bill.

We are a Nation of laws. We should provide laws that create certainty about the fate of these families.

Although H.R. 6136 is not a perfect bill for everyone, it does end the policies that make it easier to be here illegally than it is to be here legally. And it hits the sweet spot, allowing us both to follow the rule of law and show compassion to those who seek freedom and the blessings this country has to offer.

We cannot hide behind procedures and posturing. We must take a vote. We must be accountable to the people who we represent. It is our turn and our time to follow what the Constitution says in Article I, Section 8, to create a uniform rule of naturalization.

I am a daughter of immigrants. We are a proud American family of patriots. We believe that this country is worthy of all of our greatest efforts.

Mr. Speaker, I urge my colleagues, all of us, to support the rule for this bill.

Mr. POLIS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I include in the RECORD an article from Reuters today titled: ''U.S. Centers Force Migrant Children to Take Drugs.''

[From Reuters, June 21, 2018]

U.S. CENTERS FORCE MIGRANT CHILDREN TO TAKE DRUGS: LAWSUIT

Immigrant children are being routinely and forcibly given a range of psychotropic drugs at U.S. government-funded youth shelters to manage their trauma after being detained and in some cases separated from parents, according to a lawsuit.

Children held at facilities such as the Shiloh Treatment Center in Texas are almost certain to be administered the drugs, irrespective of their condition, and without their parents' consent, according to the lawsuit filed by the Los Angeles-based Center for Human Rights & Constitutional Law.

The Shiloh center, which specializes in services for children and youths with behavioral and emotional problems, did not respond immediately to a request for comment.

The lawsuit was filed on April 16, days after the introduction of the Trump Administration's ''zero tolerance'' policy to separate children from parents who crossed the U.S.-Mexico border illegally. Trump abandoned the policy on Wednesday.

''If you're in Shiloh then it's almost certain you are on these medications. So if any child were placed in Shiloh after being separated from a parent, then they're almost certainly on psychotropics,'' said Carlos Holguin, a lawyer representing the Center for Human Rights & Constitutional Law.

Officials at the Office of Refugee Resettlement (ORR), which oversees such centers, were not immediately available for comment.

Taking multiple psychotropic drugs at the same time can seriously injure children, according to the filing, which highlights the need for oversight to prevent medications being used as ''chemical straight jackets,'' rather than treat actual mental health needs.

ORR-run centers unilaterally administer the drugs to children in disregard of laws in Texas and other states that require either a parent's consent or a court order, the filing said.

The lawsuit seeks a shift in ORR policies to comply with state laws and prevent the prolonged detention of children.

Some youths at Shiloh reported being given up to nine different pills in the morning and six in the evening and said they were told they would remain detained if they refused drugs, the lawsuit said.

Some said they had been held down and given injections when they refused to take medication, the lawsuit said.

One mother said neither she nor any other family member had been consulted about medication given to her daughter, even though Shiloh had their contact details. Another mother said her daughter received such powerful anti-anxiety medications she collapsed several times, according to the filing.

Mr. POLIS. Mr. Speaker, ''Immigrant children,'' quoting from this article, ''are being routinely and forcibly given a range of psychotropic drugs at U.S. government-funded youth shelters.''

Taking multiple psychotropic drugs can seriously injure children. And many youths in Shiloh detention facility are being given nine different pills in the morning, six in the evening. You are paying for them all, Mr. Speaker. Taxpayers are paying for pills and injections and drugs for 2-years-olds and 4-year-olds that have been stripped from their parents.

One mother said she nor any other family member had even been consulted about their daughter being given powerful drugs.

Many kids are being held down, forcibly given injections when they refuse to take the medication that our tax dollars are paying for.

We need to stop this, Mr. Speaker.

You don't need a bill to stop it. President Trump needs to stop it. He wasn't doing it till 90 days ago; then he started to do it. It is not the will of Congress. It is not the letter of the law. It is a policy that is un-American and far outside the intent of Republicans or Democrats in this body.

□ 1445

If we defeat the previous question, I will offer an amendment to the rule to bring up Ranking Member NADLER's bill, H.R. 6135, the Keep Families Together Act, which I am proud to cosponsor. This thoughtful proposal would prohibit the Department of Homeland Security from separating children from their parents, of course, except in extraordinary circumstances, and limit the criminal prosecution of asylum seekers.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. JAYAPAL) to discuss our proposal.

Ms. JAYAPAL. Mr. Speaker, the Keep Families Together Act is the only bill that is a real solution to the human tragedy of abuses of children, of family separation at our border. This bill prohibits the separation of children from their parents; limits criminal prosecutions for asylum seekers; and requires DHS to reunite children and parents, something that the Trump administration has no plan for.

Mr. Speaker, the Keep Families Together Act is the bill we should be sending to the President's desk for signature, not H.R. 6136. H.R. 6136 does absolutely nothing to address the abuses of children, and I want to make it clear that it actually makes things worse.

Does anybody really believe that incarcerating children with their parents is the solution to family separation? or making children more vulnerable to trafficking? or eliminating basic requirements for confinement, like clean water and toilets?

Mr. Speaker, 11 days ago, I met with mothers detained in a Federal prison after cruelly being separated from their children, and one of the mothers told me how she made the devastating decision to leave her blind child behind and take her other child to safety because she knew that the blind child would not be able to make this journey.

These mothers and fathers are making impossible choices to come here to this country seeking safety, and H.R. 6136 does nothing to reunite these children, screaming ''Mama'' and ''Papi,'' with their parents. The best case scenario is that they would be incarcerated in a family prison camp.

The President is responsible for this tragedy, and he has not reversed this policy. DHS has said that they don't even know where this child is.

Mr. Speaker, H.R. 6136 does not even address the crisis of Dreamers. I believe my colleague from the great State of Washington when he says he wants to fix that.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman from Washington an additional 15 seconds.

Ms. JAYAPAL. But, in fact, this locks 82 percent of Dreamers out of citizenship, while dismantling the family immigration system and revoking approved petitions for 3 million family members who have paid fees and waited for years.

This is not a moderate bill. It is wrong.

Let's stand up for these children. Let's bring the Keep Families Together Act to the floor for a vote. Let us stand up for America.

Mr. NEWHOUSE. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I wish I could use that picture that my colleagues had up because we are debating a solution to an issue that Congresses for decades have not addressed.

Immigration is a difficult issue. It invokes strong feelings on both sides. But it is an issue that is long overdue. This vote today is important for showing the American people that we can govern.

The President supports it because it is strong on border security, provides a permanent solution for the DACA population, supports merit-based legal immigration, and codifies the law to allow families to stay together.

Frankly, these are all issues I have heard Republicans and Democrats talk about fixing. I hope some of my friends on the other side of the aisle will vote for this bill, and I think, if we were in a different time, many would.

But I am not sure that is going to happen. That is why we need every Republican to be with us.

It is not an easy issue, but we were elected to lead. By passing this bill, which has the best chance of making it through the Senate and being signed by the President, we could be the leaders who finally secure our borders, provide certainty for people who were brought here as children through no fault of their own, move our legal immigration system to a merit-based process, and keep families together—all issues that both sides have talked about solving, but today, with this vote, we could be the ones who solve these problems for decades.

I urge my colleagues to vote ''yes'' because it is a vote to govern. Governing is hard, but I am confident that we can get it done.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY), the chair of the Democratic Caucus.

Mr. CROWLEY. Mr. Speaker, we were so close, so close. Some Republicans were finally willing to work with Democrats on a bipartisan way forward to give certainty to Dreamers, young people who want to be able to work and go to school here free from fear. We needed just three more Republicans to tell their party enough is enough, just three more Republicans to support our bipartisan effort to hold votes on an array of proposals and let the most popular one win the day. But sadly, when the time came, they abandoned that effort. They abandoned the Dreamers.

They caved because the Republican leadership twisted their arms because the most hateful elements within their party don't want to fix these problems. They thrive off of them.

They don't want these people who deserve citizenship to get it. We do.

They don't think families deserve asylum or protection. We do.

They don't think these people deserve a chance at the American Dream. We do.

The bills we have before us today are a disgrace. They do nothing to stop the Trump orphan-creating machine, taking children from their parents and doing nothing to reunite them. And ultimately, they won't fix any of the problems we have because they won't become law.

My colleagues on the other side of the aisle are wasting time—wasting time—while people and children suffer.

The American people won't stand for this. They won't stand for corrupting the law and twisting the Bible verses to justify splitting up families. They won't stand for torturing, psychologically torturing, refugee children. They won't stand for cowardice and callousness. That is not what America is made of.

Mr. NEWHOUSE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I have heard so many interesting words on this debate. The last gentleman, whom I respect, said how the Democrats care so much for these individuals, and yet let's be perfectly clear. They had ample opportunity after ample opportunity to solve the problem.

In 2009, they promised that they would do it within 100 days. Then the President said that he would do it. Democrats had 60 percent of the votes in the Senate. They had huge majorities in the House, and they had a bipartisan bill ready to go, and yet they refused to do it.

But this is not a moment to point fingers, as my colleague just spent all of his time doing. This is a moment to find solutions.

Look, if you believe, like I do, that these folks who are here—no fault of their own—should have an opportunity to stay here, to be part of society, to be legalized and to, yes, obtain citizenship, this may be the best—it is the best and, potentially, the last chance for a long time to get that done, and this bill does that.

If you believe that minor kids should not be separated from their families, and if you believe that the best way to guarantee that is through legislation, this is the best and, potentially, last opportunity to get that done because this bill does that.

And if you believe that the United States has the right—no, the obligation—to determine who comes in and who leaves, this is, then, also the best and, potentially, last shot to get those three things done.

So, again, a lot of rhetoric, but this bill does three things: It allows Dreamers to stay here and allows them to become part of society forever and with pathways to citizenship; it stops, legislatively, the separation of minors from their parents on the border; and it secures the border.

That is what this bill does. Everything else, Mr. Speaker, is cheap rhetoric.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

To my friend Mr. DIAZ-BALART and Mr. NEWHOUSE and so many others, we stand ready to work with you, but instead, you chose to work with STEVE KING, LOUIE GOHMERT, Stephen Miller.

Come talk to us. We are ready. Democrats, to a person, are ready to support something that we don't fully agree with because we understand the Republicans control this body.

So come talk to us, and stop talking to STEVE KING, LOUIE GOHMERT, and Stephen Miller.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, this bill also authorizes $24 billion to build a stupid wall.

This bill also says it is going to be harder for family reunification by repealing two laws that already allow it.

This bill also says that 3 million people who have done the right thing and are in line to become citizens are now going to be shunted aside.

Don't kid yourself about what this bill says and what it doesn't say.

This bill also is a sham. You know it and I know it.

Now, previous speakers said that history is going to judge us. You are right. It will.

On this issue, God is going to judge you as well. When you go to those gates and there is a little thing in there that says you went out of your way to use children for your political purposes, you really think that is a good mark to have in your book? I don't think so.

When you talk about compromise, it takes a little bit more than just looking in the mirror and compromising with yourself. It actually means you have to deal with people who sometimes don't agree with you.

This bill is a lousy bill. You know it; we know it; and America knows it.

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair.

Mr. NEWHOUSE. Mr. Speaker, I yield myself such time as I may consume.

The previous speaker just made the point I was going to. If you are going to negotiate in good faith and arrive at consensus, you have to accept who the President is and what he requires in order to sign legislation whether you like it or not. And one of the priorities that he has made as clear as day is that there will be border security and a wall. Refusing to accept that fact pretty much closes the door on the opportunity or any possibility of negotiation.

Mr. Speaker, I yield 3 minutes to the gentleman from the great State of Florida (Mr. CURBELO).

Mr. CURBELO of Florida. Mr. Speaker, I am relatively new to this body, but I have been following politics in this country for quite some time. For many years, I have been hearing Members of Congress on both sides of the aisle, but more so on this side, promising the country that we would secure the border, that we would disrupt the drug traffickers who are poisoning our people, and that we would disrupt the human traffickers who abuse and rape small children and others as they take them across the desert.

This is the opportunity to fulfill the promise of securing our country's border, because this country, just like any other country in the world, has the right and the responsibility to secure its border and enforce its immigration laws.

For a long time, I have also been hearing people talk about Dreamers, the victims of a broken immigration system, young immigrants brought to our country as children, who grew up here, went to school with our own children, pledge allegiance to the same flag, and today are contributing to this great country. A lot of people in this Chamber, on both sides, more so on the other side of the aisle, have been promising a solution for Dreamers for 17 years, with nothing to show for it.

This is our opportunity to make sure these young immigrants are treated fairly and guaranteed a future in America with a bridge onto the legal immigration system. We take the exact criteria that the Obama administration laid out in the DACA program. That is in this legislation.

This bill will also help us end family separation, which I think there is a great deal of bipartisanship for in this Chamber. Our country should have the ability to enforce its laws and to keep families together, which is exactly what the Obama administration was attempting to do until the courts got in the way. We can fix that here.

And lastly, we need to modernize our immigration system. We are a nation of immigrants. I am the child of immigrants, and I am so proud of it. But our immigration laws are outdated. Our immigration system has to be modernized so that it is better aligned with our economy so that immigrants who come to this country have the best opportunity to grow, to prosper, and to contribute.

□ 1500

The alternative is the status quo. A vote against this legislation is the status quo.

What is the status quo? A porous, wall-less border; uncertainty for Dreamers; young people who could lose their status within months; families separated at the border; and an outdated immigration system that dishonors every American.

So this is our chance to come together. Is this legislation perfect? Every Member of this House could find an excuse to vote against this bill. But that is the problem with immigration, that nothing has ever been good enough. When nothing is good enough, you get nothing. And that is not fair to the American people.

That is why I sat at the table, and I have been at the table for weeks, not just with Republicans, with Democrats, good colleagues like Mr. POLIS. We sat long hours trying to reach a compromise, and it is always elusive. Let's change that now.

Mr. POLIS. Mr. Speaker, I also remind my friend from Miami that we have reached several compromises.

He and I are both members of the Problem Solvers Caucus. I am proud that the Problem Solvers Caucus—more than 25 Democrats, 25 Republicans—we agreed. We reached a compromise bill—border security, addresses the needs of the Dreamers. I think it would get 60, 70 percent of the votes on the floor of the House. Let's bring that bill up.

Unfortunately, Republicans chose to set Mr. CURBELO's work and my work aside and proceed with a spiteful bill that makes the problem worse.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, last September, President Trump took our Dreamers, those incredible young people who are contributing so much to America, he took them hostage.

Then, this month, he added to the hostages by ordering that babies, literally, be yanked out of their moms' arms. Today, with his Republican enablers, he is basically saying: Give me my $25 billion wall ransom, and give it to me paid in full. But I am not promising to release the hostages.

Today's bill is wrong for Dreamers. It is wrong for taxpayers. It is wrong for those families who have been torn apart by this government-sanctioned child abuse.

How great that, with his latest U-turn today, the President is dispatching his wife, a mother herself, to the Texas border.

I just happen to feel that the kids that are tied up in those cages don't want to see a mother. They want to see their mother.

Tonight, they will cry themselves to sleep again, because the self-described ''stable genius'' didn't bother to include anything in his executive order to reunite those families.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield an additional 15 seconds to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I would say, instead of taking these hostages and passing this bill, they need to build a great mirror and look in it to see how they have become willing accomplices to this wrongdoing. I bet Mexico would pay for that.

Mr. NEWHOUSE. Mr. Speaker, I yield myself such time as I may consume, and would just like to respond to one thing that was said previously.

All of us have been using examples of young people and how they are being treated at the border. I take exception to the implication that we will all be judged accordingly by our Maker for doing so, in a negative way.

Let me just repeat what I said in my opening remarks, quoting a Border Patrol agent, Mr. Chris Cabrera. He told us that: ''If you've seen some of the stuff we've seen down here, you would understand just how important it is to have a tough stance to divert people from coming here. When you see a 12-year-old girl with a Plan B pill—her

parents put her on birth control because they know getting violated is part of the journey . . . something has to be done.''

That is exactly what we are doing here with this piece of legislation, Mr. Speaker.

If we pass this today, that will help solve this problem today. That is what we, as Congress, need to do. We need to be responsive to the plight of people trying to get here, as well as to the citizens of our own country.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I include in the RECORD an article entitled ''Pentagon Asked to Make Room for 20,000 Migrant Children on Military Bases.''

[June 21, 2018]

PENTAGON ASKED TO MAKE ROOM FOR 20,000 MIGRANT CHILDREN ON MILITARY BASES

(By Dan Lamothe, Seung Min Kim and Nick Miroff)

The Trump administration is considering housing up to 20,000 unaccompanied migrant children on military bases in coming months, according to lawmakers and a Defense Department memo obtained by The Washington Post.

The Pentagon's notification to lawmakers said that officials at Health and Human Services asked the Pentagon to indicate whether it can provide the beds for children at military installations ''for occupancy as early as July through December 31, 2018.''

Sen. Charles E. Schumer (D–N.Y.) addressed the issue on the Senate floor Thursday morning.

''The Department of Defense has been asked whether it can house 20,000 unaccompanied children between now and the end of the year,'' he said. ''How will that work? Is it even feasible?''

The plan would seemingly have similarities to 2014, when the Obama administration housed about 7,000 unaccompanied children on three military bases. The Pentagon, in its congressional notification to lawmakers, said it must determine if it ''possesses these capabilities.'' As required under the Economy Act, the memo said, the Defense Department would be reimbursed for all costs incurred.

The sites would be run by HHS employees or contractors working with them, the memo said. They would provide care to the children, ''including supervision, meals, clothing, medical services, transportation or other daily needs,'' and HHS representatives will be present at each location.

The memo was sent to lawmakers Wednesday after President Trump reversed his administration's unpopular policy to separate children from their parents as they arrived at the southern U.S. border.

The president's executive order directed Defense Secretary Jim Mattis to ''take all legally available measures'' to provide Homeland Security Secretary Kirstjen Nielsen with ''any existing facilities available for the housing and care of alien families,'' and the construction of new facilities ''if necessary and consistent with law.''

Lt. Col. Jamie Davis acknowledged Thursday that the Pentagon received the request, and said the department is reviewing it.

The Trump administration spent months planning, testing and defending its family separation system at the border, taking more than 2,500 children from their parents in the six weeks prior to the president's executive order Wednesday bringing it to a halt.

The U.S. government has been examining for weeks whether it can use military bases to house migrant children. Representatives from HHS visited three bases in Texas—Fort Bliss, Dyess Air Force Base and Goodfellow Air Force Base—last week to review their facilities for suitability, and were scheduled to review Little Rock Air Force Base in Arkansas on Wednesday, Davis said.

The Obama administration temporarily set up temporary centers in 2014 at three U.S. military bases: Fort Sill in Oklahoma, Lackland Air Force Base in Texas and naval Base Ventura in California.

Asked about the possibility of military bases being involved again, Mattis said Wednesday that the Defense Department would ''see what they come up with'' in HHS, and that the Pentagon will ''respond if requested.''

Mattis dismissed concerns about housing migrants on military bases now, noting that the Defense Department has done it on several occasions and for several reasons.

''We have housed refugees,'' he said. ''We have housed people thrown out of their homes by earthquakes and hurricanes. We do whatever is in the best interest of the country.''

The secretary, pressed on the sensitivities of the Trump administration separating children from their parents, said reporters would need to ask ''the people responsible for it.''

''I'm not going to chime in from the outside,'' he said. ''There's people responsible for it. Secretary Nielson, obviously, maintains close collaboration with us. You saw that when we deployed certain National Guard units there, so she's in charge.''

Sen. Jack Reed (D–R.I.) and Rep. Adam Smith (D–Calif.), the leading members of the armed services committees, wrote a letter to Mattis on Wednesday requesting assurances that members of Congress would have access to any migrant facility established on a military base. The letter, sent before Trump dropped his family-separation policy at the border, said that it was essential to have access even in cases where only short notice is provided.

Mattis has approved temporarily detailing 21 military attorneys to the Justice Department to help with the glut of immigration cases that have emerged on the border. The order, issued earlier this month, calls for 21 attorneys with criminal-trial experience to assist as special assistant U.S. attorneys for 179 days, Davis said. They will help in prosecuting border immigration cases, he added, ''with a focus on misdemeanor improper entry and felony illegal reentry cases.''

The possibility was raised in a congressional hearing in May, and first reported as underway by MSNBC on Wednesday night. U.S. law permits a judge advocate lawyer to be assigned or detailed to another agency, including to provide representation in civil and criminal cases.

Mr. POLIS. Mr. Speaker, the Trump administration is now looking to house up to 20,000 children taken away from their parents at military bases. They are looking to take 10 times as many children away from their parents as they already have.

It is time to stop President Trump.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, this bill wouldn't end the separation of children from their parents, but it would also provide that the parents could be put in jail with their children.

The alternative, which is false, seems to be to put the mother in the cage with the toddler or they run free and we will never see them again. It is not true.

There was something called the Family Case Management Program—100 percent attendance rate at the immigration hearing. Those are not my figures. Those are figures from the Department of Homeland Security Office of Inspector General.

One hundred percent of the people showed up at their hearing, either to get relief or to be removed, at a cost of $36 a day, as compared to $711 a day to keep a child in a temporary tent facility.

We don't want to see the equivalent of internment camps, as we saw in World War II, for these asylum seekers.

We need the orderly administration of the immigration laws. This bill will lead to mass incarceration of mothers and their toddlers.

Mr. NEWHOUSE. Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, isn't that amazing? Republicans can't even find elected Representatives willing to come down here on the floor and defend taking kids away from their parents.

They are out of speakers because Republicans are embarrassed. They know that they cannot face the American people, no less their Maker, knowing that they are complicit in tearing innocent children away from mom and dad.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, the President created a humanitarian crisis that inflicts lasting trauma on children when he mandated that they be taken from their parents at the border.

The President's executive action just trades one trauma for another by locking up children indefinitely.

This is about the lives and the wellbeing of children. There are more than 2,000 kids who were taken from their parents. I want people watching this to think about those children. The President chose to put them through this to push his harmful and abusive immigration policies.

The Speaker could allow a vote on bipartisan immigration bills today to reform our immigration system and to put an end to the President's policy of traumatizing these kids.

Congress needs to stand up and fix our broken immigration system and put an end to the deplorable tactics of this administration.

Mr. Speaker, this isn't who we are as a Nation. We need to fix our immigration system and save these kids.

Mr. NEWHOUSE. Mr. Speaker, let me just say that I am proud to represent my conference and stand here with this piece of legislation that will provide the certainty and the hope for more than 1.8 million DACA recipients and Dreamers in this country. If you vote ''no'' on this bill, you will be denying those individuals what they for so long have been wanting.

Mr. Speaker, I am proud to be here representing my conference to do just that, to give them that hope, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, Mr. NEWHOUSE may be proud, but there are no other Republicans who have come to the floor to join him.

We have so many Democrats who want to speak about how you can unite families that I don't even have enough time to give.

Mr. Speaker, I ask my colleague Mr. NEWHOUSE if he will yield me the balance of his time. Well, I wish he would, because no Republicans are willing to face the American people, because they know they are not working to solve this issue. They are working to tear more families apart. And they are lying about it, Mr. Speaker. They are lying about it.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise today in strong opposition to the rule and the shameful Border Security and Immigration Reform Act.

I am dismayed and embarrassed that the Republicans are attempting to claim that this bill is a compromise. This partisan anti-immigrant legislation is the opposite to the idea of compromise.

If Republicans were serious about compromise and protecting the Dreamers, they would have allowed the bipartisan discharge petition and queen-of-the-hill rule to move forward. Instead, Republicans have spent the last 10 months ignoring the will of the American people and holding Dreamers and young immigrant children hostage to implement their hardline agenda.

This legislation does not provide a path to citizenship. It eliminates asylum protections, drastically cuts legal immigration, removes basic requirements for safe and humane detention, fails to end family separation, and does nothing to reunite the children who have been separated from their parents.

Some of these children are being held 2,000 miles away from their parents, including in my district in New York, without any idea where their parents are or if they will ever see them again.

This is cruel. What we need is a compassionate solution with a path to citizenship and reunification of these families. Instead, this bill is an attack on family values and an insult to our country's heritage as a beacon of freedom and opportunity for all.

Mr. NEWHOUSE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SESSIONS), the chairman of the Rules Committee.

Mr. SESSIONS. Mr. Speaker, I want to thank the distinguished gentleman from Washington, a member of the Rules Committee, for yielding me time.

Mr. Speaker, I really came down here to take part in this debate because, yesterday, for 7 hours, we were at the Rules Committee laying out what are known as Goodlatte 1 and Goodlatte 2, these two bills.

This is the rule on what might be called Goodlatte 2. This is a rule and a piece of legislation that represents several years' worth of work that was done by Members of the Republican majority to approach an issue that is known as DACA. It is to take some 700,000 young people, and slightly older, who came to America not because they did it on their own fruition as even a young adult, but as a child, where they could not make a decision. They came with their parents to this country.

We have been struggling for years to find the right answer on how to answer the question of how to deal with these Dreamers.

It is the Republican Party that was challenged by our President who said: I would like for Congress to tackle this issue. It was the President of the United States that began debate and discussion on a bipartisan basis with Republicans and Democrats, Senators and House Members, down at the White House.

It found itself at a point where, then, Members came back here and began working together. It did fall apart, but it did not end. It did not end because the Republican Party in our majority have groups of people who are from all across this country, as we have a Congressman CURBELO from Miami, Florida, as we have a DAN NEWHOUSE from the State of Washington. Each of these Members have care and concern about people who live in their district and who have come and petitioned them: Please, Congressman NEWHOUSE, do something.

What did they ask for? They asked for two things, very simply. They asked: Please allow us to come out of the shadows and recognize us. And, secondly: Give us legal status.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEWHOUSE. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, we are out of time.

Mr. Speaker, that is exactly what these bills do. They address the issue in a compassionate, fair way.

□ 1515

They address the issues of coming out of the shadows, and they are given permanent legal status that gives them options for the rest of their life.

I think that what we have done, Mr. Speaker, is more than what we were asked, and to not be a part of taking a vote on this today and voting ''yes'' is another opportunity that we are given here today.

I hope the Members understand the importance.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Speaker, I thank my good friend, Mr. POLIS, for his leadership on the Rules Committee.

I respect the chairman of the Rules Committee, but I respectfully disagree. He has presided over a Rules Committee that has the most closed rules in the history of the Congress of the United States. Competing ideas, opposing views were not allowed to be considered in either of the two bills the Republicans are going to put before the Congress. One we have dispensed with already.

I oppose the rule and I oppose the underlying legislation. We are facing multiple immigration crises of the President's own making, and we must not be fooled by plans designed to cover that up.

This is not the fix we need for migrant families separated at the border. President Trump's inhumane and morally repugnant policy to forcibly separate children from their parents as they seek refuge in America is beyond the pale. We cannot rely on the President's sudden change of heart. We must forbid this barbaric policy by passing the Keep Families Together Act, not this bill.

This is not the fix we need for Dreamers, despite what Mr. SESSIONS, my good friend from Texas, just said. There are nearly 800,000 Dreamers, including 2,400 in my district. They need an opportunity to work, to attend school, to contribute to our communities, and to become the Americans they, in fact, are.

I had a Dreamer as my guest at the State of the Union address. She came to this country at the age of 1. She has never been back to her country of birth. She thought she was an American until she applied for a driver's permit at the age of 16. She is a proud American, and we would be proud to have her.

Mr. Speaker, I urge my colleagues to oppose the rule, and to oppose the underlying bill.

Mr. NEWHOUSE. Mr. Speaker, we have got so many Members coming wanting to speak. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Washington has 2 minutes remaining. The gentleman from Colorado has 6½ minutes remaining.

Mr. NEWHOUSE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Speaker, I thank the gentleman for yielding. I rise in support, not only of this rule, but on the underlying bill.

It is time to get something done around here. Both parties have failed to address this issue for decades now; we finally have an opportunity, for the same kids that are in your district that talk to me in mine.

The kids are just looking for the certainty of being able to have a job, being able to go to school, and, yes, some of them even want to sign up for the military and show their greatest act of patriotism.

These are kids just looking for a path forward. This bill protects them on day

one, the day that this bill is signed into law. It not only protects the DACA recipients that signed up under President Obama's executive order, but some of them didn't trust that executive order. Some of them didn't trust that their information would be secure. This protects them, too.

Now, there is another group of people here that did not qualify. They were not of age at the time. This will protect them, too. If you care about the Dreamers, 1.8 million will be protected on day one. You should support this bill, too.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to go to the definition of the word compromise, because I think that there needs to be education regarding what these words mean that are being tossed around. A compromise is an agreement or settlement of a dispute that is reached by each side making concessions.

It doesn't mean looking at yourself in the mirror and conceding to yourself. It doesn't mean Republicans going into a closed-door meeting and coming out with a bill that makes things worse. It means Republicans and Democrats working together, each giving up some things, each living with what they can accept.

I have worked hard on compromise with many of my Republican colleagues through the Problem Solvers Caucus to solve and provide a pathway to citizenship for Dreamers while securing our border.

This bill makes things worse. It guts legal immigration. It eliminates two family immigration programs: married children of U.S. citizens, and siblings of U.S. adults. It doesn't even grandfather in people already in the system waiting to be reunited with their families, meaning that it will eliminate the current legal way that families can be reunified.

This bill raises the credible fear standard for asylum seekers to begin the process by raising the standards to more probably than not. This bill does nothing to prevent the Trump administration's grotesque policy of separating parents and children at the border. In fact, it simply removes protections for those families who are currently not separated at points of entry.

And now we are hearing that President Trump is preparing military bases to house up to 20,000 more kids that he plans to snatch from their moms and their dads.

We can do better. This humanitarian crisis is entirely President Trump's making. He didn't do it before the last 90 days. He just started a misinterpretation of the law. His recent executive order is not a solution. Over 2,300 kids have already been separated from their parents and there is no plan to reunite them.

This order doesn't even require any families be detained together, and the order doesn't contain any prohibitions barring family separation. We know that separating kids is wrong. I hope Americans agree that this is bad for kids.

But let's also look at science.

The American Academy of Pediatrics said that the incarceration of families and separation of families has long-term consequences for the health and wellbeing, mental and physical, for children and parents. Separation consequences include: post-traumatic stress disorder, developmental delays, and poor psychological adjustment.

I dare say that these policies of the Trump administration, who on their own decided to tear 1- and 2- and 3-year-old kids away from their parents, is going to create even greater needs for these next generation of kids, many of whom will grow up here legally, those who successfully pursue their asylum claims.

And while those immigration claims are being adjudicated, some might have to return to their native country. Some will be able to stay. Families should be together. No parent should have to see their own child stripped away.

This bill is hemorrhaging support. I have an article that I include in the RECORD from Politico stating that the Koch network won't support the House immigration bills, entitled: ''Koch network raps Trump, won't support House immigration bills.''

[From POLITICO, June 19, 2018]

KOCH NETWORK RAPS TRUMP, WON'T SUPPORT HOUSE IMMIGRATION BILLS

(By Maggie Severns)

The political network founded by the Koch brothers is taking a stand against both President Donald Trump's policy toward separating families at the border and two immigration bills due for votes in the House this week, dealing a blow to GOP leaders who are marshaling support for their version.

''It's encouraging that the House will have a debate this week on immigration bills that include protections for the Dreamers,'' said Daniel Garza, president of the Koch network's LIBRE Initiative, referring to a group of undocumented immigrants who came to the U.S. as children. ''Unfortunately, in their current form, both [House leadership's bill and an alternative immigration bill] expected to receive a vote fall short of the solution we need.''

Garza also called on Trump to ''take immediate action to end the separation of families at the border by rescinding the 'zero tolerance' policy.''

The Kochs' push for a more moderate approach toward immigration legislation complicates the thorny debate in Washington. Lawmakers have called on Trump to stop his administration from splitting up immigrant families, which has drawn public outrage since he implemented a zero tolerance policy of prosecuting everyone who crosses the border illegally. Trump has refused to act alone, saying Congress needs to pass immigration legislation.

The Koch brothers have pushed the Republican Party to create a path to citizenship for Dreamers, who were extended protections under the Obama administration that Trump has tried to withdraw. The Kochs also have urged the GOP not to make severe cuts to the flow of immigrants into the country, even launching a seven-figure ad buy supporting their efforts.

House Republicans were coalescing around an immigration bill supported by House leadership that would, among other things, give some protections to Dreamers. Its path forward was already complicated: Trump blasted the measure last week, but later Tuesday he was expected to travel to Capitol Hill to rally Republicans behind it.

The Kochs' opposition to the GOP leadership bill could make it even more difficult for House Speaker Paul Ryan to unite his caucus behind it. Conservatives favor a second bill, also due for a vote this week, from Rep. Bob Goodlatte (R-Va.).

Garza said in a statement that ''it's clear there's strong support in Congress and among the American people to provide permanency to the Dreamers,'' but neither bill ''affords the Dreamers the certainty they need to make a full contribution to American communities,'' and both ''include arbitrary cuts to legal immigration.''

Mr. POLIS. I don't agree with the Koch network on much. I do know that they fund many Republicans, but maybe now that the Republicans are taking children away from their parents, the Kochs will stop funding Republicans, because I am glad to hear that they are people of principle.

The article says they ''push for a more moderate approach toward immigration legislation,'' and they have ''called on Trump to stop his administration from splitting up immigrant families,'' which this bill does not do.

In fact, this bill ends those who are waiting for family reunification today. So there is a legal way to unite families. This bill eliminates that and will lead to more families being apart.

This is a false crisis entirely of President Trump's making. I hope that even he has recognized that the American people will not stand for 3- and 4-year-olds literally being put in cages, strapped down while they are given drugs and medicated and injected, with Americans complicit in this atrocity.

It needs to be reiterated one more time that the votes we take on the rule today are more than procedural. They have a significant impact on young lives of innocent children.

They will show which Members of Congress care about fixing our immigration system and are willing to compromise and work in a bipartisan way, and which Members of Congress vote to make all of the problems outlined here today worse and more widespread.

We need to reject these bills, reject this rule. We need to keep families together. We need to begin the sometimes challenging work of compromise and consensus building between Republicans and Democrats, between Mr. NEWHOUSE and Mr. CURBELO, and me and Ms. LOFGREN and others—not with Stephen Miller, STEVE KING, or LOUIE GOHMERT.

Reject these bills. Keep families together. Let's work together on border security, on fixing our broken immigration system, on uniting families, on a permanent solution for Dreamers, to ensure that this horror and affront to our American values ends and doesn't repeat itself ever again.

Mr. Speaker, I yield back the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, don't believe me. I would say don't believe Mr. POLIS either. Believe the border security guard that I quoted earlier who said that the situation we have at the border happened under the previous administration as well as this one.

Mr. Trump, our President, did not manufacture this crisis, but this bill before us will solve that situation, which is why we need to pass this rule.

That whole issue takes away from one of the most pressing issues of our time, immigration reform. We will solve that, but we can also address immigration.

I am proud of the bill we have before us. I am proud that we have had so many speakers come and speak on its behalf. This is the only bill in front of us that has any potential chance of becoming law. The President will sign this bill because it addresses his four main pillars: it provides for border security, which the American people want. And, certainly, as we have talked a lot today, it provides for those 1.8 million DACA recipients and Dreamers. It is a good bill.

Mr. Speaker, I urge my colleagues to support this bill because it is the right thing to do.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to this closed rule and the sham underlying legislation.

As the Ranking Member on Homeland Security, one truism that I hear is that you do not negotiate with terrorists.

Yet, that is exactly what the House Leadership is asking us to do today.

When the President said, in September, that he has "a great heart" for Dreamers, we were hopeful that a deal could be reached.

However, since that time, the Trump Administration has executed a "campaign of terror" in furtherance of one objective—getting Congress to pay for a border wall.

On September 5th, the President announced the repeal of DACA.

Then, on September 18th, he announced the end of the TPS program to give safe haven to Sudanese nationals.

On November 6th, it was ended for Nicaraguans.

Two weeks later, it was canceled for Haitians.

In January, Salvadorans also lost these immigration protections.

Arguably the cruelest, most inhumane tactical maneuver of the Trump Administration came on April 6th, when the "Zero Tolerance policy" was announced.

The "DACA crisis", the "TPS crisis", and now the "Family Separation crisis" are all crises of the President's own making.

And it is people—it is children—who suffer.

Make no mistake, the measure before us today will not end the suffering.

Instead of family separation, it offers family detention, an approach that DHS' own advisory committee has stated is "neither appropriate nor necessary for families" and is "never in the best interest of children."

For these reasons, I urge a "no" on this rule and H.R. 6136, an Anti-Family Values bill.

The text of the material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 953 OFFERED BY MR. POLIS

Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6135) to limit the separation of families at or near ports of entry. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6135.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NEWHOUSE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and House Resolution 905, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motion to reconsider the question of passage of H.R. 2;

Passage of H.R. 2, if ordered;

Ordering the previous question on House Resolution 953;

Adopting House Resolution 953, if ordered; and

Agreeing to the Speaker's approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AGRICULTURE AND NUTRITION ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the question on the

motion to reconsider the vote on the question of passage of the bill (H.R. 2) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes, on which a recorded vote was ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

RECORDED VOTE

The SPEAKER pro tempore. The question is on the motion.

The vote was taken by electronic device, and there were—ayes 233, noes 191, not voting 3, as follows:

[Roll No. 283]

AYES—233

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Lance
Latta
Lesko
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—3

Jeffries
Labrador
Payne

□ 1552

Mr. GARAMENDI, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. CARSON of Indiana, MOULTON, TONKO, and GUTIÉRREZ changed their vote from ''aye'' to ''no.''

Messrs. COLE, RODNEY DAVIS of Illinois, FASO, RUSSELL, WEBSTER of Florida, ROKITA, HOLLINGSWORTH, COSTELLO of Pennsylvania, DAVIDSON, HURD, GOWDY, and CRAMER changed their vote from ''no'' to ''aye.''

So the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 213, nays 211, not voting 4, as follows:

[Roll No. 284]

YEAS—213

Abraham
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fleischmann
Flores
Fortenberry
Foxx
Gallagher
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Kelly (MS)
Kelly (PA)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Latta
Lesko
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rouzer
Royce (CA)
Russell
Rutherford
Ryan (WI)
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—211

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Biggs
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)

Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Fitzpatrick
Foster
Frankel (FL)
Frelinghuysen
Fudge
Gabbard
Gaetz
Gallego
Garamendi
Garrett
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (NY)
Krishnamoorthi
Kuster (NH)
Lamb
Lance
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Massie
Matsui
McClintock
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rohrabacher
Ros-Lehtinen
Rosen
Rothfus
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sanford
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (NJ)
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Upton
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—4

Aderholt
Jeffries
Payne
Perry

□ 1559

So the bill was passed.

The result of the vote was announced as above recorded.

Stated against:

Mr. PERRY. Mr. Speaker, the voting machine did not record my vote. Had I been present, I would have voted "nay" on rollcall No. 284.

PROVIDING FOR CONSIDERATION OF H.R. 6136, BORDER SECURITY AND IMMIGRATION REFORM ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 953) providing for consideration of the bill (H.R. 6136) to amend the immigration laws and provide for border security, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 191, not voting 3, as follows:

[Roll No. 285]

YEAS—233

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lesko
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—3

Jeffries
Payne
Rutherford

□ 1605

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 5, as follows:

[Roll No. 286]

AYES—227

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)

Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Curtis
Davidson
Davis, Rodney
Denham
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
Lamborn
Lance
Latta
Lesko
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—195

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gohmert
Gomez
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (IA)
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Massie
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—5

Brown (MD)
Jeffries
LaMalfa
Payne
Tipton

□ 1613

Mr. KING of Iowa changed his vote from ''aye'' to ''no.''

Mr. POLIQUIN changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JEFFRIES. Mr. Speaker, I regret that I was not present for votes on June 21, 2018, due to my son Joshua Jeffries' graduation. Had I been present, I would have voted: ''nay'' on rollcall No. 279, ''nay'' on rollcall No. 280, ''yea'' on rollcall No. 281, ''nay'' on rollcall No. 282, ''nay'' on rollcall No. 283, ''nay'' on rollcall No. 284, ''nay'' on rollcall No. 285, and ''nay'' on rollcall No. 286.

PERSONAL EXPLANATION

Mr. PAYNE. Mr. Speaker, due to personal illness, I was not present for the following Roll Call votes. Had I been present, I would have voted the following: ''nay'' on rollcall No. 279, ''nay'' on rollcall No. 280, ''yea'' on rollcall No. 281, ''nay'' on rollcall No. 282, ''nay'' on rollcall No. 283, ''nay'' on rollcall No. 284, ''nay'' on rollcall No. 285, and ''nay'' on rollcall No. 286.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2, AGRICULTURE AND NUTRITION ACT OF 2018

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2 the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess.

□ 1823

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 6 o'clock and 23 minutes p.m.

BORDER SECURITY AND IMMIGRATION REFORM ACT OF 2018

Mr. GOODLATTE. Madam Speaker, pursuant to House Resolution 953, I call up the bill (H.R. 6136) to amend the immigration laws and provide for border security, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 953, the bill is considered read.

The text of the bill is as follows:

H.R. 6136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Border Security and Immigration Reform Act of 2018''.

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

DIVISION A—BORDER ENFORCEMENT

SEC. 1100. SHORT TITLE.

This division may be cited as the ''Border Security for America Act of 2018''.

TITLE I—BORDER SECURITY

SEC. 1101. DEFINITIONS.

In this title:

(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term ''advanced unattended surveillance sensors'' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) HIGH TRAFFIC AREAS.—The term ''high traffic areas'' has the meaning given such term in section 102(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 1111 of this division.

(4) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(7) SMALL UNMANNED AERIAL VEHICLE.—The term ''small unmanned aerial vehicle'' has the meaning given the term ''small unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

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

(9) UNMANNED AERIAL SYSTEM.—The term ''unmanned aerial system'' has the meaning given the term ''unmanned aircraft system'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(10) UNMANNED AERIAL VEHICLE.—The term ''unmanned aerial vehicle'' has the meaning given the term ''unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

Subtitle A—Infrastructure and Equipment

SEC. 1111. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

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

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may

be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the United States border to achieve situational awareness and operational control of the border and deter, impede, and detect illegal activity in high traffic areas.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''subsection (a)'' and inserting ''this section'';

(II) by striking ''roads, lighting, cameras, and sensors'' and inserting ''tactical infrastructure, and technology''; and

(III) by striking ''gain'' inserting ''achieve situational awareness and''; and

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

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—

''(i) IN GENERAL.—Not later than September 30, 2023, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective physical barriers and tactical infrastructure available for achieving situational awareness and operational control of the border.

''(ii) CONSIDERATION FOR CERTAIN PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—The deployment of physical barriers and tactical infrastructure under this subparagraph shall not apply in any area or region along the border where natural terrain features, natural barriers, or the remoteness of such area or region would make any such deployment ineffective, as determined by the Secretary, for the purposes of achieving situational awareness or operational control of such area or region.'';

(iii) in subparagraph (C)—

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

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of Federal, State, local, and tribal governments, and appropriate private property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such physical barriers are to be constructed.'';

(II) by redesignating clause (ii) as clause (iii);

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

''(ii) NOTIFICATION.—Not later than 60 days after the consultation required under clause (i), the Secretary of Homeland Security shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of the type of physical barriers, tactical infrastructure, or technology the Secretary has determined is most practical and effective to achieve situational awareness and operational control in a specific area or region and the other alternatives the Secretary considered before making such a determination.''; and

(IV) in clause (iii), as so redesignated—

(aa) in subclause (I), by striking ''or'' after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

''(II) delay the transfer of the possession of property to the United States or affect the validity of any property acquisition by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or''; and

(cc) by adding at the end the following new subclause:

''(III) create any right or liability for any party.''; and

(iv) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers'';

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

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, constructing, and deploying physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, construction, or deployment of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines, in the Secretary's sole discretion, are necessary to maximize the safety and effectiveness of officers or agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.''; and

(E) in paragraph (4), by striking ''this subsection'' and inserting ''this section'';

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

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements the Secretary, in the Secretary's sole discretion, determines necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, and operation of the physical barriers, tactical infrastructure, and technology under this section. Such waiver authority shall also apply with respect to any maintenance carried out on such physical barriers, tactical infrastructure, or technology. Any such decision by the Secretary shall be effective upon publication in the Federal Register.''; and

(4) by adding after subsection (d) the following new subsections:

''(e) TECHNOLOGY.—Not later than September 30, 2023, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective technology available for achieving situational awareness and operational control of the border.

''(f) LIMITATION ON REQUIREMENTS.—Nothing in this section may be construed as requiring the Secretary of Homeland Security to install tactical infrastructure, technology, and physical barriers in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain situational awareness and operational control over the international border at such location.

''(g) DEFINITIONS.—In this section:

''(1) HIGH TRAFFIC AREAS.—The term 'high traffic areas' means areas in the vicinity of the United States border that—

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

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

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, border wall system, and levee walls.

''(4) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)(7); Public Law 114–328).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including the following:

''(A) Tower-based surveillance technology.

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

''(C) Vehicle and Dismount Exploitation Radars (VADER).

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology.

''(E) Advanced unattended surveillance sensors.

''(F) Mobile vehicle-mounted and manportable surveillance capabilities.

''(G) Unmanned aerial vehicles.

''(H) Other border detection, communication, and surveillance technology.

''(7) UNMANNED AERIAL VEHICLES.—The term 'unmanned aerial vehicle' has the meaning given the term 'unmanned aircraft' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

SEC. 1112. AIR AND MARINE OPERATIONS FLIGHT HOURS.

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

(b) UNMANNED AERIAL SYSTEM.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that Air and Marine Operations operate unmanned aerial systems on the southern border of the United States for not less than 24 hours per day for five days per week.

(c) CONTRACT AIR SUPPORT AUTHORIZATION.—The Commissioner shall contract for the unfulfilled identified air support mission critical hours, as identified by the Chief of the U.S. Border Patrol.

(d) PRIMARY MISSION.—The Commissioner shall ensure that—

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

(2) the Executive Assistant Commissioner of Air and Marine Operations assigns the greatest priority to support missions established by the Commissioner to carry out the requirements under this Act.

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

(1) identify critical flight hour requirements; and

(2) direct Air and Marine Operations to support requests from Sector Chiefs as their primary mission.

(f) SMALL UNMANNED AERIAL VEHICLES.—

(1) IN GENERAL.—The Chief of the U.S. Border Patrol shall be the executive agent for U.S. Customs and Border Protection's use of small unmanned aerial vehicles for the purpose of meeting the U.S. Border Patrol's unmet flight hour operational requirements and to achieve situational awareness and operational control.

(2) COORDINATION.—In carrying out paragraph (1), the Chief of the U.S. Border Patrol shall—

(A) coordinate flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the National Airspace System; and

(B) coordinate with the Executive Assistant Commissioner for Air and Marine Operations of U.S. Customs and Border Protection to ensure the safety of other U.S. Customs and Border Protection aircraft flying in the vicinity of small unmanned aerial vehicles operated by the U.S. Border Patrol.

(3) CONFORMING AMENDMENT.—Paragraph (3) of section 411(e) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)) is amended—

(A) in subparagraph (B), by striking ''and'' after the semicolon at the end;

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

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) carry out the small unmanned aerial vehicle requirements pursuant to subsection (f) of section 1112 of the Border Security for America Act of 2018; and''.

(g) SAVING CLAUSE.—Nothing in this section shall confer, transfer, or delegate to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of U.S. Customs and Border Protection, or the Chief of the U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

SEC. 1113. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND TRANSIT ZONE.

(a) IN GENERAL.—Not later than September 30, 2023, the Secretary, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 1111 of this division), and acting through the appropriate component of the Department of Homeland Security, shall deploy to each sector or region of the southern border and the northern border, in a prioritized manner to achieve situational awareness and operational control of such borders, the following additional capabilities:

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

(A) Tower-based surveillance technology.

(B) Subterranean surveillance and detection technologies.

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

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

(ii) Unmanned aerial vehicles with maritime surveillance capability.

(iii) U.S. Customs and Border Protection maritime patrol aircraft.

(iv) Coastal radar surveillance systems.

(v) Maritime signals intelligence capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Man-portable unmanned aerial vehicles.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

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

(F) Mobile vehicle-mounted and man-portable surveillance systems.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

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

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

(E) Mobile vehicle-mounted and man-portable surveillance systems.

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

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(6) BIG BEND SECTOR.—For the Big Bend sector, the following:

(A) Tower-based surveillance technology.

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

(C) Improved agent communications capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

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

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Improved agent communications capabilities.

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

(E) Advanced unattended surveillance sensors.

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

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

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

(E) Ultralight aircraft detection capability.

(F) Advanced unattended surveillance sensors.

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

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

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

(A) Tower-based surveillance technology.

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

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(D) Ultralight aircraft detection capability.

(E) Advanced unattended surveillance sensors.

(F) Increased monitoring for cross-river dams, culverts, footpaths.

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

(H) Increased maritime interdiction capabilities.

(I) Mobile vehicle-mounted and man-portable surveillance capabilities.

(J) Man-portable unmanned aerial vehicles.

(K) Improved agent communications capabilities.

(10) BLAINE SECTOR.—For the Blaine sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.

(C) Increased maritime interdiction capabilities.

(D) Mobile vehicle-mounted and man-portable surveillance capabilities.

(E) Advanced unattended surveillance sensors.

(F) Ultralight aircraft detection capabilities.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(11) SPOKANE SECTOR.—For the Spokane sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Increased maritime interdiction capabilities.

(C) Mobile vehicle-mounted and man-portable surveillance capabilities.

(D) Advanced unattended surveillance sensors.

(E) Ultralight aircraft detection capabilities.
(F) Completion of six miles of the Bog Creek road.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications systems.
(12) HAVRE SECTOR.—For the Havre sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(13) GRAND FORKS SECTOR.—For the Grand Forks sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(14) DETROIT SECTOR.—For the Detroit sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Coastal radar surveillance systems.
(C) Increased maritime interdiction capabilities.
(D) Mobile vehicle-mounted and man-portable surveillance capabilities.
(E) Advanced unattended surveillance sensors.
(F) Ultralight aircraft detection capabilities.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications systems.
(15) BUFFALO SECTOR.—For the Buffalo sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Coastal radar surveillance systems.
(C) Increased maritime interdiction capabilities.
(D) Mobile vehicle-mounted and man-portable surveillance capabilities.
(E) Advanced unattended surveillance sensors.
(F) Ultralight aircraft detection capabilities.
(G) Man-portable unmanned aerial vehicles.
(H) Improved agent communications systems.
(16) SWANTON SECTOR.—For the Swanton sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(17) HOULTON SECTOR.—For the Houlton sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Ultralight aircraft detection capabilities.
(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.
(18) TRANSIT ZONE.—For the transit zone, the following:
(A) Not later than two years after the date of the enactment of this Act, an increase in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) To increase maritime domain awareness, the following:
(i) Unmanned aerial vehicles with maritime surveillance capability.
(ii) Increased maritime aviation patrol hours.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.
(E) Coastal radar surveillance systems with long range day and night cameras capable of providing full maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.

(b) TACTICAL FLEXIBILITY.—
(1) SOUTHERN AND NORTHERN LAND BORDERS.—
(A) IN GENERAL.—Beginning on September 30, 2022, or after the Secretary has deployed at least 25 percent of the capabilities required in each sector specified in subsection (a), whichever comes later, the Secretary may deviate from such capability deployments if the Secretary determines that such deviation is required to achieve situational awareness or operational control.
(B) NOTIFICATION.—If the Secretary exercises the authority described in subparagraph (A), the Secretary shall, not later than 90 days after such exercise, notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the deviation under such subparagraph that is the subject of such exercise. If the Secretary makes any changes to such deviation, the Secretary shall, not later than 90 days after any such change, notify such committees regarding such change.
(2) TRANSIT ZONE.—
(A) NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives regarding the capability deployments for the transit zone specified in paragraph (18) of subsection (a), including information relating to—
(i) the number and types of assets and personnel deployed; and
(ii) the impact such deployments have on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a).
(B) ALTERATION.—The Secretary may alter the capability deployments referred to in this section if the Secretary—
(i) determines, after consultation with the committees referred to in subparagraph (A), that such alteration is necessary; and
(ii) not later than 30 days after making a determination under clause (i), notifies the committees referred to in such subparagraph regarding such alteration, including information relating to—
(I) the number and types of assets and personnel deployed pursuant to such alteration; and
(II) the impact such alteration has on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a).

(c) EXIGENT CIRCUMSTANCES.—
(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may deploy the capabilities referred to in subsection (a) in a manner that is inconsistent with the requirements specified in such subsection if, after the Secretary has deployed at least 25 percent of such capabilities, the Secretary determines that exigent circumstances demand such an inconsistent deployment or that such an inconsistent deployment is vital to the national security interests of the United States.
(2) NOTIFICATION.—The Secretary shall notify the Committee on Homeland Security of the House of Representative and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 30 days after making a determination under paragraph (1). Such notification shall include a detailed justification regarding such determination.

(d) INTEGRATION.—In carrying out subsection (a), the Secretary shall, to the greatest extent practicable, integrate, within each sector or region of the southern border and northern border, as the case may be, the deployed capabilities specified in such subsection as necessary to achieve situational awareness and operational control of such borders.

SEC. 1114. U.S. BORDER PATROL ACTIVITIES.

The Chief of the U.S. Border Patrol shall prioritize the deployment of U.S. Border Patrol agents to as close to the physical land border as possible, consistent with border security enforcement priorities and accessibility to such areas.

SEC. 1115. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

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

"SEC. 435. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

''(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2018 constant dollars) over its life cycle cost.

''(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

''(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

''(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(3) have a plan for meeting program implementation objectives by managing contractor performance.

''(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

''(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing, evaluating, and using independent verification and validation resources for border security technology. Under the plan, new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

''(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(2) the effective use of taxpayer dollars.''.

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

''Sec. 435. Border security technology program management.''.

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 435 of the Homeland Security Act of 2002, as added by subsection (a). Such section shall be carried out using amounts otherwise authorized for such purposes.

SEC. 1116. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER.

(a) NATIONAL GUARD SUPPORT.—

(1) AUTHORITY TO REQUEST.—The Secretary may, pursuant to chapter 15 of title 10, United States Code, request that the Secretary of Defense support the Secretary's efforts to secure the southern border of the United States. The Secretary of Defense may authorize the provision of such support under section 502(f) of title 32, United States Code.

(2) APPROVAL AND ORDER.—With the approval of the Secretary and the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, for the purpose of securing the southern border of the United States.

(b) TYPES OF SUPPORT AUTHORIZED.—The support provided in accordance with subsection (a) may include—

(1) construction of reinforced fencing or other physical barriers;

(2) operation of ground-based surveillance systems;

(3) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and

(4) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense may deploy such materiel, equipment, and logistics support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a).

(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State authorized pursuant to this section does not degrade the training and readiness of such units and personnel, the Secretary of Defense shall consider the following requirements when authorizing or approving support under subsection (a):

(1) The performance of such support may not affect adversely the quality of such training or readiness or otherwise interfere with the ability of a unit or personnel of the National Guard of a State to perform the military functions of such member or unit.

(2) The performance of such support may not degrade the military skills of the units or personnel of the National Guard of a State performing such support.

(e) REPORT ON READINESS.—Upon the request of the Secretary, the Secretary of Defense shall provide to the Secretary a report on the readiness of units and personnel of the National Guard that the Secretary of Defense determines are capable of providing such support.

(f) REIMBURSEMENT NOTIFICATION.—Prior to providing any support under subsection (a), the Secretary of Defense shall notify the Secretary whether the requested support will be reimbursed under section 277 of title 10, United States Code.

(g) REIMBURSEMENT TO STATES.—The Secretary of Defense may reimburse a State for costs incurred in the deployment of any units or personnel of the National Guard pursuant to subsection (a).

(h) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed as affecting the authorities under chapter 9 of title 32, United States Code.

(i) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and biannually thereafter through December 31, 2021, the Secretary of Defense shall submit to the appropriate congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) a report regarding any support provided pursuant to subsection (a) for the six month period preceding each such report.

(2) ELEMENTS.—Each report under paragraph (1) shall include a description of—

(A) the support provided; and

(B) the sources and amounts of funds obligated and expended to provide such support.

SEC. 1117. PROHIBITIONS ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND.

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

(1) IN GENERAL.—The Secretary concerned may not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on covered Federal land to carry out the activities described in subsection (b).

(2) APPLICABILITY.—The authority of U.S. Customs and Border Protection to conduct activities described in subsection (b) on covered Federal land applies without regard to whether a state of emergency exists.

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

(1) IN GENERAL.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(A) carrying out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note), as amended by section 1111 of this division;

(B) the execution of search and rescue operations;

(C) the use of motorized vehicles, foot patrols, and horseback to patrol the border area, apprehend illegal entrants, and rescue individuals; and

(D) the remediation of tunnels used to facilitate unlawful immigration or other illicit activities.

(c) CLARIFICATION RELATING TO WAIVER AUTHORITY.—

(1) IN GENERAL.—The activities of U.S. Customs and Border Protection described in subsection (b)(2) may be carried out without regard to the provisions of law specified in paragraph (2).

(2) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

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

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

(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act'').

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

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

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

(G) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

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

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

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

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

(L) Chapter 3125 of title 54, United States Code (formerly known as the ''Archaeological and Historic Preservation Act'').

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

(N) Chapter 3203 of title 54, United States Code (formerly known as the ''Historic Sites, Buildings, and Antiquities Act'').

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

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

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

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

(S) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

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

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

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

(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

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

(Y) Sections 102(29) and 103 of the California Desert Protection Act of 1994 (Public Law 103–433).

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

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

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

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

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

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

(FF) The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(GG) The American Indian Religious Freedom Act (42 U.S.C. 1996).

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

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

(3) APPLICABILITY OF WAIVER TO SUCCESSOR LAWS.—If a provision of law specified in paragraph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2008, and before the date of the enactment of this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent the waiver applied to that provision of law.

(4) SAVINGS CLAUSE.—The waiver authority under this subsection may not be construed as affecting, negating, or diminishing in any manner the applicability of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), in any relevant matter.

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

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

(2) any additional authority to restrict legal access to such land.

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

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

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

(f) TRIBAL SOVEREIGNTY.—Nothing in this section may be construed to supersede, replace, negate, or diminish treaties or other agreements between the United States and Indian tribes.

(g) MEMORANDA OF UNDERSTANDING.—The requirements of this section shall not apply to the extent that such requirements are incompatible with any memorandum of understanding or similar agreement entered into between the Commissioner and a National Park Unit before the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' includes all land under the control of the Secretary concerned that is located within 100 miles of the southern border or the northern border.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Department of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Department of the Interior, the Secretary of the Interior.

SEC. 1118. LANDOWNER AND RANCHER SECURITY ENHANCEMENT.

(a) ESTABLISHMENT OF NATIONAL BORDER SECURITY ADVISORY COMMITTEE.—The Secretary shall establish a National Border Security Advisory Committee, which—

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

(A) verifying security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223); and

(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and

(2) may provide, through the Secretary, recommendations to Congress.

(b) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security.

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

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

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

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

SEC. 1119. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than September 30, 2023, the Secretary, after coordinating with the heads of the relevant Federal, State, and local agencies, shall begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations.

(b) EXTENT.—The waiver authority under subsection (c) of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 1111 of this division, shall extend to activities carried out pursuant to this section.

SEC. 1120. SOUTHERN BORDER THREAT ANALYSIS.

(a) THREAT ANALYSIS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a Southern border threat analysis.

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

(A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(i) to unlawfully enter the United States through the Southern border; or

(ii) to exploit security vulnerabilities along the Southern border;

(B) improvements needed at and between ports of entry along the Southern border to prevent terrorists and instruments of terror from entering the United States;

(C) gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts;

(D) the current percentage of situational awareness achieved by the Department along the Southern border;

(E) the current percentage of operational control achieved by the Department on the Southern border; and

(F) traveler crossing times and any potential security vulnerability associated with prolonged wait times.

(3) ANALYSIS REQUIREMENTS.—In compiling the Southern border threat analysis required under this subsection, the Secretary shall consider and examine—

(A) the technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought;

(B) the personnel needs and challenges, including such needs and challenges associated with recruitment and hiring;

(C) the infrastructure needs and challenges;

(D) the roles and authorities of State, local, and tribal law enforcement in general border security activities;

(E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security;

(F) the terrain, population density, and climate along the Southern border; and

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

(4) CLASSIFIED FORM.—To the extent possible, the Secretary shall submit the Southern border threat analysis required under this subsection in unclassified form, but may submit a portion of the threat analysis in classified form if the Secretary determines such action is appropriate.

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

(1) IN GENERAL.—Not later than 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2019, and every five years thereafter, the Secretary, acting through the Chief of the U.S. Border Patrol, shall issue a Border Patrol Strategic Plan.

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

(A) the Southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis;

(B) efforts to analyze and disseminate border security and border threat information between border security components of the Department and other appropriate Federal departments and agencies with missions associated with the Southern border;

(C) efforts to increase situational awareness, including—

(i) surveillance capabilities, including capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets;

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

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

(F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States;

(G) efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department;

(H) any technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary determines to be necessary;

(I) operational coordination unity of effort initiatives of the border security components of the Department, including any relevant task forces of the Department;

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

(K) cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the Northern border or the Southern border;

(L) border security information received from consultation with State, local, tribal, territorial, and Federal law enforcement agencies that have jurisdiction on the Northern border or the Southern border, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border agricultural and ranching organizations and representatives from business and civic organizations along the Northern border or the Southern border;

(M) staffing requirements for all departmental border security functions;

(N) a prioritized list of departmental research and development objectives to enhance the security of the Southern border;

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

(i) identifying and detecting fraudulent documents;

(ii) understanding the scope of enforcement authorities and the use of force policies; and

(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

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

SEC. 1121. AMENDMENTS TO U.S. CUSTOMS AND BORDER PROTECTION.

(a) DUTIES.—Subsection (c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended—

(1) in paragraph (18), by striking ''and'' after the semicolon at the end;

(2) by redesignating paragraph (19) as paragraph (21); and

(3) by inserting after paragraph (18) the following new paragraphs:

''(19) administer the U.S. Customs and Border Protection public private partnerships under subtitle G;

''(20) administer preclearance operations under the Preclearance Authorization Act of 2015 (19 U.S.C. 4431 et seq.; enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C. 4301 et seq.); and''.

(b) OFFICE OF FIELD OPERATIONS STAFFING.—Subparagraph (A) of section 411(g)(5) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)) is amended by inserting before the period at the end the following: ''compared to the number indicated by the current fiscal year work flow staffing model''.

(c) IMPLEMENTATION PLAN.—Subparagraph (B) of section 814(e)(1) of the Preclearance Authorization Act of 2015 (19 U.S.C. 4433(e)(1); enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C. 4301 et seq.) is amended to read as follows:

''(B) a port of entry vacancy rate which compares the number of officers identified in subparagraph (A) with the number of officers at the port at which such officer is currently assigned.''.

(d) DEFINITION.—Subsection (r) of section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended—

(1) by striking ''this section, the terms'' and inserting the following: ''this section:

''(1) the terms'';

(2) in paragraph (1), as added by subparagraph (A), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) the term 'unmanned aerial systems' has the meaning given the term 'unmanned aircraft system' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

SEC. 1122. AGENT AND OFFICER TECHNOLOGY USE.

In carrying out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 1111 of this division) and section 1113 of this division, the Secretary shall, to the greatest extent practicable, ensure that technology deployed to gain situational awareness and operational control of the border be provided to front-line officers and agents of the Department of Homeland Security.

SEC. 1123. INTEGRATED BORDER ENFORCEMENT TEAMS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 1115 of this division, is further amended by adding at the end the following new section:

''SEC. 436. INTEGRATED BORDER ENFORCEMENT TEAMS.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Department a program to be known as the Integrated Border Enforcement Team program (referred to in this section as 'IBET').

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

''(1) strengthen security between designated ports of entry;

''(2) detect, prevent, investigate, and respond to terrorism and violations of law related to border security;

''(3) facilitate collaboration among components and offices within the Department and international partners;

''(4) execute coordinated activities in furtherance of border security and homeland security; and

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

''(c) COMPOSITION AND LOCATION OF IBETS.—

''(1) COMPOSITION.—IBETs shall be led by the United States Border Patrol and may be comprised of personnel from the following:

''(A) Other subcomponents of U.S. Customs and Border Protection.

''(B) U.S. Immigration and Customs Enforcement, led by Homeland Security Investigations.

''(C) The Coast Guard, for the purpose of securing the maritime borders of the United States.

''(D) Other Department personnel, as appropriate.

''(E) Other Federal departments and agencies, as appropriate.

''(F) Appropriate State law enforcement agencies.

''(G) Foreign law enforcement partners.

''(H) Local law enforcement agencies from affected border cities and communities.

''(I) Appropriate tribal law enforcement agencies.

''(2) LOCATION.—The Secretary is authorized to establish IBETs in regions in which such teams can contribute to IBET missions, as appropriate. When establishing an IBET, the Secretary shall consider the following:

''(A) Whether the region in which the IBET would be established is significantly impacted by cross-border threats.

''(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in an IBET.

''(C) Whether, in accordance with paragraph (3), other joint cross-border initiatives already take place within the region in which the IBET would be established, including other Department cross-border programs such as the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

''(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new IBET or to expand an existing IBET in a given region, the Secretary shall ensure that the IBET under consideration does not duplicate the efforts of other existing interagency task forces or centers within such region, including the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

''(d) OPERATION.—

''(1) IN GENERAL.—After determining the regions in which to establish IBETs, the Secretary may—

''(A) direct the assignment of Federal personnel to such IBETs; and

''(B) take other actions to assist Federal, State, local, and tribal entities to participate in such IBETs, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with such participation.

''(2) LIMITATION.—Coast Guard personnel assigned under paragraph (1) may be assigned only for the purposes of securing the maritime borders of the United States, in accordance with subsection (c)(1)(C).

''(e) COORDINATION.—The Secretary shall coordinate the IBET program with other similar border security and antiterrorism programs within the Department in accordance with the strategic objectives of the Cross-Border Law Enforcement Advisory Committee.

''(f) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into memoranda of understanding with appropriate representatives of the entities specified in subsection (c)(1) necessary to carry out the IBET program. Such memoranda with entities specified in subparagraph (G) of such subsection shall be entered into with the concurrence of the Secretary of State.

''(g) REPORT.—Not later than 180 days after the date on which an IBET is established and biannually thereafter for the following six years, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and in the case of Coast Guard personnel used to secure the maritime borders of the United States, additionally to the Committee on Transportation and Infrastructure of the House of Representatives, a report that—

''(1) describes the effectiveness of IBETs in fulfilling the purposes specified in subsection (b);

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

''(3) addresses ways to support joint training for IBET stakeholder agencies and radio

interoperability to allow for secure cross-border radio communications; and

''(4) assesses how IBETs, Border Enforcement Security Task Forces, and the Integrated Cross-Border Maritime Law Enforcement Operation Program can better align operations, including interdiction and investigation activities.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 435 the following new item:

''Sec. 436. Integrated Border Enforcement Teams.''.

SEC. 1124. TUNNEL TASK FORCES.

The Secretary is authorized to establish Tunnel Task Forces for the purposes of detecting and remediating tunnels that breach the international border of the United States.

SEC. 1125. PILOT PROGRAM ON USE OF ELECTROMAGNETIC SPECTRUM IN SUPPORT OF BORDER SECURITY OPERATIONS.

(a) IN GENERAL.—The Commissioner, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall conduct a pilot program to test and evaluate the use of electromagnetic spectrum by U.S. Customs and Border Protection in support of border security operations through—

(1) ongoing management and monitoring of spectrum to identify threats such as unauthorized spectrum use, and the jamming and hacking of United States communications assets, by persons engaged in criminal enterprises;

(2) automated spectrum management to enable greater efficiency and speed for U.S. Customs and Border Protection in addressing emerging challenges in overall spectrum use on the United States border; and

(3) coordinated use of spectrum resources to better facilitate interoperability and interagency cooperation and interdiction efforts at or near the United States border.

(b) REPORT TO CONGRESS.—Not later than 180 days after the conclusion of the pilot program conducted under subsection (a), the Commissioner shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings and data derived from such program.

SEC. 1126. FOREIGN MIGRATION ASSISTANCE.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by sections 1115 and 1123 of this division, is further amended by adding at the end the following new section:

''SEC. 437. FOREIGN MIGRATION ASSISTANCE.

''(a) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, may provide to a foreign government financial assistance for foreign country operations to address migration flows that may affect the United States.

''(b) DETERMINATION.—Assistance provided under subsection (a) may be provided only if such assistance would enhance the recipient government's capacity to address irregular migration flows that may affect the United States, including through related detention or removal operations by the recipient government, including procedures to screen and provide protection for certain individuals.

''(c) REIMBURSEMENT OF EXPENSES.—The Secretary may, if appropriate, seek reimbursement from the receiving foreign government for the provision of financial assistance under this section.

''(d) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any reimbursement collected pursuant to subsection (c) shall—

''(1) be credited as offsetting collections to the account that finances the financial assistance under this section for which such reimbursement is received; and

''(2) remain available until expended for the purpose of carrying out this section.

''(e) EFFECTIVE PERIOD.—The authority provided under this section shall remain in effect until September 30, 2023.

''(f) DEVELOPMENT AND PROGRAM EXECUTION.—The Secretary and the Secretary of State shall jointly develop and implement any financial assistance under this section.

''(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting, augmenting, or diminishing the authority of the Secretary of State.

''(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $50,000,000 for fiscal years 2019 through 2023 to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following new item:

''Sec. 437. Foreign migration assistance.''.

SEC. 1127. BIOMETRIC IDENTIFICATION TRANSNATIONAL MIGRATION ALERT PROGRAM.

(a) IN GENERAL.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

''SEC. 447. BIOMETRIC IDENTIFICATION TRANSNATIONAL MIGRATION ALERT PROGRAM.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as the Biometric Identification Transnational Migration Alert Program (referred to in this section as 'BITMAP') to address and reduce national security, border security, and public safety threats before such threats reach the international border of the United States.

''(b) DUTIES.—In carrying out BITMAP operations, the Secretary, acting through the Director of U.S. Immigration and Customs Enforcement, shall—

''(1) provide, when necessary, capabilities, training, and equipment, to the government of a foreign country to collect biometric and biographic identification data from individuals to identify, prevent, detect, and interdict high risk individuals identified as national security, border security, or public safety threats who may attempt to enter the United States utilizing illicit pathways;

''(2) provide capabilities to the government of a foreign country to compare foreign data against appropriate United States national security, border security, public safety, immigration, and counter-terrorism data, including—

''(A) the Federal Bureau of Investigation's Terrorist Screening Database, or successor database;

''(B) the Federal Bureau of Investigation's Next Generation Identification database, or successor database;

''(C) the Department of Defense Automated Biometric Identification System (commonly known as 'ABIS'), or successor database;

''(D) the Department's Automated Biometric Identification System (commonly known as 'IDENT'), or successor database; and

''(E) any other database, notice, or means that the Secretary, in consultation with the heads of other Federal departments and agencies responsible for such databases, notices, or means, designates; and

''(3) ensure biometric and biographic identification data collected pursuant to BITMAP are incorporated into appropriate United States Government databases, in compliance with the policies and procedures established by the Privacy Officer appointed under section 222.

''(c) COLLABORATION.—The Secretary shall ensure that BITMAP operations include participation from relevant components of the Department, and, as appropriate, request participation from other Federal agencies.

''(d) COORDINATION.—The Secretary shall coordinate with the Secretary of State, appropriate representatives of foreign governments, and the heads of other Federal agencies, as appropriate, to carry out paragraph (1) of subsection (b).

''(e) AGREEMENTS.—Before carrying out BITMAP operations in a foreign country that, as of the date of the enactment of this section, was not a partner country described in this section, the Secretary, with the concurrence of the Secretary of State, shall enter into an agreement or arrangement with the government of such country that outlines such operations in such country, including related departmental operations. Such country shall be a partner country described in this section pursuant to and for purposes of such agreement or arrangement.

''(f) NOTIFICATION TO CONGRESS.—Not later than 60 days before an agreement with the government of a foreign country to carry out BITMAP operations in such foreign country enters into force, the Secretary shall provide the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate with a copy of the agreement to establish such operations, which shall include—

''(1) the identification of the foreign country with which the Secretary intends to enter into such an agreement;

''(2) the location at which such operations will be conducted; and

''(3) the terms and conditions for Department personnel operating at such location.''.

(b) REPORT.—Not later than 180 days after the date on which the Biometric Identification Transnational Migration Alert Program (BITMAP) is established under section 447 of the Homeland Security Act of 2002 (as added by subsection (a) of this section) and annually thereafter for the following five years, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that details the effectiveness of BITMAP operations in enhancing national security, border security, and public safety.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 446 the following new item:

''Sec. 447. Biometric Identification Transnational Migration Alert Program.''.

Subtitle B—Personnel

SEC. 1131. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

(a) BORDER PATROL AGENTS.—Not later than September 30, 2023, the Commissioner shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents.

(b) CBP OFFICERS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection as of such date, the Commissioner shall hire, train, and assign to duty, not later than September 30, 2023—

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

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

(c) AIR AND MARINE OPERATIONS.—Not later than September 30, 2023, the Commissioner shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Customs and Border Protection to maintain not fewer than 1,675 full-time equivalent agents and not fewer than 264 Marine and Air Interdiction Agents for southern border air and maritime operations.

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

(1) K–9 UNITS.—Not later than September 30, 2023, the Commissioner shall deploy not fewer than 300 new K–9 units, with supporting officers of U.S. Customs and Border Protection and other required staff, at land ports of entry and checkpoints, on the southern border and the northern border.

(2) USE OF CANINES.—The Commissioner shall prioritize the use of canines at the primary inspection lanes at land ports of entry and checkpoints.

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

(1) INCREASE.—Not later than September 30, 2023, the Commissioner shall increase the number of horseback units, with supporting officers of U.S. Customs and Border Protection and other required staff, by not fewer than 100 officers and 50 horses for security patrol along the Southern border.

(2) HORSEBACK UNIT SUPPORT.—The Commissioner shall construct new stables, maintain and improve existing stables, and provide other resources needed to maintain the health and well-being of the horses that serve in the horseback units of U.S. Customs and Border Protection.

(f) U.S. CUSTOMS AND BORDER PROTECTION SEARCH TRAUMA AND RESCUE TEAMS.—Not later than September 30, 2023, the Commissioner shall increase by not fewer than 50 the number of officers engaged in search and rescue activities along the southern border.

(g) U.S. CUSTOMS AND BORDER PROTECTION TUNNEL DETECTION AND TECHNOLOGY PROGRAM.—Not later than September 30, 2023, the Commissioner shall increase by not fewer than 50 the number of officers assisting task forces and activities related to deployment and operation of border tunnel detection technology and apprehensions of individuals using such tunnels for crossing into the United States, drug trafficking, or human smuggling.

(h) AGRICULTURAL SPECIALISTS.—Not later than September 30, 2023, the Secretary shall hire, train, and assign to duty, in addition to the officers and agents authorized under subsections (a) through (g), 631 U.S. Customs and Border Protection agricultural specialists to ports of entry along the southern border and the northern border.

(i) OFFICE OF PROFESSIONAL RESPONSIBILITY.—Not later than September 30, 2023, the Commissioner shall hire, train, and assign sufficient Office of Professional Responsibility special agents to maintain an active duty presence of not fewer than 550 full-time equivalent special agents.

(j) U.S. CUSTOMS AND BORDER PROTECTION OFFICE OF INTELLIGENCE.—Not later than September 30, 2023, the Commissioner shall hire, train, and assign sufficient Office of Intelligence personnel to maintain not fewer than 700 full-time equivalent employees.

(k) GAO REPORT.—If the staffing levels required under this section are not achieved by September 30, 2023, the Comptroller General of the United States shall conduct a review of the reasons why such levels were not achieved.

SEC. 1132. U.S. CUSTOMS AND BORDER PROTECTION RETENTION INCENTIVES.

(a) IN GENERAL.—Chapter 97 of title 5, United States Code, is amended by adding at the end the following:

"§ 9702. U.S. Customs and Border Protection temporary employment authorities

''(a) DEFINITIONS.—In this section—

''(1) the term 'CBP employee' means an employee of U.S. Customs and Border Protection described under any of subsections (a) through (h) of section 1131 of the Border Security for America Act of 2018;

''(2) the term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection;

''(3) the term 'Director' means the Director of the Office of Personnel Management;

''(4) the term 'Secretary' means the Secretary of Homeland Security; and

''(5) the term 'appropriate congressional committees' means the Committee on Oversight and Government Reform, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate.

''(b) DIRECT HIRE AUTHORITY; RECRUITMENT AND RELOCATION BONUSES; RETENTION BONUSES.—

''(1) STATEMENT OF PURPOSE AND LIMITATION.—The purpose of this subsection is to allow U.S. Customs and Border Protection to expeditiously meet the hiring goals and staffing levels required by section 1131 of the Border Security for America Act of 2018. The Secretary shall not use this authority beyond meeting the requirements of such section.

''(2) DIRECT HIRE AUTHORITY.—The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees if the Secretary has given public notice for the positions.

''(3) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a recruitment or relocation bonus of up to 50 percent of the annual rate of basic pay to an individual CBP employee at the beginning of the service period multiplied by the number of years (including a fractional part of a year) in the required service period to an individual (other than an individual described in subsection (a)(2) of section 5753) if—

''(A) the Secretary determines that conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to the regulations referenced in subsection (b)(2)(B(ii)(I) of such section or to any other provision of that section); and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(4) RETENTION BONUSES.—The Secretary may pay a retention bonus of up to 50 percent of basic pay to an individual CBP employee (other than an individual described in subsection (a)(2) of section 5754) if—

''(A) the Secretary determines that—

''(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section); and

''(ii) in the absence of a retention bonus, the CBP employee would be likely to leave—

''(I) the Federal service; or

''(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and

''(B) the individual enters into a written service agreement with the Secretary—

''(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 years; and

''(ii) that includes—

''(I) the commencement and termination dates of the required service period (or provisions for the determination thereof);

''(II) the amount of the bonus; and

''(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including—

''(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

''(bb) the effect of a termination described in item (aa).

''(5) RULES FOR BONUSES.—

''(A) MAXIMUM BONUS.—A bonus paid to an employee under—

''(i) paragraph (3) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and

''(ii) paragraph (4) may not exceed 50 percent of the annual rate of basic pay of the employee.

''(B) RELATIONSHIP TO BASIC PAY.—A bonus paid to an employee under paragraph (3) or (4) shall not be considered part of the basic pay of the employee for any purpose, including for retirement or in computing a lump-sum payment to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552.

''(C) PERIOD OF SERVICE FOR RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—

''(i) A bonus paid to an employee under paragraph (4) may not be based on any period of such service which is the basis for a recruitment or relocation bonus under paragraph (3).

''(ii) A bonus paid to an employee under paragraph (3) or (4) may not be based on any period of service which is the basis for a recruitment or relocation bonus under section 5753 or a retention bonus under section 5754.

''(c) SPECIAL RATES OF PAY.—In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section to assist the Secretary in meeting the requirements of section 1131 of the Border Security for America Act of 2018. The Director shall prioritize the consideration of requests from the Secretary for such special rates of pay and issue a decision as soon as practicable. The Secretary shall provide such information to the Director as the Director deems necessary to evaluate special rates of pay under this subsection.

''(d) OPM OVERSIGHT.—

''(1) Not later than September 30 of each year, the Secretary shall provide a report to the Director on U.S. Custom and Border Protection's use of authorities provided under subsections (b) and (c). In each report, the Secretary shall provide such information as the Director determines is appropriate to ensure appropriate use of authorities under

such subsections. Each report shall also include an assessment of—

''(A) the impact of the use of authorities under subsections (b) and (c) on implementation of section 1131 of the Border Security for America Act of 2018;

''(B) solving hiring and retention challenges at the agency, including at specific locations;

''(C) whether hiring and retention challenges still exist at the agency or specific locations; and

''(D) whether the Secretary needs to continue to use authorities provided under this section at the agency or at specific locations.

''(2) CONSIDERATION.—In compiling a report under paragraph (1), the Secretary shall consider—

''(A) whether any CBP employee accepted an employment incentive under subsection (b) and (c) and then transferred to a new location or left U.S. Customs and Border Protection; and

''(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before transferring to a new location or leaving U.S. Customs and Border Protection.

''(3) DISTRIBUTION.—In addition to the Director, the Secretary shall submit each report required under this subsection to the appropriate congressional committees.

''(e) OPM ACTION.—If the Director determines the Secretary has inappropriately used authorities under subsection (b) or a special rate of pay provided under subsection (c), the Director shall notify the Secretary and the appropriate congressional committees in writing. Upon receipt of the notification, the Secretary may not make any new appointments or issue any new bonuses under subsection (b), nor provide CBP employees with further special rates of pay, until the Director has provided the Secretary and the appropriate congressional committees a written notice stating the Director is satisfied safeguards are in place to prevent further inappropriate use.

''(f) IMPROVING CBP HIRING AND RETENTION.—

''(1) EDUCATION OF CBP HIRING OFFICIALS.—Not later than 180 days after the date of the enactment of this section, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve the education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees.

''(2) ELEMENTS.—Elements of the strategy under paragraph (1) shall include the following:

''(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees.

''(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas.

''(C) The development of pilot programs or other programs, as appropriate, consistent with authorities provided to the Secretary to address identified hiring challenges, including in rural or remote areas.

''(D) Developing and enhancing strategic recruiting efforts through the relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), veterans transition and employment centers, and job placement program in regions that could assist in filling positions in rural or remote areas.

''(E) Examination of existing agency programs on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area.

''(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families.

''(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families.

''(H) Evaluation of Department of Homeland Security internship programs and the usefulness of those programs in improving hiring by the Secretary in rural or remote areas.

''(3) EVALUATION.—

''(A) IN GENERAL.—Each year, the Secretary shall—

''(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and

''(ii) make any appropriate updates to the strategy under paragraph (1).

''(B) INFORMATION.—The evaluation conducted under subparagraph (A) shall include—

''(i) any reduction in the time taken by the Secretary to fill mission-critical positions, including in rural or remote areas;

''(ii) a general assessment of the impact of the strategy implemented under paragraph (1) on hiring challenges, including in rural or remote areas; and

''(iii) other information the Secretary determines relevant.

''(g) INSPECTOR GENERAL REVIEW.—Not later than two years after the date of the enactment of this section, the Inspector General of the Department of Homeland Security shall review the use of hiring and pay flexibilities under subsections (b) and (c) to determine whether the use of such flexibilities is helping the Secretary meet hiring and retention needs, including in rural and remote areas.

''(h) REPORT ON POLYGRAPH REQUESTS.—The Secretary shall report to the appropriate congressional committees on the number of requests the Secretary receives from any other Federal agency for the file of an applicant for a position in U.S. Customs and Border Protection that includes the results of a polygraph examination.

''(i) EXERCISE OF AUTHORITY.—

''(1) SOLE DISCRETION.—The exercise of authority under subsection (b) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71 and any collective bargaining agreement.

''(2) DELEGATION.—The Secretary may delegate any authority under this section to the Commissioner.

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the Secretary or the Director from applicability of the merit system principles under section 2301.

''(k) SUNSET.—The authorities under subsections (b) and (c) shall terminate on September 30, 2023. Any bonus to be paid pursuant to subsection (b) that is approved before such date may continue until such bonus has been paid, subject to the conditions specified in this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following:

''9702. U.S. Customs and Border Protection temporary employment authorities.''.

SEC. 1133. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Anti-Border Corruption Reauthorization Act of 2018''.

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

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; and

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

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

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Border Security for America Act of 2018.''.

(c) SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.—

(1) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 is amended to read as follows:

"SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NON-EXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''.

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

"SEC. 5. REPORTING.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to each such reporting period—

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

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

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

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

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

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

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''.

(3) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following new section:

"SEC. 6. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer' defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

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

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5' with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(d) POLYGRAPH EXAMINERS.—Not later than September 30, 2022, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this subtitle.

SEC. 1134. TRAINING FOR OFFICERS AND AGENTS OF U.S. CUSTOMS AND BORDER PROTECTION.

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

''(l) TRAINING AND CONTINUING EDUCATION.—

''(1) MANDATORY TRAINING.—The Commissioner shall ensure that every agent and officer of U.S. Customs and Border Protection receives a minimum of 21 weeks of training that are directly related to the mission of the U.S. Border Patrol, Air and Marine, and the Office of Field Operations before the initial assignment of such agents and officers.

''(2) FLETC.—The Commissioner shall work in consultation with the Director of the Federal Law Enforcement Training Centers to establish guidelines and curriculum for the training of agents and officers of U.S. Customs and Border Protection under subsection (a).

''(3) CONTINUING EDUCATION.—The Commissioner shall annually require all agents and officers of U.S. Customs and Border Protection who are required to undergo training under subsection (a) to participate in not fewer than eight hours of continuing education annually to maintain and update understanding of Federal legal rulings, court decisions, and Department policies, procedures, and guidelines related to relevant subject matters.

''(4) LEADERSHIP TRAINING.—Not later than one year after the date of the enactment of this subsection, the Commissioner shall develop and require training courses geared towards the development of leadership skills for mid- and senior-level career employees not later than one year after such employees assume duties in supervisory roles.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report identifying the guidelines and curriculum established to carry out subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(c) ASSESSMENT.—Not later than four years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report that assesses the training and education, including continuing education, required under subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

Subtitle C—Grants

SEC. 1141. OPERATION STONEGARDEN.

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

"SEC. 2009. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency—

''(1) shall be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border; and

''(2) shall be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office.

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

''(1) equipment, including maintenance and sustainment costs;

''(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities;

''(3) any activity permitted for Operation Stonegarden under the Department of Homeland Security's Fiscal Year 2018 Homeland Security Grant Program Notice of Funding Opportunity; and

''(4) any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

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

''(e) REPORT.—For each of fiscal years 2019 through 2023, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains information on the expenditure of grants made under this section by each grant recipient.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000 for each of fiscal years 2019 through 2023 for grants under this section.''.

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

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

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

''Sec. 2009. Operation Stonegarden.''.

TITLE II—EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING

SEC. 2101. PORTS OF ENTRY INFRASTRUCTURE.

(a) ADDITIONAL PORTS OF ENTRY.—

(1) AUTHORITY.—The Administrator of General Services may, subject to section 3307 of title 40, United States Code, construct new ports of entry along the northern border and southern border at locations determined by the Secretary.

(2) CONSULTATION.—

(A) REQUIREMENT TO CONSULT.—The Secretary and the Administrator of General Services shall consult with the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and appropriate representatives of State and local governments, and Indian tribes, and property owners in the United States prior to determining a location for any new port of entry constructed pursuant to paragraph (1).

(B) CONSIDERATIONS.—The purpose of the consultations required by subparagraph (A) shall be to minimize any negative impacts of constructing a new port of entry on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.

(b) EXPANSION AND MODERNIZATION OF HIGH-PRIORITY SOUTHERN BORDER PORTS OF ENTRY.—Not later than September 30, 2023, the Administrator of General Services, subject to section 3307 of title 40, United States Code, and in coordination with the Secretary, shall expand or modernize high-priority ports of entry on the southern border, as determined by the Secretary, for the purposes of reducing wait times and enhancing security.

(c) PORT OF ENTRY PRIORITIZATION.—Prior to constructing any new ports of entry pursuant to subsection (a), the Administrator of General Services shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable.

(d) NOTIFICATIONS.—

(1) RELATING TO NEW PORTS OF ENTRY.—Not later than 15 days after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary and the Administrator of General Services shall jointly notify the Members of Congress who represent the State or congressional district in which such new port of entry will be located, as well as the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security, the Committee on Ways and Means, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary of the House of Representatives. Such notification shall include information relating to the location of such new port of entry, a description of the need for such new port of entry and associated anticipated benefits, a description of the consultations undertaken by the Secretary and the Administrator pursuant to paragraph (2) of such subsection, any actions that will be taken to minimize negative impacts of such new port of entry, and the anticipated timeline for construction and completion of such new port of entry.

(2) RELATING TO EXPANSION AND MODERNIZATION OF PORTS OF ENTRY.—Not later than 180 days after enactment of this Act, the Secretary and the Administrator of General Services shall jointly notify the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security, the Committee on Ways and Means, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary of the House of Representatives of the ports of entry on the southern border that are the subject of expansion or modernization pursuant to subsection (b) and the Secretary's and Administrator's plan for expanding or modernizing each such port of entry.

(e) SAVINGS PROVISION.—Nothing in this section may be construed to—

(1) create or negate any right of action for a State, local government, or other person or entity affected by this section;

(2) delay the transfer of the possession of property to the United States or affect the validity of any property acquisitions by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or

(3) create any right or liability for any party.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as providing the Secretary new authority related to the construction, acquisition, or renovation of real property.

SEC. 2102. SECURE COMMUNICATIONS.

(a) IN GENERAL.—The Secretary shall ensure that each U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement officer or agent, if appropriate, is equipped with a secure radio or other two-way communication device, supported by system interoperability, that allows each such officer to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.

(b) U.S. BORDER PATROL AGENTS.—The Secretary shall ensure that each U.S. Border Patrol agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, and at border checkpoints, has a multi- or dual-band encrypted portable radio.

(c) LTE CAPABILITY.—In carrying out subsection (b), the Secretary shall acquire radios or other devices with the option to be LTE-capable for deployment in areas where LTE enhances operations and is cost effective.

SEC. 2103. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) EXPANSION.—Not later than September 30, 2023, the Secretary shall fully implement the Border Security Deployment Program of the U.S. Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal years 2019 through 2023 to carry out subsection (a).

SEC. 2104. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.

(a) UPGRADE.—Not later than two years after the date of the enactment of this Act, the Commissioner shall upgrade all existing license plate readers in need of upgrade, as determined by the Commissioner, on the northern and southern borders on incoming and outgoing vehicle lanes.

(b) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Commissioner shall conduct a one-month pilot program on the southern border using license plate readers for one to two cargo lanes at the top three high-volume land ports of entry or checkpoints to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Finance of the Senate, and the Committee on Homeland Security, and Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives the results of the pilot program under subsection (b) and make recommendations for implementing use of such technology on the southern border.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal years 2019 through 2020 to carry out subsection (a).

SEC. 2105. NON-INTRUSIVE INSPECTION OPERATIONAL DEMONSTRATION.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Commissioner shall establish a six-month operational demonstration to deploy a high-throughput non-intrusive passenger vehicle inspection system at not fewer than three land ports of entry along the United States-Mexico border with significant cross-border traffic. Such demonstration shall be located within the pre-primary traffic flow and should be scalable to span up to 26 contiguous in-bound traffic lanes without reconfiguration of existing lanes.

(b) REPORT.—Not later than 90 days after the conclusion of the operational demonstration under subsection (a), the Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report that describes the following:

(1) The effects of such demonstration on legitimate travel and trade.

(2) The effects of such demonstration on wait times, including processing times, for non-pedestrian traffic.

(3) The effectiveness of such demonstration in combating terrorism and smuggling.

SEC. 2106. BIOMETRIC EXIT DATA SYSTEM.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by inserting after section 415 the following new section:

"SEC. 416. BIOMETRIC ENTRY-EXIT.

''(a) ESTABLISHMENT.—The Secretary shall—

''(1) not later than 180 days after the date of the enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives an implementation plan to establish a biometric exit data system to complete the integrated biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including—

''(A) an integrated master schedule and cost estimate, including requirements and design, development, operational, and maintenance costs of such a system, that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(B) cost-effective staffing and personnel requirements of such a system that leverages

existing resources of the Department that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(C) a consideration of training programs necessary to establish such a system that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(D) a consideration of how such a system will affect arrival and departure wait times that takes into account prior reports on such matter issued by the Government Accountability Office and the Department;

''(E) information received after consultation with private sector stakeholders, including the—

''(i) trucking industry;

''(ii) airport industry;

''(iii) airline industry;

''(iv) seaport industry;

''(v) travel industry; and

''(vi) biometric technology industry;

''(F) a consideration of how trusted traveler programs in existence as of the date of the enactment of this section may be impacted by, or incorporated into, such a system;

''(G) defined metrics of success and milestones;

''(H) identified risks and mitigation strategies to address such risks;

''(I) a consideration of how other countries have implemented a biometric exit data system; and

''(J) a list of statutory, regulatory, or administrative authorities, if any, needed to integrate such a system into the operations of the Transportation Security Administration; and

''(2) not later than two years after the date of the enactment of this section, establish a biometric exit data system at the—

''(A) 15 United States airports that support the highest volume of international air travel, as determined by available Federal flight data;

''(B) 10 United States seaports that support the highest volume of international sea travel, as determined by available Federal travel data; and

''(C) 15 United States land ports of entry that support the highest volume of vehicle, pedestrian, and cargo crossings, as determined by available Federal border crossing data.

''(b) IMPLEMENTATION.—

''(1) PILOT PROGRAM AT LAND PORTS OF ENTRY.—Not later than six months after the date of the enactment of this section, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on non-pedestrian outbound traffic at not fewer than three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border. Such pilot program may include a consideration of more than one biometric mode, and shall be implemented to determine the following:

''(A) How a nationwide implementation of such biometric exit data system at land ports of entry shall be carried out.

''(B) The infrastructure required to carry out subparagraph (A).

''(C) The effects of such pilot program on legitimate travel and trade.

''(D) The effects of such pilot program on wait times, including processing times, for such non-pedestrian traffic.

''(E) The effects of such pilot program on combating terrorism.

''(F) The effects of such pilot program on identifying visa holders who violate the terms of their visas.

''(2) AT LAND PORTS OF ENTRY.—

''(A) IN GENERAL.—Not later than five years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry.

''(B) EXTENSION.—The Secretary may extend for a single two-year period the date specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that support the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system. Such extension shall apply only in the case of non-pedestrian outbound traffic at such land ports of entry.

''(3) AT AIR AND SEA PORTS OF ENTRY.—Not later than five years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry.

''(c) EFFECTS ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas.

''(d) TERMINATION OF PROCEEDING.—Notwithstanding any other provision of law, the Secretary shall, on the date of the enactment of this section, terminate the proceeding entitled 'Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (''US–VISIT'')', issued on April 24, 2008 (73 Fed. Reg. 22065).

''(e) DATA-MATCHING.—The biometric exit data system established under this section shall—

''(1) match biometric information for an individual, regardless of nationality, citizenship, or immigration status, who is departing the United States against biometric data previously provided to the United States Government by such individual for the purposes of international travel;

''(2) leverage the infrastructure and databases of the current biometric entry and exit system established pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b) for the purpose described in paragraph (1); and

''(3) be interoperable with, and allow matching against, other Federal databases that—

''(A) store biometrics of known or suspected terrorists; and

''(B) identify visa holders who violate the terms of their visas.

''(f) SCOPE.—

''(1) IN GENERAL.—The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data at the time of departure for all categories of individuals who are required by the Secretary to provide biometric entry data.

''(2) EXCEPTION FOR CERTAIN OTHER INDIVIDUALS.—This section shall not apply in the case of an individual who exits and then enters the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) the itinerary of which originates and terminates in the United States.

''(3) EXCEPTION FOR LAND PORTS OF ENTRY.—This section shall not apply in the case of a United States or Canadian citizen who exits the United States through a land port of entry.

''(g) COLLECTION OF DATA.—The Secretary may not require any non-Federal person to collect biometric data, or contribute to the costs of collecting or administering the biometric exit data system established under this section, except through a mutual agreement.

''(h) MULTI-MODAL COLLECTION.—In carrying out subsections (a)(1) and (b), the Secretary shall make every effort to collect biometric data using multiple modes of biometrics.

''(i) FACILITIES.—All facilities at which the biometric exit data system established under this section is implemented shall provide and maintain space for Federal use that is adequate to support biometric data collection and other inspection-related activity. For non-federally owned facilities, such space shall be provided and maintained at no cost to the Government. For all facilities at land ports of entry, such space requirements shall be coordinated with the Administrator of General Services.

''(j) NORTHERN LAND BORDER.—In the case of the northern land border, the requirements under subsections (a)(2)(C), (b)(2)(A), and (b)(4) may be achieved through the sharing of biometric data provided to the Department by the Canadian Border Services Agency pursuant to the 2011 Beyond the Border agreement.

''(k) FULL AND OPEN COMPETITION.—The Secretary shall procure goods and services to implement this section via full and open competition in accordance with the Federal Acquisition Regulations.

''(l) OTHER BIOMETRIC INITIATIVES.—Nothing in this section may be construed as limiting the authority of the Secretary to collect biometric information in circumstances other than as specified in this section.

''(m) CONGRESSIONAL REVIEW.—Not later than 90 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and Committee on the Judiciary of the House of Representatives reports and recommendations regarding the Science and Technology Directorate's Air Entry and Exit Re-Engineering Program of the Department and the U.S. Customs and Border Protection entry and exit mobility program demonstrations.

''(n) SAVINGS CLAUSE.—Nothing in this section shall prohibit the collection of user fees permitted by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 415 the following new item:

''Sec. 416. Biometric entry-exit.''.

SEC. 2107. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES.

(a) FINDING.—Congress finds that personnel constraints exist at land ports of entry with regard to sanitary and phytosanitary inspections for exported goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in the best interest of cross-border trade and the agricultural community—

(1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional hours to facilitate and expedite the flow of legitimate trade and commerce of perishable goods in a manner consistent with rules of the Department of Agriculture; and

(2) cross designation should be available for personnel who will assist more than one agency or department of the United States at land ports of entry to facilitate and expedite the flow of increased legitimate trade and commerce.

SEC. 2108. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $4,250,000,000 for each of fiscal years 2019 through 2023 to carry out this title, of which $250,000,000 in each such fiscal year is authorized to be made available to implement the biometric exit data system described in section 416 of the Homeland Security Act of 2002, as added by section 2106 of this division.

SEC. 2109. DEFINITION.

In this title, the term ''Secretary'' means the Secretary of Homeland Security.

TITLE III—VISA SECURITY AND INTEGRITY

SEC. 3101. VISA SECURITY.

(a) VISA SECURITY UNITS AT HIGH RISK POSTS.—Paragraph (1) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) AUTHORIZATION.—Subject to the minimum number specified in subparagraph (B), the Secretary''; and

(2) by adding at the end the following new subparagraph:

''(B) RISK-BASED ASSIGNMENTS.—

''(i) IN GENERAL.—In carrying out subparagraph (A), the Secretary shall assign employees of the Department to not fewer than 75 diplomatic and consular posts at which visas are issued. Such assignments shall be made—

''(I) in a risk-based manner;

''(II) considering the criteria described in clause (iii); and

''(III) in accordance with National Security Decision Directive 38 of June 2, 1982, or any superseding presidential directive concerning staffing at diplomatic and consular posts.

''(ii) PRIORITY CONSIDERATION.—In carrying out National Security Decision Directive 38 of June 2, 1982, the Secretary of State shall ensure priority consideration of any staffing assignment pursuant to this subparagraph.

''(iii) CRITERIA DESCRIBED.—The criteria referred to in clause (i) are the following:

''(I) The number of nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

''(II) Information on the cooperation of such country with the counterterrorism efforts of the United States.

''(III) Information analyzing the presence, activity, or movement of terrorist organizations (as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi))) within or through such country.

''(IV) The number of formal objections based on derogatory information issued by the Visa Security Advisory Opinion Unit pursuant to paragraph (10) regarding nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located.

''(V) The adequacy of the border and immigration control of such country.

''(VI) Any other criteria the Secretary determines appropriate.''.

(b) COUNTERTERROR VETTING AND SCREENING.—Paragraph (2) of section 428(e) of the Homeland Security Act of 2002 is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Screen any such applications against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''.

(c) TRAINING AND HIRING.—Subparagraph (A) of section 428(e)(6) of the Homeland Security Act of 2002 is amended by—

(1) striking ''The Secretary shall ensure, to the extent possible, that any employees'' and inserting ''The Secretary, acting through the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement, shall provide training to any employees''; and

(2) striking ''shall be provided the necessary training''.

(d) PRE-ADJUDICATED VISA SECURITY ASSISTANCE AND VISA SECURITY ADVISORY OPINION UNIT.—Subsection (e) of section 428 of the Homeland Security Act of 2002 is amended by adding at the end the following new paragraphs:

''(9) REMOTE PRE-ADJUDICATED VISA SECURITY ASSISTANCE.—At the visa-issuing posts at which employees of the Department are not assigned pursuant to paragraph (1), the Secretary shall, in a risk-based manner, assign employees of the Department to remotely perform the functions required under paragraph (2) at not fewer than 50 of such posts.

''(10) VISA SECURITY ADVISORY OPINION UNIT.—The Secretary shall establish within U.S. Immigration and Customs Enforcement a Visa Security Advisory Opinion Unit to respond to requests from the Secretary of State to conduct a visa security review using information maintained by the Department on visa applicants, including terrorism association, criminal history, counter-proliferation, and other relevant factors, as determined by the Secretary.''.

(e) DEADLINES.—The requirements established under paragraphs (1) and (9) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)), as amended and added by this section, shall be implemented not later than three years after the date of the enactment of this Act.

(f) FUNDING.—

(1) ADDITIONAL VISA FEE.—

(A) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall charge a fee in support of visa security, to be deposited in the U.S. Immigration and Customs Enforcement account. Fees imposed pursuant to this subsection shall be available only to the extent provided in advance by appropriations Acts.

(B) AMOUNT OF FEE.—The total amount of the additional fee charged pursuant to this subsection shall be equal to an amount sufficient to cover the annual costs of the visa security program established by the Secretary of Homeland Security under section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)), as amended by this section.

(2) USE OF FEES.—Amounts deposited in the U.S. Immigration and Customs Enforcement account pursuant to paragraph (1) are authorized to be appropriated to the Secretary of Homeland Security for the funding of the visa security program referred to in such paragraph.

SEC. 3102. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 2106 of this division, is further amended by adding at the end the following new sections:

''SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

''(a) IN GENERAL.—Not later than one year after the date of the enactment of this section, the Commissioner of U.S. Customs and Border Protection shall—

''(1) screen electronic passports at airports of entry by reading each such passport's embedded chip; and

''(2) to the greatest extent practicable, utilize facial recognition technology or other biometric technology, as determined by the Commissioner, to inspect travelers at United States airports of entry.

''(b) APPLICABILITY.—

''(1) ELECTRONIC PASSPORT SCREENING.—Paragraph (1) of subsection (a) shall apply to passports belonging to individuals who are United States citizens, individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), and individuals who are nationals of any other foreign country that issues electronic passports.

''(2) FACIAL RECOGNITION MATCHING.—Paragraph (2) of subsection (a) shall apply, at a minimum, to individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act.

''(c) ANNUAL REPORT.—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Chief Privacy Officer of the Department, shall issue to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report through fiscal year 2022 on the utilization of facial recognition technology and other biometric technology pursuant to subsection (a)(2). Each such report shall include information on the type of technology used at each airport of entry, the number of individuals who were subject to inspection using either of such technologies at each airport of entry, and within the group of individuals subject to such inspection at each airport, the number of those individuals who were United States citizens and legal permanent residents. Each such report shall provide information on the disposition of data collected during the year covered by such report, together with information on protocols for the management of collected biometric data, including timeframes and criteria for storing, erasing, destroying, or otherwise removing such data from databases utilized by the Department.

''SEC. 420A. CONTINUOUS SCREENING BY U.S. CUSTOMS AND BORDER PROTECTION.

''The Commissioner of U.S. Customs and Border Protection shall, in a risk based manner, continuously screen individuals issued any visa, and individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), who are present, or are expected to arrive within 30 days, in the United States, against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following new items:

''Sec. 420. Electronic passport screening and biometric matching.

''Sec. 420A. Continuous screening by U.S. Customs and Border Protection.''.

SEC. 3103. REPORTING OF VISA OVERSTAYS.

Section 2 of Public Law 105–173 (8 U.S.C. 1376) is amended—

(1) in subsection (a)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by inserting before the period at the end the following: '', and any additional information that the Secretary determines necessary for purposes of the report under subsection (b)''; and

(2) by amending subsection (b) to read as follows:

''(b) ANNUAL REPORT.—Not later than September 30, 2019, and not later than September 30 of each year thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report providing, for the preceding fiscal year, numerical estimates (including information on the methodology utilized to develop such numerical estimates) of—

''(1) for each country, the number of aliens from the country who are described in subsection (a), including—

''(A) the total number of such aliens within all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

''(B) the number of such aliens within each of the classes of nonimmigrant aliens, as well as the number of such aliens within each of the subclasses of such classes of nonimmigrant aliens, as applicable;

''(2) for each country, the percentage of the total number of aliens from the country who were present in the United States and were admitted to the United States as nonimmigrants who are described in subsection (a);

''(3) the number of aliens described in subsection (a) who arrived by land at a port of entry into the United States;

''(4) the number of aliens described in subsection (a) who entered the United States using a border crossing identification card (as such term is defined in section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6))); and

''(5) the number of Canadian nationals who entered the United States without a visa whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States.''.

SEC. 3104. STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM VERIFICATION.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure that the information collected under the program established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is available to officers of U.S. Customs and Border Protection for the purpose of conducting primary inspections of aliens seeking admission to the United States at each port of entry of the United States.

SEC. 3105. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by sections 1115, 1123, and 1126 of this division, is further amended by adding at the end the following new sections:

''SEC. 438. SOCIAL MEDIA SCREENING.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall, to the greatest extent practicable, and in a risk based manner and on an individualized basis, review the social media accounts of certain visa applicants who are citizens of, or who reside in, high-risk countries, as determined by the Secretary based on the criteria described in subsection (b).

''(b) HIGH-RISK CRITERIA DESCRIBED.—In determining whether a country is high-risk pursuant to subsection (a), the Secretary, in consultation with the Secretary of State, shall consider the following criteria:

''(1) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

''(2) The level of cooperation of the country with the counter-terrorism efforts of the United States.

''(3) Any other criteria the Secretary determines appropriate.

''(c) COLLABORATION.—To carry out the requirements of subsection (a), the Secretary may collaborate with—

''(1) the head of a national laboratory within the Department's laboratory network with relevant expertise;

''(2) the head of a relevant university-based center within the Department's centers of excellence network; and

''(3) the heads of other appropriate Federal agencies.

''(d) WAIVER.—The Secretary, in collaboration with the Secretary of State, is authorized to waive the requirements of subsection (a) as necessary to comply with international obligations of the United States.

''SEC. 439. OPEN SOURCE SCREENING.

''The Secretary shall, to the greatest extent practicable, and in a risk based manner, review open source information of visa applicants.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this division is further amended by inserting after the item relating to section 437 the following new items:

''Sec. 438. Social media screening.
''Sec. 439. Open source screening.''.

SEC. 3106. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date.

SEC. 3107. VISA INFORMATION SHARING.

(a) IN GENERAL.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)(2)) is amended—

(1) by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation'';

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''and on the basis of reciprocity'' and all that follows and inserting the following ''may provide to a foreign government information in a Department of State computerized visa database and, when necessary and appropriate, other records covered by this section related to information in such database—'';

(3) in paragraph (2)(A)—

(A) by inserting at the beginning ''on the basis of reciprocity,'';

(B) by inserting ''(i)'' after ''for the purpose of''; and

(C) by striking ''illicit weapons; or'' and inserting ''illicit weapons, or (ii) determining a person's deportability or eligibility for a visa, admission, or other immigration benefit;'';

(4) in paragraph (2)(B)—

(A) by inserting at the beginning ''on the basis of reciprocity,'';

(B) by striking ''in the database'' and inserting ''such database'';

(C) by striking ''for the purposes'' and inserting ''for one of the purposes''; and

(D) by striking ''or to deny visas to persons who would be inadmissible to the United States.'' and inserting ''; or''; and

(5) in paragraph (2), by adding at the end the following:

''(C) with regard to any or all aliens in the database specified data elements from each record, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

SEC. 3108. RESTRICTING WAIVER OF VISA INTERVIEWS.

Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)(B)) is amended—

(1) in paragraph (1)(C), by inserting '', in consultation with the Secretary of Homeland Security,'' after ''if the Secretary'';

(2) in paragraph (1)(C)(i), by inserting '', where such national interest shall not include facilitation of travel of foreign nationals to the United States, reduction of visa application processing times, or the allocation of consular resources'' before the semicolon at the end; and

(3) in paragraph (2)—

(A) by striking ''or'' at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting ''; or''; and

(C) by adding at the end the following:

''(G) is an individual—

''(i) determined to be in a class of aliens determined by the Secretary of Homeland Security to be threats to national security;

''(ii) identified by the Secretary of Homeland Security as a person of concern; or

''(iii) applying for a visa in a visa category with respect to which the Secretary of Homeland Security has determined that a waiver of the visa interview would create a high risk of degradation of visa program integrity.''.

SEC. 3109. AUTHORIZING THE DEPARTMENT OF STATE TO NOT INTERVIEW CERTAIN INELIGIBLE VISA APPLICANTS.

(a) IN GENERAL.—Section 222(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)) is amended by inserting ''the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application or'' after ''unless''.

(b) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall issue guidance to consular officers on the standards and processes for implementing the authority to deny visa applications without interview in cases where the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application.

(c) REPORTS.—Not less frequently than once each quarter, the Secretary of State shall submit to the Congress a report on the

denial of visa applications without interview, including—

(1) the number of such denials; and

(2) a post-by-post breakdown of such denials.

SEC. 3110. PETITION AND APPLICATION PROCESSING FOR VISAS AND IMMIGRATION BENEFITS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 211 the following:

''SEC. 211A. PETITION AND APPLICATION PROCESSING.

''(a) SIGNATURE REQUIREMENT.—

''(1) IN GENERAL.—No petition or application filed with the Secretary of Homeland Security or with a consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant may be approved unless the petition or application is signed by each party required to sign such petition or application.

''(2) APPLICATIONS FOR IMMIGRANT VISAS.—Except as may be otherwise prescribed by regulations, each application for an immigrant visa shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer.

''(b) COMPLETION REQUIREMENT.—No petition or application filed with the Secretary of Homeland Security or with a consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant may be approved unless each applicable portion of the petition or application has been completed.

''(c) TRANSLATION REQUIREMENT.—No document submitted in support of a petition or application for a nonimmigrant or immigrant visa may be accepted by a consular officer if such document contains information in a foreign language, unless such document is accompanied by a full English translation, which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

''(d) REQUESTS FOR ADDITIONAL INFORMATION.—In the case that the Secretary of Homeland Security or a consular officer requests any additional information relating to a petition or application filed with the Secretary or consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant, such petition or application may not be approved unless all of the additional information requested is provided, or is shown to have been previously provided, in complete form and is provided on or before any reasonably established deadline included in the request.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 211 the following:

''Sec. 211A. Petition and application processing.''.

(c) APPLICATION.—The amendments made by this section shall apply with respect to applications and petitions filed after the date of the enactment of this Act.

SEC. 3111. FRAUD PREVENTION.

(a) PROSPECTIVE ANALYTICS TECHNOLOGY.—

(1) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a plan for the use of advanced analytics software to ensure the proactive detection of fraud in immigration benefits applications and petitions and to ensure that any such applicant or petitioner does not pose a threat to national security.

(2) IMPLEMENTATION OF PLAN.—Not later than 1 year after the date of the submission of the plan under paragraph (1), the Secretary of Homeland Security shall begin implementation of the plan.

(b) BENEFITS FRAUD ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Fraud Detection and Nationality Security Directorate, shall complete a benefit fraud assessment by fiscal year 2021 on each of the following:

(A) Petitions by VAWA self-petitioners (as such term is defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)).

(B) Applications or petitions for visas or status under section 101(a)(15)(K) of such Act or under section 201(b)(2) of such Act, in the case of spouses (8 U.S.C. 1101(a)(15)(K)).

(C) Applications for visas or status under section 101(a)(27)(J) of such Act (8 U.S.C. 1101(a)(27)(J)).

(D) Applications for visas or status under section 101(a)(15)(U) of such Act (8 U.S.C. 1101(a)(15)(U)).

(E) Petitions for visas or status under section 101(a)(27)(C) of such Act (8 U.S.C. 1101(a)(27)(C)).

(F) Applications for asylum under section 208 of such Act (8 U.S.C. 1158).

(G) Applications for adjustment of status under section 209 of such Act (8 U.S.C. 1159).

(H) Petitions for visas or status under section 201(b) of such Act (8 U.S.C. 1151(b)).

(2) REPORTING ON FINDINGS.—Not later than 30 days after the completion of each benefit fraud assessment under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate such assessment and recommendations on how to reduce the occurrence of instances of fraud identified by the assessment.

SEC. 3112. VISA INELIGIBILITY FOR SPOUSES AND CHILDREN OF DRUG TRAFFICKERS.

Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking ''is the spouse, son, or daughter'' and inserting ''is or has been the spouse, son, or daughter''; and

(2) in subparagraph (H)(ii), by striking ''is the spouse, son, or daughter'' and inserting ''is or has been the spouse, son, or daughter''.

SEC. 3113. DNA TESTING.

Section 222(b) of the Immigration and Nationality Act (8 U.S.C. 1202(b)) is amended by inserting ''Where considered necessary, by the consular officer or immigration official, to establish family relationships, the immigrant shall provide DNA evidence of such a relationship in accordance with procedures established for submitting such evidence. The Secretary and the Secretary of State may, in consultation, issue regulations to require DNA evidence to establish family relationship, from applicants for certain visa classifications.'' after ''and a certified copy of all other records or documents concerning him or his case which may be required by the consular officer.''.

SEC. 3114. ACCESS TO NCIC CRIMINAL HISTORY DATABASE FOR DIPLOMATIC VISAS.

Subsection (a) of article V of section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (34 U.S.C. 40316(V)(a)) is amended by inserting '', except for diplomatic visa applications for which only full biographical information is required'' before the period at the end.

SEC. 3115. ELIMINATION OF SIGNED PHOTOGRAPH REQUIREMENT FOR VISA APPLICATIONS.

Section 221(b) of the Immigration and Nationality Act (8 U.S.C. 1201(b)) is amended by striking the first sentence and insert the following: ''Each alien who applies for a visa shall be registered in connection with his or her application and shall furnish copies of his or her photograph for such use as may be required by regulation.''.

SEC. 3116. ADDITIONAL FRAUD DETECTION AND PREVENTION.

Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''at United States embassies and consulates abroad'';

(2) by amending clause (i) to read as follows:

''(i) to increase the number of diplomatic security personnel assigned exclusively or primarily to the function of preventing and detecting visa fraud;''; and

(3) in clause (ii), by striking '', including primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15)''.

TITLE IV—TRANSNATIONAL CRIMINAL ORGANIZATION ILLICIT SPOTTER PREVENTION AND ELIMINATION

SEC. 4101. SHORT TITLE.

This title may be cited as the ''Transnational Criminal Organization Illicit Spotter Prevention and Elimination Act''.

SEC. 4102. ILLICIT SPOTTING.

Section 1510 of title 18, United States Code, is amended by adding at the end the following:

''(f) Any person who knowingly transmits, by any means, to another person the location, movement, or activities of any officer or agent of a Federal, State, local, or tribal law enforcement agency with the intent to further a criminal offense under the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act), the Controlled Substances Act, or the Controlled Substances Import and Export Act, or that relates to agriculture or monetary instruments shall be fined under this title or imprisoned not more than 10 years, or both.''.

SEC. 4103. UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

(a) BRINGING IN AND HARBORING OF CERTAIN ALIENS.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (2), by striking ''brings to or attempts to'' and inserting the following: ''brings to or attempts or conspires to''; and

(2) by adding at the end the following:

''(5) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if that person, at the time of the offense, used or carried a firearm or who, in furtherance of any such crime, possessed a firearm.''.

(b) AIDING OR ASSISTING CERTAIN ALIENS TO ENTER THE UNITED STATES.—Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) is amended—

(1) by inserting after ''knowingly aids or assists'' the following: ''or attempts to aid or assist''; and

(2) by adding at the end the following: ''In the case of a person convicted of an offense under this section, the sentence otherwise provided for may be increased by up to 10 years if that person, at the time of the offense, used or carried a firearm or who, in furtherance of any such crime, possessed a firearm.''.

(c) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Section 1361 of title 18, United States Code, is amended—

(1) by striking ''If the damage'' and inserting the following:

''(1) Except as otherwise provided in this section, if the damage''; and

(2) by adding at the end the following:

''(2) If the injury or depredation was made or attempted against any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry or otherwise was intended to construct, excavate, or make any structure intended to defeat, circumvent, or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry, by a fine under this title or imprisonment for not more than 15 years, or both.

''(3) If the injury or depredation was described under paragraph (2) and, in the commission of the offense, the offender used or carried a firearm or, in furtherance of any such offense, possessed a firearm, by a fine under this title or imprisonment for not more than 20 years, or both.''.

TITLE V—BORDER SECURITY FUNDING

SEC. 5101. BORDER SECURITY FUNDING.

(a) FUNDING.—In addition to amounts otherwise made available by this Act or any other provision of law, there is hereby appropriated to the ''U.S. Customs and Border Protection—Procurement, Construction, and Improvements'' account, out of any amounts in the Treasury not otherwise appropriated, $23,400,000,000, to be available as described in subsections (b) and (c), of which—

(1) $16,625,000,000 shall be for a border wall system along the southern border of the United States, including physical barriers and associated detection technology, roads, and lighting; and

(2) $6,775,000,000 shall be for infrastructure, assets, operations, and technology to enhance border security along the southern border of the United States, including—

(A) border security technology, including surveillance technology, at and between ports of entry;

(B) new roads and improvements to existing roads;

(C) U.S. Border Patrol facilities and ports of entry;

(D) aircraft, aircraft-based sensors and associated technology, vessels, spare parts, and equipment to maintain such assets;

(E) a biometric entry and exit system; and

(F) family residential centers.

(b) AVAILABILITY OF BORDER WALL SYSTEM FUNDS.—

(1) IN GENERAL.—Of the amount appropriated in subsection (a)(1)—

(A) $2,241,000,000 shall become available October 1, 2018;

(B) $1,808,000,000 shall become available October 1, 2019;

(C) $1,715,000,000 shall become available October 1, 2020;

(D) $2,140,000,000 shall become available October 1, 2021;

(E) $1,735,000,000 shall become available October 1, 2022;

(F) $1,746,000,000 shall become available October 1, 2023;

(G) $1,776,000,000 shall become available October 1, 2024;

(H) $1,746,000,000 shall become available October 1, 2025; and

(I) $1,718,000,000 shall become available October 1, 2026.

(2) PERIOD OF AVAILABILITY.—An amount made available under subparagraph (A), (B), (C), (D), (E), (F), (G), (H), or (I) of paragraph (1) shall remain available for five years after the date specified in that subparagraph.

(c) AVAILABILITY OF BORDER SECURITY INVESTMENT FUNDS.—

(1) IN GENERAL.—Of the amount appropriated in subsection (a)(2)—

(A) $500,000,000 shall become available October 1, 2018;

(B) $1,850,000,000 shall become available October 1, 2019;

(C) $1,950,000,000 shall become available October 1, 2020;

(D) $1,925,000,000 shall become available October 1, 2021; and

(E) $550,000,000 shall become available October 1, 2022.

(2) PERIOD OF AVAILABILITY.—An amount made available under subparagraph (A), (B), (C), (D), or (E) of paragraph (1) shall remain available for five years after the date specified in that subparagraph.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Notwithstanding any limitation on transfer authority in any other provision of law and subject to the notification requirement in subparagraph (B), the Secretary of Homeland Security may transfer any amounts made available under paragraph (1) to the ''U.S. Customs and Border Protection—Operations and Support'' account only to the extent necessary to carry out the purposes described in subsection (a)(2).

(B) NOTIFICATION REQUIRED.—The Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days before each such transfer.

(d) MULTI-YEAR SPENDING PLAN.—The Secretary of Homeland Security shall include in the budget justification materials submitted in support of the President's annual budget request for fiscal year 2020 (as submitted under section 1105(a) of title 31, United States Code) a multi-year spending plan for the amounts made available under subsection (a).

(e) EXPENDITURE PLAN.—Each amount that becomes available in accordance with subsection (b) or (c) may not be obligated until the date that is 30 days after the date on which the Committees on Appropriations of the Senate and the House of Representatives receive a detailed plan, prepared by the Commissioner of U.S. Customs and Border Protection, for the expenditure of such amount.

(f) QUARTERLY BRIEFING REQUIREMENT.—Beginning not later than 180 days after the date of the enactment of this Act, and quarterly thereafter, the Commissioner of U.S. Customs and Border Protection shall brief the Committees on Appropriations of the Senate and the House of Representatives regarding activities under and progress made in carrying out this section.

(g) RULES OF CONSTRUCTION.—Nothing in this section may be construed to limit the availability of funds made available by any other provision of law for carrying out the requirements of this Act or the amendments made by this Act. Any reference in this section to an appropriation account shall be construed to include any successor accounts.

(h) DISCRETIONARY AMOUNTS.—Notwithstanding any other provision of law, the amounts appropriated under subsection (a) are discretionary appropriations (as that term is defined in section 250(c)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(7)).

SEC. 5102. LIMITATION ON ADJUSTMENT OF STATUS.

If any amount under section 5101 is rescinded or transferred to another account for use beyond the purposes specified in such section—

(1) a contingent nonimmigrant (as such term is defined in section 1101 of division B) may not be provided with an immigrant visa or adjust status to that of a lawful permanent resident under this Act, the Immigration and Nationality Act, or the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101); and

(2) beginning on October 1, 2019, an alien described in paragraph (2) of section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)(2)) may not be provided with an immigrant visa or adjust status to that of a lawful permanent resident under such section.

SEC. 5103. EXCLUSION FROM PAYGO SCORECARDS.

The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

DIVISION B—IMMIGRATION REFORM

TITLE I—LAWFUL STATUS FOR CERTAIN CHILDHOOD ARRIVALS

SEC. 1101. DEFINITIONS.

In this division:

(1) IN GENERAL.—Except as otherwise specifically provided, the terms used in this division have the meanings given such terms in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) CONTINGENT NONIMMIGRANT.—The term ''contingent nonimmigrant'' means an alien who is granted nonimmigrant status under this division.

(3) EDUCATIONAL INSTITUTION.—The term ''educational institution'' means—

(A) an institution that is described in section 102(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)) except an institution described in subparagraph (C) of such section;

(B) an elementary, primary, or secondary school within the United States; or

(C) an educational program assisting students either in obtaining a high school equivalency diploma, certificate, or its recognized equivalent under State law, or in passing a General Educational Development exam or other equivalent State-authorized exam or other applicable State requirements for high school equivalency.

(4) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(5) SEXUAL ASSAULT.—The term ''sexual assault'' means—

(A) conduct constituting a criminal offense of rape, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A)), or conduct punishable under section 2241 (relating to aggravated sexual abuse), section 2242 (relating to sexual abuse), or section 2243 (relating to sexual abuse of a minor or ward) of title 18, United States Code;

(B) conduct constituting a criminal offense of statutory rape, or any offense of a sexual nature involving a victim under the age of 18 years, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A));

(C) conduct punishable under section 2251 or 2251A (relating to the sexual exploitation of children and the selling or buying of children), or section 2252 or 2252A (relating to certain activities relating to material involving the sexual exploitation of minors or relating to material constituting or containing child pornography) of title 18, United States Code; or

(D) conduct constituting the elements of any other Federal or State sexual offense requiring a defendant, if convicted, to register on a sexual offender registry (except that this provision shall not apply to convictions solely for urinating or defecating in public).

(6) VICTIM.—The term ''victim'' has the meaning given the term in section 503(e) of

the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

SEC. 1102. CONTINGENT NONIMMIGRANT STATUS ELIGIBILITY AND APPLICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may grant contingent nonimmigrant status to an alien who—

(1) meets the eligibility requirements set forth in subsection (b);

(2) submits a completed application before the end of the period set forth in subsection (c)(2); and

(3) has paid the fees required under subsection (c)(5).

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—An alien is eligible for contingent nonimmigrant status if the alien establishes by clear and convincing evidence that the alien meets the requirements set forth in this subsection.

(2) GENERAL REQUIREMENTS.—The requirements under this paragraph are that the alien—

(A) is physically present in the United States on the date on which the alien submits an application for contingent nonimmigrant status;

(B) was physically present in the United States on June 15, 2007;

(C) was younger than 16 years of age on the date the alien initially entered the United States;

(D) is a person of good moral character;

(E) was under 31 years of age on June 15, 2012;

(F) has maintained continuous physical presence in the United States from June 15, 2012, until the date on which the alien is granted contingent nonimmigrant status under this section;

(G) had no lawful immigration status on June 15, 2012; and

(H) has requested the release to the Department of Homeland Security of all records regarding their being adjudicated delinquent in State or local juvenile court proceedings, and the Department has obtained all such records.

(3) EDUCATION REQUIREMENT.—

(A) IN GENERAL.—An alien may not be granted contingent nonimmigrant status under this section unless the alien establishes by clear and convincing evidence that the alien—

(i) is enrolled in, and is in regular full-time attendance at, an educational institution within the United States; or

(ii) has acquired a diploma or degree from a high school in the United States or the equivalent of such a diploma as recognized under State law (such as a general equivalency diploma, certificate of completion, or certificate of attendance).

(B) EVIDENCE.—An alien shall demonstrate compliance with clause (i) or (ii) of subparagraph (A) by providing a valid certified transcript or diploma from the educational institution the alien is enrolled in or from which the alien has acquired a diploma or certificate.

(C) DISABILITY WAIVER.—Subparagraph (A) shall not apply in the case of an alien if the Secretary determines on a case by case basis that the alien is unable because of a physical or developmental disability or mental impairment to meet the requirement of such subparagraph.

(4) GROUNDS FOR INELIGIBILITY.—An alien is ineligible for contingent nonimmigrant status if the Secretary determines that the alien—

(A) has a conviction for—

(i) an offense classified as a felony in the convicting jurisdiction;

(ii) an aggravated felony (except that in applying such term for purposes of this paragraph, subparagraph (N) of section 101(a)(43) does not apply);

(iii) an offense classified as a misdemeanor in the convicting jurisdiction which involved—

(I) domestic violence (as such term is defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)));

(II) child abuse or neglect (as such term is defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)));

(III) assault resulting in bodily injury (as such term is defined in section 2266 of title 18, United States Code); or

(IV) the violation of a protection order (as such term is defined in section 2266 of title 18, United States Code);

(iv) one or more offenses classified as a misdemeanor in the convicting jurisdiction which involved driving while intoxicated or driving under the influence (as such terms are defined in section 164(a)(2) of title 23, United States Code);

(v) two or more misdemeanors (excluding minor traffic offenses that did not involve driving while intoxicated or driving under the influence, or that did not subject any individual other than the alien to bodily injury); or

(vi) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) or deportable under section 237(a) of such Act (8 U.S.C. 1227(a));

(B) has been adjudicated delinquent in a State or local juvenile court proceeding for an offense equivalent to—

(i) an offense relating to murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), statutory rape, or any offense of a sexual nature involving a victim under the age of 18 years, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(A));

(ii) a crime of violence, as such term is defined in section 16 of title 18, United States Code; or

(iii) an offense punishable under section 401 of the Controlled Substances Act (21 U.S.C. 841);

(C) has a conviction for any other criminal offense, with regard to which the alien has not satisfied any requirement to pay restitution or any civil legal judgements awarded to any victims (or family members of victims) of the crime;

(D) is described in section 212(a)(2)(N) of the Immigration and Nationality Act (8 U.S.C. 1882(a)(2)) (relating to aliens associated with criminal gangs);

(E) is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except that in determining an alien's inadmissibility, paragraphs (5)(A), (6)(A), (6)(D), (6)(G), (7), (9)(B), and (9)(C)(i)(I) of such section shall not apply;

(F) is deportable under section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), except that in determining an alien's deportability—

(i) subparagraph (A) of section 237(a)(1) of such Act shall not apply with respect to grounds of inadmissibility that do not apply pursuant to subparagraph (C) of such section; and

(ii) subparagraphs (B) through (D) of section 237(a)(1) and section 237(a)(3)(A) of such Act shall not apply;

(G) was, on the date of the enactment of this Act—

(i) an alien lawfully admitted for permanent residence;

(ii) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or granted asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158); or

(iii) an alien who, according to the records of the Secretary or the Secretary of State, is lawfully present in the United States in any nonimmigrant status, notwithstanding any unauthorized employment or other violation of nonimmigrant status;

(H) has failed to comply with the requirements of any removal order or voluntary departure agreement;

(I) has been ordered removed in absentia pursuant to section 240(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(5)(A)), unless the case has been reopened;

(J) if over the age of 18, has failed to demonstrate that he or she is able to maintain himself or herself at an annual income that is not less than 125 percent of the Federal poverty level throughout the period of admission as a contingent nonimmigrant, unless the alien has demonstrated that the alien is enrolled in, and is in regular full-time attendance at, an educational institution within the United States, except that the requirement under this subparagraph shall not apply in the case of an alien if the Secretary determines on a case by case basis that the alien—

(i) is unable because of a physical or developmental disability or mental impairment to meet the requirement of such subparagraph; or

(ii) is the primary caregiver of—

(I) a child under 18 years of age; or

(II) a child 18 years of age or over, spouse, parent, grandparent, or sibling, who is incapable of self-care because of a mental or physical disability or who has a serious injury or illness (as such term is defined in section 101(18) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(18)));

(K) has not attested that such alien is not delinquent with respect to any Federal, State, or local income or property tax liability, and has not attested that such alien does not have income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service; or

(L) has at any time been convicted of sexual assault.

(5) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—For purposes of paragraph (2), any period of travel outside the United States by an alien that was authorized by the Secretary may not be considered to interrupt any period of continuous physical presence.

(c) APPLICATION PROCEDURES.—

(1) IN GENERAL.—An alien may apply for contingent nonimmigrant status by submitting a completed application form via electronic filing to the Secretary during the application period set forth in paragraph (2), in accordance with the interim final rule made by the Secretary under section 1107.

(2) APPLICATION PERIOD.—The Secretary may only accept applications for contingent nonimmigrant status from aliens in the United States during the 1-year period beginning on the date on which the interim final rule is published in the Federal Register pursuant to section 1107, except that the Secretary may extend such period for not more than one 90-day period.

(3) APPLICATION FORM.—

(A) REQUIRED INFORMATION.—The application form referred to in paragraph (1) shall collect such information as the Secretary determines to be necessary and appropriate in order to determine whether an alien meets the eligibility requirements set forth in subsection (b). The Secretary shall by rule require applicants to provide substantiating

information necessary to evaluate the attestation of the alien relevant to the grounds of ineligibility under subsection (b)(4)(K), including, as applicable, tax returns and return information available to the applicant under section 6103(e) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(e)), evidence of tax refunds, and receipts of taxes paid.

(B) INTERVIEW.—The Secretary may conduct an in-person interview of each applicant for contingent nonimmigrant status under this section as part of the determination as to whether the alien meets the eligibility requirements set forth in subsection (b).

(4) DOCUMENTARY REQUIREMENTS.—An application filed by an alien under this section shall include the following:

(A) One or more of the following documents demonstrating the alien's identity:

(i) A passport (or national identity document) from the alien's country of origin.

(ii) A certified birth certificate along with photo identification.

(iii) A State-issued identification card bearing the alien's name and photograph.

(iv) An Armed Forces identification card issued by the Department of Defense.

(v) A Coast Guard identification card issued by the Department of Homeland Security.

(vi) A document issued by the Department of Homeland Security.

(vii) A travel document issued by the Department of State.

(B) A certified copy of the alien's birth certificate or certified school transcript demonstrating that the alien satisfies the requirement of subsection (b)(2)(C) and (E).

(C) A certified school transcript demonstrating that the alien satisfies the requirements of subsection (b)(3).

(5) FEES.—

(A) STANDARD PROCESSING FEE.—

(i) IN GENERAL.—Aliens applying for contingent nonimmigrant status under this section shall pay a processing fee to the Department of Homeland Security in an amount determined by the Secretary.

(ii) RECOVERY OF COSTS.—The processing fee authorized under clause (i) shall be set at a level that is, at a minimum, sufficient to recover the full costs of processing the application, including any costs incurred—

(I) to adjudicate the application;

(II) to take and process biometrics;

(III) to perform national security and criminal checks;

(IV) to prevent and investigate fraud; and

(V) to administer the collection of such fee.

(iii) DEPOSIT AND USE OF PROCESSING FEES.—Fees collected under clause (i) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)).

(B) BORDER SECURITY FEE.—

(i) IN GENERAL.—Aliens applying for contingent nonimmigrant status under this section shall pay a one-time border security fee to the Department of Homeland Security in an amount of $1,000, which may be paid in installments.

(ii) USE OF BORDER SECURITY FEES.—Fees collected under clause (i) shall be available, to the extent provided in advance in appropriation Acts, to the Secretary of Homeland Security for the purposes of carrying out division A, and the amendments made by that division.

(6) ALIENS APPREHENDED BEFORE OR DURING THE APPLICATION PERIOD.—If an alien who is apprehended during the period beginning on the date of the enactment of this Act and ending on the last day of the application period described in paragraph (2) appears prima facie eligible for contingent nonimmigrant status, to the satisfaction of the Secretary, the Secretary—

(A) shall provide the alien with a reasonable opportunity to file an application under this section during such application period; and

(B) may not remove the individual until the Secretary has denied the application, unless the Secretary, in the Secretary's sole and unreviewable discretion, determines that expeditious removal of the alien is in the national security, public safety, or foreign policy interests of the United States, or the Secretary will be required for constitutional reasons or court order to release the alien from detention.

(7) SUSPENSION OF REMOVAL DURING APPLICATION PERIOD.—

(A) ALIENS IN REMOVAL PROCEEDINGS.—Notwithstanding any other provision of this division, if the Secretary determines that an alien, during the period beginning on the date of the enactment of this Act and ending on the last day of the application period described in subsection (c)(2), is in removal, deportation, or exclusion proceedings before the Executive Office for Immigration Review and is prima facie eligible for contingent nonimmigrant status under this section—

(i) the Secretary shall provide the alien with the opportunity to file an application for such status; and

(ii) upon motion by the alien and with the consent of the Secretary, the Executive Office for Immigration Review shall—

(I) provide the alien a reasonable opportunity to apply for such status; and

(II) if the alien applies within the time frame provided, suspend such proceedings until the Secretary has made a determination on the application.

(B) ALIENS ORDERED REMOVED.—If an alien who meets the eligibility requirements set forth in subsection (b) is present in the United States and has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States pursuant to section 212(a)(6)(A)(i) or 237(a)(1)(B) or (C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(i), 1227(a)(1)(B) or (C)), the Secretary shall provide the alien with the opportunity to file an application for contingent nonimmigrant status provided that the alien has not failed to comply with any order issued pursuant to section 239 or 240B of the Immigration and Nationality Act (8 U.S.C. 1229, 1229c).

(C) PERIOD PENDING ADJUDICATION OF APPLICATION.—During the period beginning on the date on which an alien applies for contingent nonimmigrant status under subsection (c) and ending on the date on which the Secretary makes a determination regarding such application, an otherwise removable alien may not be removed from the United States unless—

(i) the Secretary makes a prima facie determination that such alien is, or has become, ineligible for contingent nonimmigrant status under subsection (b); or

(ii) the Secretary, in the Secretary's sole and unreviewable discretion, determines that removal of the alien is in the national security, public safety, or foreign policy interest of the United States.

(8) SECURITY AND LAW ENFORCEMENT CLEARANCES.—

(A) BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant contingent nonimmigrant status to an alien under this section unless such alien submits biometric and biographic data in accordance with procedures established by the Secretary.

(B) ALTERNATIVE PROCEDURES.—The Secretary may provide an alternative procedure for applicants who cannot provide the biometric data required under subparagraph (A) due to a physical impairment.

(C) CLEARANCES.—

(i) DATA COLLECTION.—The Secretary shall collect, from each alien applying for status under this section, biometric, biographic, and other data that the Secretary determines to be appropriate—

(I) to conduct national security and law enforcement checks; and

(II) to determine whether there are any factors that would render an alien ineligible for such status.

(ii) ADDITIONAL SECURITY SCREENING.—The Secretary, in consultation with the Secretary of State and the heads of other agencies as appropriate, shall conduct an additional security screening upon determining, in the Secretary's opinion based upon information related to national security, that an alien is or was a citizen or resident of a region or country known to pose a threat, or that contains groups or organizations that pose a threat, to the national security of the United States.

(iii) PREREQUISITE.—The required clearances and screenings described in clauses (i)(I) and (ii) shall be completed before the alien may be granted contingent nonimmigrant status.

(9) CONFIDENTIALITY OF INFORMATION.—No information provided in a nonfraudulent application for contingent nonimmigrant status which is related to the immigration status of the parent of an applicant for such status, which is not otherwise available to the Secretary of Homeland Security, may be used for the purpose of initiating or proceeding with removal proceedings with respect to such a parent.

(d) WORK AUTHORIZATION RENEWALS.—Beginning on the date of the enactment of this Act and ending on the date on which an alien's application for contingent nonimmigrant status has been finally adjudicated, the Secretary shall, upon the application of an alien—

(1) renew the employment authorization for an alien who possesses an Employment Authorization Document that was valid on the date of the enactment of this Act, and that was issued pursuant to the June 15, 2012, U.S. Department of Homeland Security Memorandum entitled, ''Exercising Prosecutorial Discretion With Respect to Individuals Who Came to the United States as Children'' who demonstrates economic necessity; and

(2) grant employment authorization to an alien who appears prima facie eligible for contingent nonimmigrant status, who attains the age of 15 after the date of the enactment of this Act, and who demonstrates economic necessity.

SEC. 1103. TERMS AND CONDITIONS OF CONDITIONAL NONIMMIGRANT STATUS.

(a) DURATION OF STATUS AND EXTENSION.—The initial period of contingent nonimmigrant status—

(1) shall be 6 years unless revoked pursuant to subsection (d); and

(2) may be extended for additional 6-year terms if—

(A) the alien remains eligible for contingent nonimmigrant status under paragraphs (1), (2), and (4) of section 1102(b) (other than with regard to the requirement under paragraph (4)(J) of such subsection);

(B) the alien again passes background checks equivalent to the background checks described in section 1102(c)(9); and

(C) such status was not revoked by the Secretary for any reason.

(b) TERMS AND CONDITIONS OF CONTINGENT NONIMMIGRANT STATUS.—

(1) WORK AUTHORIZATION.—The Secretary shall grant employment authorization to an alien granted contingent nonimmigrant status who demonstrates economic necessity.

(2) TRAVEL OUTSIDE THE UNITED STATES.—

(A) IN GENERAL.—The status of a contingent nonimmigrant who is absent from the United States without authorization shall be subject to revocation under subsection (d).

(B) AUTHORIZATION.—The Secretary may authorize a contingent nonimmigrant to travel outside the United States and shall grant the contingent nonimmigrant reentry provided that the contingent nonimmigrant—

(i) was not absent from the United States for a continuous period in excess of 180 days during each 6-year period that the alien is in contingent nonimmigrant status, unless the contingent nonimmigrant's failure to return was due to extenuating circumstances beyond the individual's control or as part of the alien's active duty service in the Armed Forces of the United States; and

(ii) is otherwise admissible to the United States, except as provided in section 1102(b)(4)(E).

(C) STUDY ABROAD.—For purposes of subparagraph (B)(i), in the case of a contingent nonimmigrant who was absent from the United States for participation in a study abroad program offered by an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), 60 of such days shall not be counted towards the period described in such subparagraph.

(3) INELIGIBILITY FOR COVERAGE THROUGH HEALTH EXCHANGES.—In applying section 1312(f)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(f)(3)), a contingent nonimmigrant shall not be treated as an individual who is, or is reasonably expected to be, a citizen or national of the United States or an alien lawfully present in the United States.

(4) FEDERAL, STATE, AND LOCAL PUBLIC BENEFITS.—For purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.), a contingent nonimmigrant shall not be considered a qualified alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(5) AUTHORIZATION FOR ENLISTMENT.—Section 504(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) A contingent nonimmigrant (as such term is defined in section 1101 of division B of the Border Security and Immigration Reform Act of 2018).''.

(c) REVOCATION.—

(1) IN GENERAL.—The Secretary shall revoke the status of a contingent nonimmigrant at any time if the alien—

(A) no longer meets the eligibility requirements set forth in section 1102(b)(2)(D), (3), (4)(A) through (D), (4)(E) through (I), and (4)(N);

(B) knowingly uses documentation issued under this section for an unlawful or fraudulent purpose; or

(C) was absent from the United States at any time without authorization after being granted contingent nonimmigrant status.

(2) ADDITIONAL EVIDENCE.—In determining whether to revoke an alien's status under paragraph (1), the Secretary may require the alien—

(A) to submit additional evidence; or

(B) to appear for an in-person interview.

(3) INVALIDATION OF DOCUMENTATION.—If an alien's contingent nonimmigrant status is revoked under paragraph (1), any documentation issued by the Secretary to such alien under this section shall automatically be rendered invalid for any purpose except for departure from the United States.

SEC. 1104. ADJUSTMENT OF STATUS.

Beginning on the date that is 5 years after an alien becomes a contingent nonimmigrant, if that alien retains status as a contingent nonimmigrant, then in applying section 245 of the Immigration and Nationality Act (8 U.S.C. 1255(a)) to the alien—

(1) such alien shall be deemed to have been inspected and admitted into the United States; and

(2) in determining the alien's admissibility as an immigrant, paragraphs (5)(A), (6)(A), (6)(D), (6)(G), (7), (9)(B), and (9)(C)(i)(I) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

SEC. 1105. ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) EXCLUSIVE ADMINISTRATIVE REVIEW.—Administrative review of a determination of an application for status, extension of status, or revocation of status under this division shall be conducted solely in accordance with this section.

(b) ADMINISTRATIVE APPELLATE REVIEW.—

(1) ESTABLISHMENT OF ADMINISTRATIVE APPELLATE AUTHORITY.—The Secretary shall establish or designate an appellate authority to provide for a single level of administrative appellate review of a determination with respect to applications for status, extension of status, or revocation of status under this division.

(2) SINGLE APPEAL FOR EACH ADMINISTRATIVE DECISION.—

(A) IN GENERAL.—An alien in the United States whose application for status under this division has been denied or revoked may file with the Secretary not more than 1 appeal, pursuant to this subsection, of each decision to deny or revoke such status.

(B) NOTICE OF APPEAL.—A notice of appeal filed under this subparagraph shall be filed not later than 30 calendar days after the date of service of the decision of denial or revocation.

(3) RECORD FOR REVIEW.—Administrative appellate review under this subsection shall be de novo and based only on—

(A) the administrative record established at the time of the determination on the application; and

(B) any additional newly discovered or previously unavailable evidence.

(c) JUDICIAL REVIEW.—

(1) APPLICABLE PROVISIONS.—Judicial review of an administratively final denial or revocation of, or failure to extend, an application for status under this division shall be governed only by chapter 158 of title 28, except as provided in paragraphs (2) and (3) of this subsection, and except that a court may not order the taking of additional evidence under section 2347(c) of such chapter.

(2) SINGLE APPEAL FOR EACH ADMINISTRATIVE DECISION.—An alien in the United States whose application for status under this division has been denied, revoked, or failed to be extended, may file not more than 1 appeal, pursuant to this subsection, of each decision to deny or revoke such status.

(3) LIMITATION ON CIVIL ACTIONS.—

(A) CLASS ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of the enactment of this Act pertaining to the administration or enforcement of the application for status under this division.

(B) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the application for status under this division, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety;

(iv) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation; and

(v) limit the relief to the case at issue and shall not extend any prospective relief to include any other application for status under this division pending before the Secretary or in a Federal court (whether in the same or another jurisdiction).

SEC. 1106. PENALTIES AND SIGNATURE REQUIREMENTS.

(a) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Whoever files an initial or renewal application for contingent nonimmigrant status under this division and knowingly and willfully falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(b) SIGNATURE REQUIREMENTS.—An applicant under this division shall sign their application, and the signature shall be an original signature, including an electronically submitted signature. A parent or legal guardian may sign for a child or for an applicant whose physical or developmental disability or mental impairment prevents the applicant from being competent to sign. In such a case, the filing shall include evidence of parentage or legal guardianship.

SEC. 1107. RULEMAKING.

Not later than June 1, 2019, the Secretary shall make interim final rules to implement this title.

SEC. 1108. STATUTORY CONSTRUCTION.

Except as specifically provided, nothing in this division may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 1109. ADDITION OF DEFINITION.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(54) The term 'contingent nonimmigrant' has the meaning given that term in section 1101(b)(2) of division B of the Border Security and Immigration Reform Act of 2018.''.

TITLE II—IMMIGRANT VISA ALLOCATIONS AND PRIORITIES

SEC. 2101. ELIMINATION OF DIVERSITY VISA PROGRAM.

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 201—

(A) in subsection (a), by striking paragraph (3);

(B) by striking subsection (e);

(2) in section 203—

(A) in subsection (b)(2)(B)(ii)(IV), by striking ''section 203(b)(2)(B)'' each place such term appears and inserting ''clause (i)'';

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

(C) in subsection (e), by striking paragraph (2);

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

(E) in subsection (g), by striking ''subsections (a), (b), and (c)'' and inserting ''subsections (a) and (b)''; and

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

(3) in section 204(a)(1), by striking subparagraph (I).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2019.

SEC. 2102. NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

(1) in the paragraph heading, by striking ''AND EMPLOYMENT-BASED'';

(2) by striking ''(3), (4), and (5),'' and inserting ''(3) and (4),'';

(3) by striking ''subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(4) by striking ''7'' and inserting ''15''; and

(5) by striking ''such subsections'' and inserting ''such section''.

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)(3), by striking ''both subsections (a) and (b) of section 203'' and inserting ''section 203(a)'';

(2) in subsection (a)(4), by striking subparagraph (D);

(3) by striking subsection (a)(5); and

(4) by amending subsection (e) to read as follows:

''(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If it is determined that the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) and (2) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).''.

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking ''subsection (e))'' and inserting ''subsection (d))''; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to the succeeding paragraphs of this subsection and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2019, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2018 under such paragraphs.

(B) For fiscal year 2020, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2019 under such paragraphs.

(C) For fiscal year 2021, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the two states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2020 under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—With respect to the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2019, 2020, and 2021, not more than 85 percent shall be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2019, 2020, or 2021, the operation of paragraphs (1) and (2) of this subsection would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to paragraphs (1) and (2) of this subsection.

(4) RULES FOR CHARGEABILITY.—Section 202(b) of such Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on September 30, 2018, and shall apply to fiscal years beginning with fiscal year 2019.

SEC. 2103. FAMILY-SPONSORED IMMIGRATION PRIORITIES.

(a) IN GENERAL.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (2)''; and

(2) by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—

(1) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking ''paragraph (1), (3), or (4)'' and inserting ''paragraph (1)'';

(ii) in subparagraph (B)(i), by redesignating the second subclause (I) as subclause (II); and

(iii) in subparagraph (D)(i)(I), by striking ''paragraph (1), (2), or (3)'' and inserting ''paragraph (1) or (2)''; and

(B) in subsection (f)(1), by striking '', 203(a)(1), or 203(a)(3)'' and inserting ''or 203(a)(1)''.

(2) WAIVERS OF INADMISSIBILITY.—Section 212 of such Act (8 U.S.C. 1182) is amended in subsection (d)(11), by striking ''(other than paragraph (4) thereof)''.

(3) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—Section 201(f) of such Act (8 U.S.C. 1151(f)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) in paragraph (3), as redesignated, by striking ''(1) through (3)'' and inserting ''(1) and (2)''.

(c) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2019.

(2) INVALIDITY OF CERTAIN PETITIONS AND APPLICATIONS.—

(A) IN GENERAL.—No person may file, and the Secretary of Homeland Security and the Secretary of State may not accept, adjudicate, or approve any petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) filed on or after the date of enactment of this Act seeking classification of an alien under section 203(a)(3) or (4) of such Act (8 U.S.C. 1153(a)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid.

(B) PENDING PETITIONS.—Neither the Secretary of Homeland Security nor the Secretary of State may adjudicate or approve any petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending as of the date of enactment of this Act seeking classification of an alien under section 203(a)(3) or (4) of such Act (8 U.S.C. 1153(a)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid.

(3) APPLICABILITY TO WAITLISTED APPLICANTS.—An alien with regard to whom a petition or application for status under paragraph (3) or (4) of section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), was approved prior to the date of the enactment of this Act, may be issued a visa pursuant to that paragraph subject to the availability of visas allocated to that category for fiscal year 2019.

SEC. 2104. ALLOCATION OF IMMIGRANT VISAS FOR CONTINGENT NONIMMIGRANTS AND CHILDREN OF CERTAIN NONIMMIGRANTS.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153), as amended by this title, is further amended—

(1) by inserting after subsection (b) the following:

''(c) ADJUSTMENT FOR CONTINGENT NONIMMIGRANTS AND CHILDREN OF CERTAIN NONIMMIGRANTS.—

''(1) IN GENERAL.—Aliens subject to the worldwide level specified in section 201(e) for immigrants who shall be allotted visas in accordance with section 204(a)(1)(I) are—

''(A) contingent nonimmigrants; and

''(B) aliens described in paragraph (2).

''(2) ALIENS DESCRIBED.—An alien described in this paragraph is an alien who—

''(A) is the son or daughter of an alien admitted under—

''(i) section 101(a)(15)(E)(i) or (E)(ii);

''(ii) section 101(a)(15)(H)(i)(b); or

''(iii) section 101(a)(15)(L);

''(B) initially entered the United States aged less than 16 years as a dependent of the parent described in subparagraph (A) while the parent was in such status;

''(C) maintained—

''(i) lawful status for the 10-year period prior to the date of the enactment of the Border Security and Immigration Reform Act of 2018; and

''(ii) continuous physical presence in the United States (except in accordance with the terms of the alien's visa or lawful status) for the period described in clause (i); and

''(D) was not in an unlawful immigration status on the date on which the alien submits a petition for an immigrant visa under section 204(a)(1)(I).

''(3) POINT SYSTEM.—An alien seeking to be classified as an immigrant under this subsection shall submit a petition, in such form and manner as the Secretary of Homeland Security may require, setting forth such information as the Secretary may require in

order to make awards of points for that petitioner in each of the following categories:

''(A) EDUCATION.—A petitioner shall be awarded points for a single degree, equal to the highest point award of the following for which the petitioner is eligible:

''(i) 4 points for a diploma or degree from a foreign school that is comparable to a high school in the United States.

''(ii) 6 points for a diploma or degree from a high school in the United States, or the equivalent of such a diploma as recognized under State law (such as a general equivalency diploma, certificate of completion, or certificate of attendance).

''(iii) 8 points for an associate's degree (or the equivalent) from a foreign institution that is comparable to an institution of higher education in the United States.

''(iv) 10 points for an associate's degree from an institution of higher education in the United States.

''(v) 12 points for a bachelor's degree (or the equivalent) from a foreign institution that is comparable to an institution of higher education in the United States.

''(vi) 15 points for a degree from for a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), including a certificate of completion of an apprenticeship (including an apprenticeships registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.)), except that such term does not include an associate's or bachelor's degree).

''(vii) 15 points for a bachelor's degree from an institution of higher education in the United States.

''(viii) 15 points for a graduate or professional degree (or the equivalent) from a foreign institution that is comparable to an institution of higher education in the United States.

''(ix) 17 points for a degree described in clause (v), which is in a field of science, technology, engineering, or mathematics.

''(x) 17 points for a graduate or professional degree from an institution of higher education in the United States.

''(xi) 22 points for a degree described in clause (vii), which is in a field of science, technology, engineering, or mathematics.

''(xii) 24 points for a degree described in clause (viii) or (x), which is in a field of science, technology, engineering, or mathematics.

''(xiii) 26 points for a doctoral degree (or the equivalent) from a foreign institution that is comparable to an institution of higher education in the United States.

''(xiv) 28 points for a doctoral degree from an institution of higher education in the United States.

''(xv) 30 points for a degree described in clause (x), which is in a field of science, technology, engineering, or mathematics from a covered institution.

''(xvi) 30 points for a doctorate of medicine (or the equivalent) from a foreign graduate medical school that is comparable to a graduate medical school at an institution of higher education in the United States.

''(xvii) 34 points for a degree described in clause (xiii) or (xiv), which is in a field of science, technology, engineering, or mathematics.

''(xviii) 34 points for a doctorate of medicine from graduate medical school at an institution of higher education in the United States.

''(xix) 40 points for a degree described in clause (xiv), which is in a field of science, technology, engineering, or mathematics from a covered institution.

''(B) EMPLOYMENT.—A petitioner shall be awarded points for each 2-year period in which the petitioner is employed on a full-time basis, equal to ⅓ of the points awarded under subparagraph (A) for the lowest degree that is required for any position held during such period. In the case of a position for which no degree is required, the position shall be considered to require a diploma or degree described in subparagraph (A)(ii). A single period of not more than 2 weeks during which a petitioner is unemployed, but is in receipt of a job offer, shall not be considered to interrupt a period of employment.

''(C) MILITARY SERVICE.—A petitioner shall be awarded points for service in the Armed Forces equal to 30 points for any alien who served as a member of a regular or reserve component of the Armed Forces in an active duty status for not less than 3 years, and, if discharged, received a discharge other than dishonorable.

''(D) ENGLISH LANGUAGE PROFICIENCY.—A petitioner shall be awarded points for English proficiency equal to the highest of the following for which the petitioner is eligible:

''(i) 2 points for a score in the 5th decile on an English language proficiency test.

''(ii) 6 points for a score in the 6th decile on an English language proficiency test.

''(iii) 7 points for a score in the 7th decile on an English language proficiency test.

''(iv) 8 points for a score in the 8th decile on an English language proficiency test.

''(v) 9 points for a score in the 9th decile on an English language proficiency test.

''(vi) 10 points for a score in the 10th decile on an English language proficiency test.

''(4) TOTAL POINT SCORE; SUBSEQUENT SUBMISSIONS; VERIFICATION.—

''(A) TOTAL POINT SCORE.—The total point score for a petitioner is equal to sum of the points awarded under each of subparagraphs (A), (B), (C), and (D) of paragraph (3).

''(B) SUBSEQUENT SUBMISSIONS.—The alien may amend the petition under this subsection at any point after the initial filing to provide information for purposes of new point awards for which the alien may be eligible.

''(C) DURATION OF PETITION VALIDITY.—A petition under this subsection shall be valid—

''(i) in the case of a petition that is denied, the date of such denial; or

''(ii) in the case of a petition that is granted, the date on which a visa has been issued pursuant to such petition.

''(D) VERIFICATION.—Prior to the issuance of any visa under this subsection, the Secretary shall verify that the information in the petition remains accurate as of the time of the visa issuance.

''(E) CLARIFICATION.—A petition may not be denied for the failure of a petitioner to attain the minimum number of points required under subsection (e)(2).

''(5) DEFINITIONS.—

''(A) ENGLISH LANGUAGE PROFICIENCY TEST.—The term 'English language proficiency test' means any test to measure English proficiency that has been approved by the Director of U.S. Citizenship and Immigration Services, in consultation with the Secretary of Education.

''(B) FIELD OF SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—The term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, biological and biomedical sciences, mathematics and statistics, physical sciences, and the series geography and cartography (series 45.07), advanced/graduate dentistry and oral sciences (series 51.05) and nursing (series 51.38).

''(C) HIGH SCHOOL.—The term 'high school' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 102(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)), except that such term does not include an institution outside the United States described in subparagraph (C) of such section.

''(E) COVERED INSTITUTION.—The term 'covered institution' means an institution that—

''(i) is an institution of higher education;

''(ii) as classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2019, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this paragraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity; and

''(iii) has been in existence for at least 10 years.

''(F) FULL-TIME.—The term 'full-time' means—

''(i) in the case of an individual who is not described in clause (ii), not less than 35 hours per week; or

''(ii) in the case of an individual who is enrolled in and is in regular attendance at a high school or institution of education within the United States, or who is the primary caregiver of—

''(I) a child under 18 years of age; or

''(II) a child 18 years of age or over, spouse, parent, grandparent, or sibling, who is incapable of self-care because of a mental or physical disability or who has a serious injury or illness (as such term is defined in section 101(18) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(18))),

not less than 20 hours per week.''; and

(2) in subsection (e), by inserting after paragraph (1), the following:

''(2) Immigrant visas made available under subsection (c) shall be issued in accordance with the following:

''(A) The Secretary of Homeland Security shall, periodically but not less than once each fiscal year, make final determinations with regard to that period of the point values allocated to applicants in accordance with subsection (c)(3) through (5).

''(B) The Secretary shall first determine the applicant who is described under subsection (c)(2) who is the son or daughter of an alien admitted under section 101(a)(15)(E)(i) or (ii) and who has the highest total point score greater than 12 calculated for that period under subsection (c)(4)(A) of all such applicants, and shall issue a visa to such applicant.

''(C) The Secretary shall next determine the applicant who is described under subsection (c)(2) who is the son or daughter of an alien admitted under section 101(a)(15)(H)(i)(b) and who has the highest total point score greater than 12 calculated for that period under subsection (c)(4)(A) of all such applicants, and shall issue a visa to such applicant.

''(D) The Secretary shall next determine the applicant who is described under subsection (c)(2) who is the son or daughter of an alien admitted under section 101(a)(15)(L) and who has the highest total point score greater than 12 calculated for that period under subsection (c)(4)(A) of all such applicants, and shall issue a visa to such applicant.

''(E) The Secretary shall next determine the applicant who is described under subsection (c)(2) who is a contingent nonimmigrant and who has the highest total point score greater than 12 calculated for that period under subsection (c)(4)(A) of all such applicants, and shall issue a visa to such applicant.

''(F) The Secretary shall then repeat the process specified in subparagraphs (B) through (E) until all visas made available for that period have been issued. If no applicants remain for any such category, the Secretary shall exclude that category from further consideration for that period.

''(G) In any case in which more than one petitioner in a category under this paragraph has the same total point score, the Secretary shall issue the visa to the applicant whose petition was filed earliest.

''(H) No petitioner with a total point score which is less than 12 may be issued a visa under this paragraph.''.

(b) WORLDWIDE LEVEL.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), as amended by this title, is further amended—

(1) in subsection (a), by inserting after paragraph (2) the following:

''(3) for fiscal years beginning with fiscal year 2025, immigrants who are aliens described in section 203(c) in a number not to exceed in any fiscal year the number specified in subsection (e) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year.''.

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

''(e) WORLDWIDE LEVEL FOR CONTINGENT NONIMMIGRANTS AND CERTAIN CHILDREN OF NONIMMIGRANTS.—

''(1) IN GENERAL.—The worldwide level of immigrants who may receive a visa under section 203(c) is equal to—

''(A) 470,400 for fiscal year 2025; and

''(B) for each fiscal year thereafter, any visas under this subsection for the prior fiscal year that are unused, plus the lesser of—

''(i) 78,400; and

''(ii) the number calculated under paragraph (3) for the fiscal year.

''(2) CALCULATION OF TOTAL ELIGIBLE POOL.—The number calculated under this paragraph is equal to—

''(A) the number of applications received by the Secretary under section 1102(c) of division B of the Border Security and Immigration Reform Act of 2018 during the application period set forth in such section, plus

''(B) the number of petitions filed by an alien described in section 203(c)(2) during the period set forth in section 204(a)(1)(I)(ii)(II).

''(3) NUMBER OF VISAS REMAINING TO BE PLACE IN ESCROW.—The number calculated under this paragraph for a fiscal year is equal to the number calculated under paragraph (2), less the total number of visas issued under section 203(c) during the period beginning on October 1, 2024 and ending on the last day of the prior fiscal year.''.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), as amended by this title, is further amended by inserting after subparagraph (H) the following:

''(I)(i) A contingent nonimmigrant or an alien described in section 203(c)(2) desiring to be provided an immigrant visa under section 203(c) (including such an alien who is under 18 years of age) may file a petition during the period described in clause (ii) at the place determined by the Secretary of Homeland Security by regulation.

''(ii)(I) A contingent nonimmigrant may file a petition for an immigrant visa under section 203(c) during the period beginning on the date on which the alien obtained contingent nonimmigrant status under section 1103(a) of the Border Security and Immigration Reform Act of 2018, and ending on the date that is 5 years after such date.

''(II) An alien described in section 203(c)(2) may file a petition for an immigrant visa under section 203(c) during the period beginning on October 1, 2019, and ending on October 1, 2020. Such an alien may file such a petition from outside the United States.''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2019.

SEC. 2105. SUNSET OF ADJUSTMENT VISAS FOR CONDITIONAL NONIMMIGRANTS AND CHILDREN OF CERTAIN NONIMMIGRANTS.

(a) SUNSET.—

(1) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by striking subsection (c).

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) in section 201—

(i) in subsection (a)—

(I) in paragraph (1), by adding ''and'' at the end; and

(II) by striking paragraph (3); and

(ii) by striking subsection (e);

(B) in section 203(e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in section 204—

(i) in subsection (a)(1), by striking subparagraph (I); and

(ii) in subsection (e), by striking ''subsection (a), (b), or (c) of section 203'' and inserting ''subsection (a) or (b) of section 203''.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on the first day of the first full fiscal year beginning after September 30, 2025 and after the date on which no alien has a petition for an immigrant visa or adjustment of status under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)), or any appeal pertaining to such petition, pending.

(4) ESCROW FOR PENDING APPLICATIONS.—

(A) IN GENERAL.—On the date of the effective date of this subsection, a number of immigrant visas equal to any visas under section 203(c)(2) for the prior fiscal year that are unused shall be made available for award to covered aliens in accordance with section 203(c) of the Immigration and Nationality Act, as in effect on the date that is 1 day prior to the effective date of this subsection.

(B) COVERED ALIEN.—For purposes of this paragraph, the term ''covered alien'' means an alien who—

(i) on the date on which the application period under section 204(a)(1)(I) of the Immigration and Nationality Act, as in effect on the day prior to the effective date of this subsection, ended had an application pending for contingent nonimmigrant status; and

(ii) was granted contingent nonimmigrant status on or after the effective date of this subsection.

(b) REALLOCATION OF 4TH PRIORITY FAMILY VISAS TO EMPLOYMENT CATEGORIES.—

(1) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to 205,000 (except that for fiscal year 2020, such level is equal to 204,100).''.

(2) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''28.6 percent of such worldwide level'' and inserting ''60,040 (except that for fiscal year 2020, such number is equal to 59,740)'';

(B) in paragraph (2)(A), by striking ''28.6 percent of such worldwide level'' and inserting ''60,040 (except that for fiscal year 2020, such number is equal to 59,740)'';

(C) in paragraph (3)(A), by striking ''28.6 percent of such worldwide level'' and inserting ''60,040 (except that for fiscal year 2020, such number is equal to 59,740)'';

(D) in paragraph (4), by striking ''7.1 percent of such worldwide level'' and inserting ''14,940''; and

(E) in paragraph (5)(A), by striking ''7.1 percent of such worldwide level'' and inserting ''9,940''.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect beginning on October 1, 2019.

SEC. 2106. IMPLEMENTATION.

Not later than September 30, 2019, the Secretary of Homeland Security shall publish interim final rules implementing this title and the amendments made by this title.

SEC. 2107. REPEAL OF SUSPENSION OF DEPORTATION AND ADJUSTMENT OF STATUS FOR CERTAIN ALIENS.

(a) REPEAL OF TEMPORARY REDUCTION OF VISAS.—Section 203 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) by striking subsection (d) (8 U.S.C. 1151 note); and

(2) by striking subsection (e) (8 U.S.C. 1153 note).

(b) REPEAL OF CERTAIN TRANSITION RULE.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 8 U.S.C. 1101 note) is amended—

(1) in subsection (c)(5), by striking subparagraph (C);

(2) by striking subsection (f);

(3) by striking subsection (g); and

(4) by striking subsection (h).

(c) REPEAL OF EXCEPTION FOR CERTAIN ALIENS FROM ANNUAL LIMITATION ON CANCELLATION OF REMOVALS.—Paragraph (3) of section 240A(e) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)) is amended to read as follows:

''(3) EXCEPTION FOR CERTAIN ALIENS.—Paragraph (1) shall not apply to aliens in deportation proceedings prior to April 1, 1997, who applied for suspension of deportation under section 244(a)(3) (as in effect before the date of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).''.

(d) TRANSITION RULE.—The amendments made by this section shall take effect on October 1, 2019.

TITLE III—UNACCOMPANIED ALIEN CHILDREN; INTERIOR IMMIGRATION ENFORCEMENT

SEC. 3101. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(II) in clause (i), by inserting ''and'' at the end;

(III) in clause (ii), by striking ''; and'' and inserting a period; and

(IV) by striking clause (iii);

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''(8 U.S.C. 1101 et seq.) may—'' and inserting ''(8 U.S.C. 1101 et seq.)—'';

(II) in clause (i), by inserting before ''permit such child to withdraw'' the following: ''may''; and

(III) in clause (ii), by inserting before ''return such child'' the following: ''shall''; and

(iv) in subparagraph (C)—

(I) by amending the heading to read as follows: ''AGREEMENTS WITH FOREIGN COUNTRIES.—''; and

(II) in the matter preceding clause (i), by striking ''The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States'' and inserting ''The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate'';

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (2) the following:

''(3) SPECIAL RULES FOR INTERVIEWING UNACCOMPANIED ALIEN CHILDREN.—An unaccompanied alien child shall be interviewed by a dedicated U.S. Citizenship and Immigration Services immigration officer with specialized training in interviewing child trafficking victims. Such officer shall be in plain clothes and shall not carry a weapon. The interview shall occur in a private room.''; and

(C) in paragraph (6)(D) (as so redesignated)—

(i) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ''who does not meet the criteria listed in paragraph (2)(A)''; and

(ii) in clause (i), by inserting before the semicolon at the end the following: '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon the following: ''believed not to meet the criteria listed in subsection (a)(2)(A)''; and

(ii) in subparagraph (B), by inserting before the period the following: ''and does not meet the criteria listed in subsection (a)(2)(A)''; and

(B) in paragraph (3), by striking ''an unaccompanied alien child in custody shall'' and all that follows, and inserting the following: ''an unaccompanied alien child in custody—

''(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

''(B) in the case of child who meets the criteria listed in subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.''; and

(3) in subsection (c)—

(A) in paragraph (3), by inserting at the end the following:

''(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

''(i) INFORMATION TO BE PROVIDED TO HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, the following information:

''(I) The name of the individual.

''(II) The social security number of the individual, if available.

''(III) The date of birth of the individual.

''(IV) The location of the individual's residence where the child will be placed.

''(V) The immigration status of the individual, if known.

''(VI) Contact information for the individual.

''(ii) SPECIAL RULE.—In the case of a child who was apprehended on or after the effective date of this clause, and before the date of the enactment of this subparagraph, who the Secretary of Health and Human Services placed with an individual, the Secretary shall provide the information listed in clause (i) to the Secretary of Homeland Security not later than 90 days after such date of enactment.''; and

(B) in paragraph (5)—

(i) by inserting after ''to the greatest extent practicable'' the following: ''(at no expense to the Government)''; and

(ii) by striking ''have counsel to represent them'' and inserting ''have access to counsel to represent them''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any unaccompanied alien child apprehended on or after the date of enactment.

SEC. 3102. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231). There exists no presumption that an alien child who is not an unaccompanied alien child should not be detained, and all such determinations shall be in the discretion of the Secretary of Homeland Security.

''(2) RELEASE OF MINORS OTHER THAN UNACCOMPANIED ALIENS.—In no circumstances shall an alien minor who is not an unaccompanied alien child be released by the Secretary of Homeland Security other than to a parent or legal guardian.

''(3) FAMILY DETENTION.—The Secretary of Homeland Security shall—

''(A) maintain the care and custody of an alien, during the period during which the charges described in clause (i) are pending, who—

''(i) is charged only with a misdemeanor offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)); and

''(ii) entered the United States with the alien's child who has not attained 18 years of age; and

''(B) detain the alien with the alien's child.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all actions that occur before, on, or after the date of the enactment of this Act.

(c) PREEMPTION OF STATE LICENSING REQUIREMENTS.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, no State may require that an immigration detention facility used to detain children who have not attained 18 years of age, or families consisting of one or more of such children and the parents or legal guardians of such children, that is located in that State, be licensed by the State or any political subdivision thereof.

SEC. 3103. DETENTION OF DANGEROUS ALIENS.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of the following:

''(i) The date the order of removal becomes administratively final.

''(ii) If the alien is not in the custody of the Secretary on the date the order of removal becomes administratively final, the date the alien is taken into such custody.

''(iii) If the alien is detained or confined (except under an immigration process) on the date the order of removal becomes administratively final, the date the alien is taken into the custody of the Secretary, after the alien is released from such detention or confinement.'';

(3) in paragraph (1), by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—

''(i) EXTENSION.—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary's sole discretion, keep the alien in detention during such extended period if—

''(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal that is subject to an order of removal;

''(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

''(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

''(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

''(ii) RENEWAL.—If the removal period has been extended under subparagraph (C)(i), a new removal period shall be deemed to have begun on the date—

''(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order;

''(II) the stay of removal is no longer in effect; or

''(III) the alien is returned to the custody of the Secretary.

''(iii) MANDATORY DETENTION FOR CERTAIN ALIENS.—In the case of an alien described in subparagraphs (A) through (D) of section 236(c)(1), the Secretary shall keep that alien in detention during the extended period described in clause (i).

''(iv) SOLE FORM OF RELIEF.—An alien may seek relief from detention under this subparagraph only by filing an application for a

writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.'';

(4) in paragraph (3)—

(A) by adding after ''If the alien does not leave or is not removed within the removal period'' the following: ''or is not detained pursuant to paragraph (6) of this subsection''; and

(B) by striking subparagraph (D) and inserting the following:

''(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(5) in paragraph (4)(A), by striking ''paragraph (2)'' and inserting ''subparagraph (B)''; and

(6) by striking paragraph (6) and inserting the following:

''(6) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.—

''(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—For an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall have no right to seek release on bond.

''(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien beyond the 90 days authorized in clause (i)—

''(I) until the alien is removed, if the Secretary, in the Secretary's sole discretion, determines that there is a significant likelihood that the alien—

''(aa) will be removed in the reasonably foreseeable future; or

''(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent removal;

''(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

''(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA)—

''(AA) the alien has been convicted of (aaa) one or more aggravated felonies (as defined in section 101(a)(43)(A)), (bbb) one or more crimes identified by the Secretary of Homeland Security by regulation, if the aggregate term of imprisonment for such crimes is at least 5 years, or (ccc) one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(BB) the alien has committed one or more violent crimes (as referred to in section 101(a)(43)(F), but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(III) pending a certification under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in paragraph (1)(C)).

''(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall have no right to seek release on bond, including by reason of a certification under clause (ii)(II).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Director of Immigration and Customs Enforcement.

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

''(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may impose conditions on release as provided in paragraph (3).

''(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody, if removal becomes likely in the reasonably foreseeable future, the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary, in the Secretary's sole discretion, determines that the alien can be detained under subparagraph (B). This section shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.''.

SEC. 3104. DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended to read as follows:

''(43) Notwithstanding any other provision of law, the term 'aggravated felony' means any offense, whether in violation of Federal, State, or foreign law, that is described in this paragraph. An offense described in this paragraph is—

''(A) homicide (including murder in any degree, manslaughter, and vehicular manslaughter), rape (whether the victim was conscious or unconscious), statutory rape, sexual assault or battery, or any offense of a sexual nature involving an intended victim under the age of 18 years (including offenses in which the intended victim was a law enforcement officer);

''(B)(i) illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code); or

''(ii) any offense under State law relating to a controlled substance (as so classified under State law) which is classified as a felony in that State regardless of whether the substance is classified as a controlled substance under section 102 of the Controlled Substances Act (21 U.S.C. 802);

''(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18, United States Code) or in explosive materials (as defined in section 841(c) of that title);

''(D) an offense described in section 1956 of title 18, United States Code (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $10,000;

''(E) an offense described in—

''(i) section 842 or 844 of title 18, United States Code (relating to explosive materials offenses);

''(ii) section 922 or 924 of title 18, United States Code (relating to firearms offenses); or

''(iii) section 5861 of the Internal Revenue Code of 1986 (relating to firearms offenses);

''(F) a violent crime for which the term of imprisonment is at least 1 year, including—

''(i) any offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another; or

''(ii) any other offense in which the record of conviction establishes that the offender used physical force against the person or property of another in the course of committing the offense;

''(G)(i) theft (including theft by deceit, theft by fraud, embezzlement, motor vehicle theft, unauthorized use of a vehicle, or receipt of stolen property), regardless of whether the intended deprivation was temporary or permanent, for which the term of imprisonment is at least 1 year; or

''(ii) burglary for which the term of imprisonment is at least 1 year;

''(H) an offense described in section 875, 876, 877, or 1202 of title 18, United States Code (relating to the demand for or receipt of ransom);

''(I) an offense involving child pornography or sexual exploitation of a minor (including any offense described in section 2251, 2251A, or 2252 of title 18, United States Code);

''(J) an offense described in section 1962 of title 18, United States Code (relating to racketeer influenced corrupt organizations), or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses);

''(K) an offense that—

''(i) relates to the owning, controlling, managing, or supervising of a prostitution business;

''(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) if committed for commercial advantage; or

''(iii) is described in any of sections 1581–1585 or 1588–1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons);

''(L) an offense described in—

''(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18, United States Code;

''(ii) section 601 of the National Security Act of 1947 (50 U.S.C. 421) (relating to protecting the identity of undercover intelligence agents);

''(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents);

''(iv) section 175 (relating to biological weapons) of title 18, United States Code;

''(v) sections 792 (harboring or concealing persons who violated sections 793 or 794 of title 18, United States Code), 794 (gathering or delivering defense information to aid foreign government), 795 (photographing and sketching defense installations), 796 (use of aircraft for photographing defense installations), 797 (publication and sale of photographs of defense installations), 799 (violation of NASA regulations for protection of facilities) of title 18, United States Code;

''(vi) sections 831 (prohibited transactions involving nuclear materials) and 832 (participation in nuclear and weapons of mass destruction threats to the United States) of title 18, United States Code;

''(vii) sections 2332a-d, f-h (relating to terrorist activities) of title 18, United States Code;

''(viii) sections 2339 (relating to harboring or concealing terrorists), 2339A (relating to material support to terrorists), 2339B (relating to material support or resources to designated foreign terrorist organizations), 2339C (relating to financing of terrorism), 2339D (relating to receiving military-type training from a terrorist organization) of title 18, United States Code;

''(ix) section 1705 of the International Emergency Economic Powers Act (50 U.S.C. 1705); or

''(x) section 38 of the Arms Export Control Act (22 U.S.C. 2778);

''(M) an offense that—

''(i) involves fraud or deceit in which the loss to the victim or victims exceeds $10,000; or

''(ii) is described in section 7201 of the Internal Revenue Code of 1986 (relating to tax evasion) in which the revenue loss to the Government exceeds $10,000;

''(N) an offense described in section 274(a) (relating to alien smuggling), except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act;

''(O) an offense described in section 275 or 276 for which the term of imprisonment is at least 1 year;

''(P) an offense which is described in chapter 75 of title 18, United States Code, and for which the term of imprisonment is at least 1 year;

''(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 5 years or more;

''(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which the term of imprisonment is at least one year;

''(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness;

''(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed;

''(U) any offense for which the term of imprisonment imposed was 2 years or more;

''(V) an offense relating to terrorism or national security (including a conviction for a violation of any provision of chapter 113B of title 18, United States Code; or

''(W)(i) a single conviction for driving while intoxicated (including a conviction for driving while under the influence of or impairment by alcohol or drugs), when such impaired driving was a cause of the serious bodily injury or death of another person; or

''(ii) a second or subsequent conviction for driving while intoxicated (including a conviction for driving under the influence of or impaired by alcohol or drugs); or

''(X) an attempt or conspiracy to commit an offense described in this paragraph or aiding, abetting, counseling, procuring, commanding, inducing, facilitating, or soliciting the commission of such an offense.

Any determinations under this paragraph shall be made on the basis of the record of conviction. For purposes of this paragraph, a person shall be considered to have committed an aggravated felony if that person has been convicted for 3 or more misdemeanors not arising out the traffic laws (except for any conviction for driving under the influence or an offense that results in the death or serious bodily injury of another person) or felonies for which the aggregate term of imprisonment imposed was 3 years or more, regardless of whether the convictions were all entered pursuant to a single trial or the offenses arose from a single pattern or scheme of conduct.''.

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by subsection (a)—

(A) shall take effect on the date of the enactment of this Act; and

(B) shall apply to any act or conviction that occurred before, on, or after such date.

(2) APPLICATION OF IIRIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

SEC. 3105. CRIME OF VIOLENCE.

Section 16 of title 18, United States Code, is amended to read as follows:

''§ 16. Crime of violence defined

''(a) The term 'crime of violence' means an offense that—

''(1)(A) is murder, voluntary manslaughter, assault, sexual abuse or aggravated sexual abuse, abusive sexual contact, child abuse, kidnapping, robbery, carjacking, firearms use, burglary, arson, extortion, communication of threats, coercion, unauthorized use of a vehicle, fleeing, interference with flight crew members and attendants, domestic violence, hostage taking, stalking, human trafficking, or using weapons of mass destruction; or

''(B) involves use or unlawful possession of explosives or destructive devices described in 5845(f) of the Internal Revenue Code of 1986;

''(2) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

''(3) is an attempt to commit, conspiracy to commit, solicitation to commit, or aiding and abetting any of the offenses set forth in paragraphs (1) and (2).

''(b) In this section:

''(1) The term 'abusive sexual contact' means conduct described in section 2244(a)(1) and (a)(2).

''(2) The terms 'aggravated sexual abuse' and 'sexual abuse' mean conduct described in sections 2241 and 2242. For purposes of such conduct, the term 'sexual act' means conduct described in section 2246(2), or the knowing and lewd exposure of genitalia or masturbation, to any person, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

''(3) The term 'assault' means conduct described in section 113(a), and includes conduct committed recklessly, knowingly, or intentionally.

''(4) The term 'arson' means conduct described in section 844(i) or unlawfully or willfully damaging or destroying any building, inhabited structure, vehicle, vessel, or real property by means of fire or explosive.

''(5) The term 'burglary' means an unlawful or unprivileged entry into, or remaining in, a building or structure, including any nonpermanent or mobile structure that is adapted or used for overnight accommodation or for the ordinary carrying on of business, and, either before or after entering, the person—

''(A) forms the intent to commit a crime; or

''(B) commits or attempts to commit a crime.

''(6) The term 'carjacking' means conduct described in section 2119, or the unlawful taking of a motor vehicle from the immediate actual possession of a person against his will, by means of actual or threatened force, or violence or intimidation, or by sudden or stealthy seizure or snatching, or fear of injury.

''(7) The term 'child abuse' means the unlawful infliction of physical injury or the commission of any sexual act against a child under fourteen by any person eighteen years of age or older.

''(8) The term 'communication of threats' means conduct described in section 844(e), or the transmission of any communications containing any threat of use of violence to—

''(A) demand or request for a ransom or reward for the release of any kidnapped person; or

''(B) threaten to kidnap or injure the person of another.

''(9) The term 'coercion' means causing the performance or non-performance of any act by another person which under such other person has a legal right to do or to abstain from doing, through fraud or by the use of actual or threatened force, violence, or fear thereof, including the use, or an express or implicit threat of use, of violence to cause harm, or threats to cause injury to the person, reputation or property of any person.

''(10) The term 'domestic violence' means any assault committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim

''(11) The term 'extortion' means conduct described in section 1951(b)(2)), but not extortion under color of official right or fear of economic loss.

''(12) The term 'firearms use' means conduct described in section 924(c) or 929(a), if the firearm was brandished, discharged, or otherwise possessed, carried, or used as a weapon and the crime of violence or drug trafficking crime during and in relation to which the firearm was possessed, carried, or used was subject to prosecution in any court of the United States, State court, military court or tribunal, or tribal court. Such term also includes unlawfully possessing a firearm described in section 5845(a) of the Internal Revenue Code of 1986 (such as a sawed-off shotgun or sawed-off rifle, silencer, bomb, or machine gun), possession of a firearm described in section 922(g)(1), 922(g)(2) and 922(g)(4), possession of a firearm with the intent to use such firearm unlawfully, or reckless discharge of a firearm at a dwelling.

''(13) The term 'fleeing' means knowingly operating a motor vehicle and, following a law enforcement officer's signal to bring the motor vehicle to a stop—

''(A) failing or refusing to comply; or

''(B) fleeing or attempting to elude a law enforcement officer.

''(14) The term 'force' means the level of force needed or intended to overcome resistance.

''(15) The term 'hostage taking' means conduct described in section 1203.

''(16) The term 'human trafficking' means conduct described in section 1589, 1590, and 1591.

''(17) The term 'interference with flight crew members and attendants' means conduct described in section 46504 of title 49, United States Code.

''(18) The term 'kidnapping' means conduct described in section 1201(a)(1) or seizing, confining, inveigling, decoying, abducting, or carrying away and holding for ransom or reward or otherwise any person.

''(19) The term 'murder' means conduct described as murder in the first degree or murder in the second degree described in section 1111.

''(20) the term 'robbery' means conduct described in section 1951(b)(1), or the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence or intimidation, or by sudden or stealthy seizure or snatching, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

''(21) The term 'stalking' means conduct described in section 2261A.

''(22) The term 'unauthorized use of a motor vehicle' means the intentional or knowing operation of another person's boat, airplane, or motor vehicle without the consent of the owner.

''(23) The term 'using weapons of mass destruction' means conduct described in section 2332a.

''(24) the term 'voluntary manslaughter' means conduct described in section 1112(a).

''(c) For purposes of this section, in the case of any reference in subsection (b) to an offense under this title, such reference shall include conduct that constitutes an offense under State or tribal law or under the Uniform Code of Military Justice, if such conduct would be an offense under this title if a circumstance giving rise to Federal jurisdiction had existed.''.

SEC. 3106. GROUNDS OF INADMISSIBILITY AND DEPORTABILITY FOR ALIEN GANG MEMBERS.

(a) DEFINITION OF GANG MEMBER.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after paragraph (52) the following:

''(53)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

''(i) that has as one of its primary purposes the commission of 1 or more of the criminal offenses described in subparagraph (B) and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses; or

''(ii) that has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting these criteria.

''(B) The offenses described, whether in violation of Federal or State law or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of this paragraph, are the following:

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

''(ii) A felony offense involving firearms or explosives or in violation of section 931 of title 18, United States Code (relating to purchase, ownership, or possession of body armor by violent felons).

''(iii) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose), except that this clause does not apply in the case of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) which is exempt from taxation under section 501(a) of such Code.

''(iv) A violent crime described in section 101(a)(43)(F).

''(v) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or perjury or subornation of perjury.

''(vi) Any conduct punishable under sections 1028A and 1029 of title 18, United States Code (relating to aggravated identity theft or fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery, and trafficking in persons), section 1951 of such title (relating to interference with commerce by threats or violence), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(vii) An attempt or conspiracy to commit an offense described in this paragraph or aiding, abetting, counseling, procuring, commanding, inducing, facilitating, or soliciting the commission of an offense described in clauses (i) through (vi).''.

(b) INADMISSIBILITY.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (I), by striking ''or'' at the end; and

(B) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to participation or membership in a criminal gang, or

''(IV) any felony or misdemeanor offense for which the alien received a sentencing enhancement predicated on gang membership or conduct that promoted, furthered, aided, or supported the illegal activity of the criminal gang,'',

(2) by adding at the end the following:

''(N) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

''(i) ALIENS NOT PHYSICALLY PRESENT IN THE UNITED STATES.—In the case of an alien who is not physically present in the United States:

''(I) That alien is inadmissible if a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe—

''(aa) to be or to have been a member of a criminal gang (as defined in section 101(a)(53)); or

''(bb) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.

''(II) That alien is inadmissible if a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General has reasonable grounds to believe the alien has participated in, been a member of, promoted, or conspired with a criminal gang, either inside or outside of the United States.

''(III) That alien is inadmissible if a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General has reasonable grounds to believe seeks to enter the United States or has entered the United States in furtherance of the activities of a criminal gang, either inside or outside of the United States.

''(ii) ALIENS PHYSICALLY PRESENT IN THE UNITED STATES.—In the case of an alien who is physically present in the United States, that alien is inadmissible if the alien—

''(I) is a member of a criminal gang (as defined in section 101(a)(53)); or

''(II) has participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(H) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable who—

''(i) is or has been a member of a criminal gang (as defined in section 101(a)(53));

''(ii) has participated in the activities of a criminal gang (as so defined), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang;

''(iii) has been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to participation or membership in a criminal gang; or

''(iv) any felony or misdemeanor offense for which the alien received a sentencing enhancement predicated on gang membership or conduct that promoted, furthered, aided, or supported the illegal activity of the criminal gang.''.

(d) DESIGNATION.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after section 219 the following:

''DESIGNATION OF CRIMINAL GANG

''SEC. 220.

''(a) DESIGNATION.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, may designate a group, club, organization, or association of 5 or more persons as a criminal gang if the Secretary finds that their conduct is described in section 101(a)(53).

''(2) PROCEDURE.—

''(A) NOTIFICATION.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate a group, club, organization, or association of 5 or more persons under this subsection and the factual basis therefor.

''(B) PUBLICATION IN THE FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under subparagraph (A).

''(3) RECORD.—

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

''(B) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a designation under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(4) PERIOD OF DESIGNATION.—

''(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c).

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a criminal gang under the procedures set forth in clauses (iii) and (iv) if the designated group, club, organization, or association of 5 or more persons files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated group, club, organization, or association of 5 or more persons has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated group, club, organization, or association of 5 or more persons has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any group, club, organization, or association of 5 or more persons that submits a petition for revocation under this subparagraph of its designation as a criminal gang must provide evidence in that petition that it is not described in section 101(a)(53).

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).

''(C) OTHER REVIEW OF DESIGNATION.—

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

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

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.

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

''(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

''(A) IN GENERAL.—The Secretary may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Secretary finds that—

''(i) the group, club, organization, or association of 5 or more persons that has been designated as a criminal gang is no longer described in section 101(a)(53); or

''(ii) the national security or the law enforcement interests of the United States warrants a revocation.

''(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

''(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

''(8) USE OF DESIGNATION IN TRIAL OR HEARING.—If a designation under this subsection has become effective under paragraph (2) an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection.

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the group, club, organization, or association of 5 or more persons has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another group, club, organization, or association of 5 or more persons.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Paragraphs (2), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c) of this section.

''(c) JUDICIAL REVIEW OF DESIGNATION.—

''(1) IN GENERAL.—Not later than 30 days after publication in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated group, club, organization, or association of 5 or more persons may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit.

''(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation.

''(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition for revocation the court finds to be—

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

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2); or

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

''(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation, amended designation, or determination in response to a petition for revocation shall not affect the application of this section, unless the court issues a final order setting aside the designation, amended designation, or determination in response to a petition for revocation.

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'classified information' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

''(2) the term 'national security' means the national defense, foreign relations, or economic interests of the United States;

''(3) the term 'relevant committees' means the Committees on the Judiciary of the Senate and of the House of Representatives; and

''(4) the term 'Secretary' means the Secretary of Homeland Security, in consultation with the Attorney General.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 219 the following:

''Sec. 220. Designation.''.

(e) MANDATORY DETENTION OF CRIMINAL GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)), as amended by this division, is further amended—

(A) in subparagraph (E), by striking ''or'' at the end;

(B) in subparagraph (F), by inserting ''or'' at the end; and

(C) by inserting after subparagraph (F) the following:

''(G) is inadmissible under section 212(a)(2)(N) or deportable under section 237(a)(2)(H),''.

(2) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by paragraph (1).

(f) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(N)(i) or section 237(a)(2)(H)(i) or who is'' after ''to an alien''.

(2) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking ''or'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(N)(i) or section 237(a)(2)(H)(i); or''.

(g) TEMPORARY PROTECTED STATUS.—Section 244 of such Act (8 U.S.C. 1254a) is amended—

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

(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking ''or'' at the end;

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

(C) by adding at the end the following:

''(iii) the alien is, or at any time has been, described in section 212(a)(2)(N) or section 237(a)(2)(H).''; and

(3) in subsection (d)—

(A) by striking paragraph (3); and

(B) in paragraph (4), by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''.

(h) SPECIAL IMMIGRANT JUVENILE VISAS.—Section 101(a)(27)(J)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

(1) in subclause (I), by striking ''and'';

(2) in subclause (II), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(III) no alien who is, or at any time has been, described in section 212(a)(2)(N) or section 237(a)(2)(H) shall be eligible for any immigration benefit under this subparagraph;''.

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

(1) the alien is assisting or has assisted the United States Government in a law enforcement matter, including a criminal investigation; and

(2) the alien's presence in the United States is required by the Government with respect to such assistance.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 3107. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by striking ''1 or both of the immigrant's parents'' and inserting ''either of the immigrant's parents''.

SEC. 3108. CLARIFICATION OF AUTHORITY REGARDING DETERMINATIONS OF CONVICTIONS.

Section 101(a)(48) of the Immigration and National Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C) In making a determination as to whether a conviction is for—

''(i) a crime under section 212(a)(2), or

''(ii) a crime under 237(a)(2),

such determination shall be determined on the basis of the record of conviction and any facts established within the record of conviction.

''(D) Any reversal, vacatur, expungement, or modification to a conviction, sentence, or conviction record that was granted to ameliorate the immigration consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of proving that the reversal, vacatur, expungement, or modification was not for such purposes. In no case in which a reversal, vacatur, expungement, or modification was granted for a procedural or substantive defect in the criminal proceedings. Whether an alien has been convicted of a crime for which a sentence of one year or longer may be imposed or whether the alien has been convicted for a crime where the maximum penalty possible did not exceed one year shall be determined based on the maximum penalty allowed by the statute of conviction as of the date the offense was committed. Subsequent changes in State or Federal law which increase or decrease the sentence that may be imposed for a given crime shall not be considered.''.

SEC. 3109. ADDING ATTEMPT AND CONSPIRACY TO COMMIT TERRORISM-RELATED INADMISSIBILITY GROUNDS ACTS TO THE DEFINITION OF ENGAGING IN TERRORIST ACTIVITY.

Section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended—

(1) in subclause (VI), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(VII) an attempt or conspiracy to do any of the foregoing.''.

SEC. 3110. CLARIFYING THE AUTHORITY OF ICE DETAINERS.

(a) IN GENERAL.—Section 287(d) of the Immigration and Nationality Act (8 U.S.C. 1357(d)) is amended to read as follows:

''(d) DETAINER OF INADMISSIBLE OR DEPORTABLE ALIENS.—

''(1) IN GENERAL.—In the case of an individual who is arrested by any Federal, State, or local law enforcement official or other personnel for the alleged violation of any criminal law or any motor vehicle law relating to driving while intoxicated or driving under the influence (including driving while under the influence of or impairment by alcohol or drugs), the Secretary may issue a detainer regarding the individual to any Federal, State, or local law enforcement entity, official, or other personnel if the Secretary has probable cause to believe that the individual is an inadmissible or deportable alien.

''(2) PROBABLE CAUSE.—Probable cause is deemed to be established if—

''(A) the individual who is the subject of the detainer matches, pursuant to biometric confirmation or other Federal database records, the identity of an alien who the Secretary has reasonable grounds to believe to be inadmissible or deportable;

''(B) the individual who is the subject of the detainer is the subject of ongoing removal proceedings, including matters where a charging document has already been served;

''(C) the individual who is the subject of the detainer has previously been ordered removed from the United States and such an order is administratively final;

''(D) the individual who is the subject of the detainer has made voluntary statements or provided reliable evidence that indicate that they are an inadmissible or deportable alien; or

''(E) the Secretary otherwise has reasonable grounds to believe that the individual who is the subject of the detainer is an inadmissible or deportable alien.

''(3) TRANSFER OF CUSTODY.—If the Federal, State, or local law enforcement entity, official, or other personnel to whom a detainer is issued complies with the detainer and detains for purposes of transfer of custody to the Department of Homeland Security the individual who is the subject of the detainer, the Department may take custody of the individual within 48 hours (excluding weekends and holidays), but in no instance more than 96 hours, following the date that the individual is otherwise to be released from the custody of the relevant Federal, State, or local law enforcement entity.''.

(b) IMMUNITY.—

(1) IN GENERAL.—A State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), and a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, acting in compliance with a Department of Homeland Security detainer issued pursuant to this section who temporarily holds an alien in its custody pursuant to the terms of a detainer so that the alien may be taken into the custody of the Department of Homeland Security, shall be considered to be acting under color of Federal authority for purposes of determining their liability and shall be held harmless for their compliance with the detainer in any suit seeking any punitive, compensatory, or other monetary damages.

(2) FEDERAL GOVERNMENT AS DEFENDANT.—In any civil action arising out of the compliance with a Department of Homeland Security detainer by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, the United States Government shall be the proper party named as the defendant in the suit in regard to the detention resulting from compliance with the detainer.

(3) BAD FAITH EXCEPTION.—Paragraphs (1) and (2) shall not apply to any mistreatment of an individual by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention.

(c) PRIVATE RIGHT OF ACTION.—

(1) CAUSE OF ACTION.—Any individual, or a spouse, parent, or child of that individual (if the individual is deceased), who is the victim of an offense that is murder, rape, or sexual abuse of a minor, for which an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) has been convicted and sentenced to a term of imprisonment of at least 1 year, may bring an action against a State or political subdivision of a State or public official acting in an official capacity in the appropriate Federal court if the State or political subdivision, except as provided in paragraph (3)—

(A) released the alien from custody prior to the commission of such crime as a consequence of the State or political subdivision's declining to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1));

(B) has in effect a statute, policy, or practice not in compliance with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) as amended, and as a consequence of its statute, policy, or practice, released the alien from custody prior to the commission of such crime; or

(C) has in effect a statute, policy, or practice requiring a subordinate political subdivision to decline to honor any or all detainers issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)(1)), and, as a consequence of its statute, policy or practice, the subordinate political subdivision declined to honor a detainer issued pursuant to such section, and as a consequence released the alien from custody prior to the commission of such crime.

(2) LIMITATIONS ON BRINGING ACTION.—An action may not be brought under this subsection later than 10 years following the occurrence of the crime, or death of a person as a result of such crime, whichever occurs later.

(3) PROPER DEFENDANT.—If a political subdivision of a State declines to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(d)) as a consequence of the State or another political subdivision with jurisdiction over the subdivision prohibiting the subdivision through a statute or other legal requirement of the State or other political subdivision—

(A) from honoring the detainer; or

(B) fully complying with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373),

and, as a consequence of the statute or other legal requirement of the State or other political subdivision, the subdivision released the alien referred to in paragraph (1) from custody prior to the commission of the crime referred to in that paragraph, the State or other political subdivision that enacted the statute or other legal requirement, shall be deemed to be the proper defendant in a cause of action under this subsection, and no such cause of action may be maintained against the political subdivision which declined to honor the detainer.

(4) ATTORNEY'S FEE AND OTHER COSTS.—In any action or proceeding under this subsection the court shall allow a prevailing plaintiff a reasonable attorneys fee as part of the costs, and include expert fees as part of the attorneys fee.

SEC. 3111. DEPARTMENT OF HOMELAND SECURITY ACCESS TO CRIME INFORMATION DATABASES.

Section 105(b) of the Immigration and Nationality Act (8 U.S.C. 1105(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''the Service'' and inserting ''the Department of Homeland Security''; and

(B) by striking ''visa applicant or applicant for admission'' and inserting ''visa applicant, applicant for admission, applicant for adjustment of status, or applicant for any other benefit under the immigration laws''; and

(2) by inserting after paragraph (4) the following:

''(5) The Secretary of Homeland Security shall receive, upon request, access to the information described in paragraph (1) by means of extracts of the records for placement in the appropriate database without any fee or charge.''.

TITLE IV—ASYLUM REFORM

SEC. 4101. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''claim'' and all that follows, and inserting ''claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208, and it is more probable than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 4102. JURISDICTION OF ASYLUM APPLICATIONS.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by striking subparagraph (C).

SEC. 4103. RECORDING EXPEDITED REMOVAL AND CREDIBLE FEAR INTERVIEWS.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a uniform manner, to the extent possible, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien.

(d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—There shall be an audio or audio visual recording of interviews of aliens subject to expedited removal. The recording shall be included in the record of proceeding and shall be considered as evidence in any further proceedings involving the alien.

(e) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. 4104. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

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

(2) by striking ''removed, pursuant to a bilateral or multilateral agreement, to'' and inserting ''removed to''.

SEC. 4105. RENUNCIATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY.

(a) IN GENERAL.—Section 208(c) of the Immigration and Nationality Act (8 U.S.C. 1158(c)) is amended by adding at the end the following new paragraph:

''(4) RENUNCIATION OF STATUS PURSUANT TO RETURN TO HOME COUNTRY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any alien who is granted asylum status under this Act, who, absent changed country conditions, subsequently returns to the country of such alien's nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her status terminated.

''(B) WAIVER.—The Secretary has discretion to waive subparagraph (A) if it is established to the satisfaction of the Secretary that the alien had a compelling reason for the return. The waiver may be sought prior to departure from the United States or upon return.''.

(b) CONFORMING AMENDMENT.—Section 208(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(c)(3)) is amended by inserting after ''paragraph (2)'' the following: ''or (4)''.

SEC. 4106. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subparagraph (A), by striking ''and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking ''If the'' and all that follows and inserting:

''(A) If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application;

''(B) An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part to delay removal from the United States, to seek employment authorization as an applicant for

asylum pursuant to regulations issued pursuant to paragraph (2), or to seek issuance of a Notice to Appeal in order to pursue Cancellation of Removal under section 240A(b); or

''(ii) any of the material elements are knowingly fabricated.

''(C) In determining that an application is frivolous, the Secretary or the Attorney General, must be satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim.

''(D) For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3).) or protection pursuant to the Convention Against Torture.''.

SEC. 4107. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT.

(a) ASYLUM CREDIBILITY DETERMINATIONS.—Section 208(b)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)(iii)) is amended by inserting after ''all relevant factors'' the following: '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials''.

(b) RELIEF FOR REMOVAL CREDIBILITY DETERMINATIONS.—Section 240(c)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(4)(C)) is amended by inserting after ''all relevant factors'' the following: '', including statements made to, and investigative reports prepared by, immigration authorities and other government officials''.

SEC. 4108. PENALTIES FOR ASYLUM FRAUD.

Section 1001 of title 18 is amended by inserting at the end of the paragraph—

''(d) Whoever, in any matter before the Secretary of Homeland Security or the Attorney General pertaining to asylum under section 208 of the Immigration and Nationality Act or withholding of removal under section 241(b)(3) of such Act, knowingly and willfully—

''(1) makes any materially false, fictitious, or fraudulent statement or representation; or

''(2) makes or uses any false writings or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 10 years, or both.''.

SEC. 4109. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD.

Section 3291 of title 18 is amended—

(1) by striking ''1544,'' and inserting ''1544, and section 1546,'';

(2) by striking ''offense.'' and inserting ''offense or within 10 years after the fraud is discovered.''.

SEC. 4110. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(B) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'';

(2) in subsection (b)(2), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears;

(3) in subsection (c)—

(A) in paragraph (1), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(C) in paragraph (3), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears;

(B) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(C) in paragraph (5)—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (B), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''.

TITLE V—USCIS WAIVERS

SEC. 5101. EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.

The requirements of subchapter II of chapter 5 of title 5, United States Code, shall not apply to any rule made in order to carry out this division or the amendments made by this division, to the extent the Secretary of Homeland Security determines that compliance with any such requirement would impede the expeditious implementation of such division or the amendments made by such division.

SEC. 5102. EXEMPTION FROM PAPERWORK REDUCTION ACT.

The requirements of subchapter I of chapter 35 of title 44, United States Code, shall not apply to any action to implement this division or the amendments made by this division to the extent the Secretary of Homeland Security, the Secretary of State, the Attorney General, or the Secretary of Labor determines that compliance with any such requirement would impede the expeditious implementation of such sections or the amendments made by such sections.

SEC. 5103. SUNSET.

This title shall sunset on the date that is 3 years after the date of enactment of this Act. Such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken pursuant to such exemptions.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from New York (Mr. NADLER) each will control 20 minutes. The gentleman from Texas (Mr. MCCAUL) and the gentleman from Mississippi (Mr. THOMPSON) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6136.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, MICHAEL MCCAUL, CARLOS CURBELO, JEFF DENHAM, and I introduced H.R. 6136 to be a consensus bill designed to bring Members together. It is the product of fruitful negotiations and will offer us a path forward toward true immigration reform.

As with the Securing America's Future Act, this bill provides a legislative resolution of DACA, which was imposed through an unconstitutional abuse of executive power by President Obama. But in addition to a renewable legal status, this bill expands relief to those who were eligible for DACA but never applied. Many did not apply because they thought that DACA was simply unconstitutional.

H.R. 6136 also creates a merit-based green card program that the recipients of the bill's contingent nonimmigrant status can apply for. This program is the first-ever point system based on education, vocational training, apprenticeship, employment experience, English proficiency, and military service under U.S. immigration law.

Aliens with similar life experiences to DACA recipients can also apply: those who were brought to the United States as minors by parents on temporary work visas and grew up in the United States. All other DACA legislation that I am aware of discriminates against such persons simply because they and their parents haven't violated our laws.

To be clear, there is no special path to citizenship for DACA recipients or DACA-eligible individuals.

Importantly, this bill will help ensure that the DACA dilemma does not recur after a few short years. As with H.R. 4760, it will end ''catch and release,'' battle asylum fraud, and require that unaccompanied minors caught at the border be treated equally, regardless of their home country. As with H.R. 4760, it will ensure that the law no longer tempts minors and their parents to make the dangerous, illegal journey to the United States or to line the pockets of cartels.

We must turn off the irresistible ''jobs magnet,'' if we are ever to effectively deal with illegal immigration. While expansion of the hugely successful E-Verify program is not contained in H.R. 6136, I am pleased that the leadership has committed to bringing such legislation to the floor this summer.

As with H.R. 4760, the bill will make it easier to deport gang members who are aggravated felons, or who have multiple DUIs.

H.R. 6136 modernizes our legal immigration system. It will reduce extended family chain migration and terminate the diversity visa program, which awards green cards by random lottery to people with no ties to the United States. It reduces overall immigration numbers over the long term, and shifts to a first-in-line visa system by eliminating the per-country cap on employment-based green cards. The bill begins a shift to a merit-based system by establishing the new merit-based green card program that I described.

As with H.R. 4760, the bill corrects the disastrous Flores settlement to ensure that minors apprehended at the border with their parents are not separated from their parents when the parents are placed in DHS custody. Importantly, H.R. 6136 addresses family separation in light of the zero-tolerance prosecution initiative by mandating that DHS, not DOJ, maintain the custody of aliens charged with illegal entry along with their children. This would only apply to those who enter the country with children and would not permit those charged with felonies, or any other criminal activity, to be detained along with children. The bill allocates funding for family detention space to facilitate this requirement.

Congress has a unique opportunity to act now, before the country ends up with another large population who crossed the border illegally as children. Let's take this historic moment to come together and support vital legislation that provides commonsense, reasonable solutions.

Madam Speaker, I urge my colleagues to join President Trump and support this important legislation, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 20, 2018.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for the opportunity to review the relevant provisions of the text of H.R. 6136, the Border Security and Immigration Reform Act of 2018. As you are aware, the bill was primarily referred to the Committee on the Judiciary, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner. Accordingly, I agree to discharge H.R. 6136 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

K. MICHAEL CONAWAY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 20, 2018.

Hon. K. MICHAEL CONAWAY,
Chairman, Committee on Agriculture, Washington, DC.

DEAR CHAIRMAN CONAWAY: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R. 6136, the ''Border Security and Immigration Reform Act of 2018,'' so that the bill may proceed expeditiously to the House floor.

I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 6136 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 20, 2018.

Hon. BOB GOODLATTE,
Chairman, Committee on Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE: I write concerning H.R. 6136, the ''Border Security and Immigration Reform Act of 2018''. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Homeland Security.

In order to expedite floor consideration of H.R. 6136, the Committee on Homeland Security agrees to forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee on Homeland Security's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response into the Congressional Record during consideration of the measure on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 20, 2018.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCCAUL: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R. 6136, the ''Border Security and Immigration Reform Act of 2018,'' so that the bill may proceed expeditiously to the House floor.

I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 6136 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

BOB GOODLATTE,
Chairman.

□ 1830

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I strongly oppose H.R. 6136. Far from being the moderate and compromise bill that has been advertised, this bill is extreme and unreasonable. This bill eliminates the diversity visa program and cuts off even children and brothers and sisters from reunifying with their families.

The bill even revokes the approval of over 3 million family members who have been waiting for years to reunify with their U.S. citizen brothers, sisters, and parents.

While it claims to end President Trump's cruel family separation policy, nothing in the bill actually prohibits family separation or limits criminal prosecutions. And the bill requires the long-term detention of families and children while actually removing requirements that detention facilities be safe, sanitary, and appropriate for children.

It eliminates important asylum protections and would protect many bona fide asylum seekers from even applying for protection in the first place.

In addition, this legislation spends $23.4 billion to fund Donald Trump's offensive and unnecessary border wall.

Finally and most importantly, this bill fails to provide a certain path to citizenship for the Dreamers.

Donald Trump created havoc when he made the decision to strip legal status from young Americans who were brought to the U.S. as young children and who know only this country as their own. The Republican leadership repeatedly announced that they intended to protect the Dreamers. Now we see their supposed solution, and it is a half measure at best that leaves far too many Dreamers behind.

The bill's stringent eligibility requirements would likely cut off millions of Dreamers from eligibility to the bill's legalization program. To those who would be eligible, the bill establishes a long and difficult road to permanent residence, never mind to citizenship. Because of the limited number of visas made available, it would force applicants to wait for up to 23 years for permanent residence.

Most appalling, if even $1 of border wall funding is ever transferred or rescinded by a future Congress, the long and difficult path to permanent residence would be canceled entirely. This would effectively hold the Dreamers hostage to every future appropriations battle.

Now, we know the Republicans refer to this bill as a compromise, but it is not a compromise when you excluded the Democrats from negotiations.

There is, in fact, a compromise bipartisan bill, the Hurd-Aguilar bill, that actually provides a meaningful path to citizenship for Dreamers and doesn't bog the bill down in different considerations about the wall or about diversity visas or about family legislation.

Those are separate issues and should be debated separately if you want to redeem your promise to the Dreamers.

This bill is hypocritical, because it doesn't redeem the promise to the Dreamers and bogs it down in other issues, which we know will probably result in the bill never going anywhere.

Do not be fooled by this legislation. It is not moderate, it is not a compromise, it does not solve the Dreamer issue. It reflects the Republican majority's decision to keep a real Dreamer bill, the Hurd-Aguilar bill, off the floor.

It is yet one more extreme measure by the Republican majority that fails to solve the real issues plaguing our immigration system and betrays the promise to the Dreamers.

Madam Speaker, I urge all Members to oppose this bill, and I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the gentlewoman from Georgia (Mrs. HANDEL), a member of the Judiciary Committee.

Mrs. HANDEL. Madam Speaker, I thank Chairman GOODLATTE for yielding.

Madam Speaker, earlier today I voted in support of the Goodlatte-McCaul bill, and I stand here today in support of H.R. 6136.

This bill is a commonsense measure that addresses many aspects of our broken immigration system. It will end the lawlessness at the U.S.-Mexico border, while also providing thoughtful and compassionate solutions to protect children at the border.

Specifically, this bill will finally secure our borders, which is critical to national security. It provides $25 billion in advanced funding for the border barrier system, more border patrol personnel, and surveillance technology. That is advanced funding. That does not happen very often here in Congress.

This bill also includes much needed measures to curb visa overstays. It limits extended family migration, eliminates lottery visas, deters sanctuary cities, and addresses asylum fraud.

Further, H.R. 6136 establishes a new framework for DACA individuals. This framework is a sensible and, again, compassionate long-term solution that allows for legal residency through competitive, merit-based process.

Importantly, the DACA provisions are contingent on the actual deployment of money and resources for that border wall system and the other border security measures.

While this bill is not perfect, because few things are, it does represent a significant and meaningful step forward in fixing our immigration system.

Madam Speaker, the status quo is simply unacceptable. We are long past the time for rhetoric, posturing, and politics. The American people deserve better. It is time for real solutions, and that is exactly what this bill offers. It is time for Congress to act. Let's pass this bill.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), the distinguished ranking member of the Immigration Subcommittee.

Ms. LOFGREN. Madam Speaker, I think it is important that we be honest about why we are here today. Every major problem in this bill that this bill purports to tackle was actually created by President Trump himself.

First, there is Trump's policy of ripping children away from their parents. He issued an order last night purporting to address this issue, but we would not need to address it in legislation if it weren't for his misguided policies. And I will point out that his remedy appears to be the same one that is in this bill, which is to put the mothers in the cages with the toddlers and to incarcerate whole families.

Then we have the DACA program that President Trump chose to eliminate. He says he cares about Dreamers, but it was his own decision that created the present danger to these young Americans in waiting.

And, finally, we have the asserted need to change our asylum laws to make it almost impossible to qualify, and to authorize the prolonged detention of asylum-seeking families with children, to ensure compliance with the laws.

I mentioned during the discussion of the rule, this is not necessary. We had a program called the Family Case Management program that, according to the inspector general for the Homeland Security Department, resulted in a 100 percent attendance rate at immigration court proceedings. And that is, in fact, what we need. We need attendance at the court hearing. And if a person prevails, they would be granted asylum, if they fail, they will be removed. What we need here is the orderly processing and application of immigration law instead of the chaos that President Trump has brought to us.

I would like to point out that this program costs $36 a day compared to over $700 a day to put a child in one of those cages. Now, those aren't my figures. Those are from DHS.

We don't need this legislation. We need the President to take action. He can do what needs to be done today by picking up the phone.

Now, he has backed off temporarily, maybe because of public pressure, but he has not addressed the issue of the Dreamers.

I don't know what the words a special path mean, but there is a new path for Dreamers in this bill. However, as has been mentioned by Mr. NADLER, for some, it could take as long as 23 years. So if you are 27 years old now, by the time you are able to apply and receive U.S. citizenship, you would be 55 years of age. I think that is a ridiculous proviso, especially, as we have all acknowledged, these are young people who are Americans in every capacity, but for their——

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Madam Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. LOFGREN. Madam Speaker, I would just like to say, I think that the President has taken the Dreamers, the little children, the asylum-seeking families as hostages for the anti-immigrant provisions in this bill.

It has been mentioned that we have a generous immigration system. To whom? Two-thirds of the visas go to the immediate nuclear family of Americans. So that is what we want.

To eliminate the ability of Americans to have their sons and daughters with them is simply wrong.

Madam Speaker, we should vote against this disaster of a bill.

Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON), a distinguished member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Madam Speaker, our job as legislators is to listen to each other and find common ground, to compromise for the good of the American people.

Today, Trump Republicans are trying to do comprehensive immigration reform without any committee hearings with Democrats, with no consultation. This is a spectacle trying to pass legislation on such an important subject in such a haphazard and slipshod manner.

Congress can certainly do better than this, and the American people deserve better than this.

Never again should these Trump Republicans ever claim that they adhere to regular order. The integrity of our process in this House depends upon careful consideration of bills through regular order so that only thoughtful legislation is passed.

In our consideration of important legislation, the debate and the ability to compromise are essential. Sadly, I fear that we have lost the ability to engage in honest debate and we have lost the will to compromise.

Though the ability to compromise is important, we Democrats can't agree to lock up children in cages. We can't agree to a bill that leaves Dreamers behind. Compromise does not allow us to turn our backs on asylum seekers or to stop family immigration or to kill the diversity visa program or waste billions of dollars building Trump's border wall. This bill does all those things.

We have a national crisis on our hands, and as we speak, 2,300 children have been torn away from the arms of their parents at the U.S.-Mexico border, and it is our job to remedy this disgrace and reunite these families.

Madam Speaker, I urge my colleagues not to support the Border Security and Immigration Reform Act. A bipartisan solution is out there, but clearly this bill is not it.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to say there are complaints that this is not a bipartisan bill, and yet we addressed the issues that Democrats expressed concern about.

We have a very good way to address the DACA population in this legislation, and yet when we look to the other side for help with securing our border, with taking the current fencing—and if you have ever been along that border, particularly in San Diego where they have a very high fence, but all it is is a fence. You can take a saw, an electric saw and cut through that in a matter of seconds and be on the other side. But where is the help for addressing those kind of security measures? I don't see it.

We have addressed in this legislation the family separation issue in a very good way. We agree: families should be unified. If it is simply a matter of a misdemeanor charge that the parents are facing, we want the children to be detained with them. But where is the help that we get from the other side in terms of addressing problems like catch-and-release; problems like asylum fraud; problems like unaccompanied minor status, where we have a disparity between how we handle unaccompanied minors coming across the border from Canada or Mexico who are Canadian or Mexican, but if they have come from somewhere else in the world through Canada or Mexico, we can't treat them the same way. All of those things are addressed in this bill.

We are addressing the concerns of the American people on how to address immigration reform through the four pillars: making sure we do something appropriate for the DACA population, including opportunities, not for a special pathway to citizenship, but to ultimately attain citizenship if they earn it; and we are also addressing the other three categories, border security and closing the loopholes in our laws, ending the visa lottery and moving to a merit-based immigration system, and moving towards a family-based immigration system that is the nuclear family, your spouse and your children, not extended family members.

□ 1845

I don't see anything addressing most of that coming from any legislation from the Democrats, and I certainly would welcome seeing their proposals on what they would do for a wall and fencing and other security measures along our border. I would be very interested in seeing what they do to help us move from an overwhelmingly family-based immigration system to one that is a merit-based system.

Countries like Canada and the United Kingdom and Australia, they give their immigrants visas in 50, 60, 70 percent of their cases based upon education, job skills, job offers, training. We are at 12 percent. That is unacceptable.

This bill moves us in the right direction. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, the President of the United States and the Speaker of the House promised to solve the problem of the Dreamers and to give them a path to citizenship. This bill does not do that except for 23 years, and it makes them hostage to other things such as the gentleman from Georgia talked about.

We do not agree, many of us, that we should go away from family-based unification. We do not agree on the four pillars. The President agrees with that. Some of the Republicans agree with that. We ought to debate that separately and have a bill that takes care of the Dreamers, as the President and the Speaker promised, instead of holding them hostage to all these other things that we don't agree to and that shouldn't be held hostage. We should have a clean DACA bill like Hurd-Aguilar.

Madam Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Madam Speaker, I rise in opposition to the bill proposed by Speaker RYAN, a day after the big lie was finally admitted to by President Trump, the Attorney General, Secretary of Homeland Security, and the resident White House sociopath, Stephen Miller, that ripping children from their mothers and fathers and jailing them was solely an administrative decision, not a law, not a loophole, not the fault of Democrats, but, instead, the singular, cynical, and cruel policy of the Trump administration.

Yet H.R. 6136 does nothing to remedy the damage of that policy for children, for their parents, and does nothing to soothe the conscience of our Nation.

H.R. 6136 has no oversight or public review of for-profit and nonprofit detention centers, nothing to reunite 2,300 children with their families, and eliminates the standards of care for children in detention centers.

Today was supposed to be about DACA recipients. This bill does nothing for them either. Their fate is tied to spending 23 billion taxpayer dollars on a political gift to Trump for a wall, a wall that circumvents environmental law, puts our lands, water, and wildlife and border land communities at risk, and a point system that could disqualify over 80 percent of current and previously eligible Dreamers.

We had an opportunity to address Dreamers, by the way, another Trump-created crisis, with a vote on the Aguilar-Hurd legislation, a bipartisan compromise that includes some content I opposed, but I would vote for it because it is necessary and a step forward. But this effort was sabotaged by Trump and the Republican leadership of this House.

We are now asked to vote on Speaker RYAN's H.R. 6136, the anti-family values bill. It is wasteful, repressive, and meaningless.

Regardless of how you paint it, how you sell it or lie about it, this particular pig will never be a silk purse. I urge a ''no'' vote on the legislation.

Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FLORES).

Mr. FLORES. Madam Speaker, I rise today in support of H.R. 6136, the Border Security and Immigration Reform Act, and I thank Chairman GOODLATTE for allowing me to spend time talking about this from a personal perspective.

I represent the 17th District of Texas, which has a number of colleges, universities, and institutions of higher education that are home to hundreds of Dreamers who are studying to improve their lives. I believe that we should give them a path to come out of the shadows by providing them with an earned path to legal status.

These Dreamers were brought here by their parents as children and, for most, America is the only home they know.

Further, they did not commit the crime to enter the country illegally, and to characterize an earned path to legal status as amnesty is an offense to their character and to the hard work this body has done to try to come to a consensus.

This bill is also important because it will ensure that children who are apprehended at the border will not be separated from their parents and/or legal guardian while in DHS custody.

Look, we all know that enforcing the law is important, both for the integrity of our immigration system and out of respect to the thousands of law-abiding immigrants who come to this country legally every year, many of whom reside in my district.

The President was right to issue an executive order to stop the separation of children from their parents. As I have said before, only Congress can enact a permanent solution that amends current law, which has flaws and loopholes, and overturns current legal precedent set by the courts.

This bill includes four pillars which were previously agreed on by Democrats and Republicans and the White House a few months ago. It deals with border security; it comes up with a solution for the Dreamers; it gets rid of a visa lottery, which has not been helpful for merit-based immigration in this country; and it reforms chain migration so that we can bring in the immigrants that we need who will be an integral part of the economy on day one.

In closing, Madam Speaker, I will note that we cannot move forward without enacting strong border security reforms, and I am pleased that the solutions for our Dreamers that this bill puts forward are coupled with funding to strengthen border security. We can't have one without the other.

Robust border security includes a border wall, where feasible. Robust border security can only be achieved through an integrated system of border technology, personnel, and the modernization of our ports of entry. This bill rightly authorizes all of those components and funds those components.

I urge a ''yes'' vote from all of our colleagues on this bill.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in strong opposition to this Republican-only compromise immigration bill. The only thing that is compromised in this legislation is America's source of strength as a nation of immigrants.

This bill guts asylum protections for those fleeing danger and dashes the hopes of legal immigrants seeking to reunite with family members. It continues this Presidential Ponzi scheme of forcing taxpayers to buy an expensive but useless border wall that Trump promised Mexico would pay for.

As a mother and, frankly, as a human being, this bill makes my stomach turn. Despite Republican crocodile tears, this bill doesn't put an end to the Trump administration's child abuse, and our innocent Dreamers would be forced to navigate a confusing path to citizenship that could take 20 years.

Just like with taxes and healthcare, Republicans just refuse to reach across the aisle to address our Nation's challenges. The President put children on our borders in fenced cages, and Americans were revolted. With this bill, Republicans in Congress are about to put Lady Liberty in a fenced cage, which would be equally revolting.

Mr. GOODLATTE. Madam Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Virginia has 7½ minutes remaining. The gentleman from New York has 7½ minutes remaining.

Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Madam Speaker, I rise in opposition to this cruel partisan effort that does nothing to stop family separation, address the crisis of children already separated from their parents, nor does it fairly address the plight of Dreamers.

Instead of uniting families, it eliminates the ability of U.S. citizens to sponsor parents, adult children, and siblings, and it abandons 3 million family members waiting to legally enter our country.

This bill limits access to asylum and eliminates provisions that protect children and their right to seek refuge in our country. It excludes thousands of Dreamers, has no guarantee of citizenship, and does nothing to remove the uncertainty and fear Dreamers have of deportation away from family and the only country they know as home.

This bill is a sham. It authorizes prolonged detentions, funds Trump's border wall, militarizes our borders, weakens child protection laws, and erodes our American tradition of united families. I urge my colleagues to vote against this irresponsible bill.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, yesterday, I led my colleagues in a letter to Secretaries Nielsen and Azar asking about plans to reunify the thousands of children separated from their parents. Neither the President's executive order nor the bills before us address the crisis facing these traumatized children. The American people deserve to know how and when the detained children will be returned to their parents.

What is the plan to reunite children with their loved ones?

What are the agencies doing to ensure this reunification?

Are they guaranteeing that family members who come forward will not be at risk of deportation themselves?

Shouldn't these questions be at the heart of any legislation we consider? Otherwise, it becomes a priority to build a wall instead of solving these overriding humanitarian crises.

This administration continues to create problems and then scrambles to shift blame after public outcries. We saw it with the Muslim ban; we saw it with DACA; and now, these children are the latest victims.

This Congress should have zero tolerance for intolerance.

I look forward, Mr. Speaker, to hearing back from DHS and HHS, and I urge my colleagues to vote ''no'' on this inadequate bill.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my good friend, Mr. NADLER, for yielding.

Mr. Speaker, I rise with a heavy heart to oppose this mean-spirited bill: heavy because the House does nothing to stop families from being torn apart or locked in cages behind bars; heavy because you still won't bring a clean Dream Act to the floor; heavy because you do nothing to stop this administration's assault on immigrant families and communities.

The world is watching with shame and disgust. The late A. Philip Randolph, the dean of Black leadership during the sixties, reminded us that we may have come to this great land in different ships, but we all are in the same boat now. And just 3 short years ago, the Pope reminded this body to do unto others as you would have them to do unto you.

Mr. Speaker, enough is enough. The very soul of our Nation is at stake, and time is running out.

The moral question is simple, Mr. Speaker: Will you lead or will you follow? Will you bring a bipartisan, compassionate bill to the floor? Will we show the Nation and the world that we respect human rights and the dignity of every man, woman, and child?

□ 1900

Mr. Speaker, will you offer your brothers and sisters a lifevest, or will you let them drown?

We can do better as a Nation and as a people.

Will you be a headlight? Will you be a headlight? Will you lead? Will you be compassionate and look out for all of our citizens? Look out for the Dreamers, look out for the little children, the mothers and the fathers? The choice and responsibility are yours, Mr. Speaker.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to this Republican partisan bill.

Just a few days ago, I traveled to San Diego with several of our colleagues to see firsthand how current immigration policy is being enforced.

There were children separated from their parents and migrants seeking asylum.

Our immigration system is broken, and everybody knows that. And this administration is making a challenging situation worse.

Our immigration system needs to be dealt with. Why don't we try sitting down and working together on real bipartisan reform?

This is a partisan proposal that holds Dreamers and vulnerable children hostage and does nothing for California farmworkers.

What is worse, it builds a $25 billion wall that, by itself, does not provide comprehensive solutions for our border security, which we all believe in.

By the way, didn't the President promise that Mexico would pay for this wall?

Mr. Speaker, I urge my colleagues to do the right thing. Vote ''no.'' Let's get back to working on bipartisan reform, reform that provides us with the border security we need and fixes our immigration system and respects the dignity and the humanity of aspiring Americans.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FRANCIS ROONEY of Florida). The gentleman from New York will state his parliamentary inquiry.

Mr. NADLER. Will the House vote on this measure tonight?

The SPEAKER pro tempore. The Chair cannot comment on the legislative schedule.

Mr. NADLER. Mr. Speaker, will the House vote tomorrow?

The SPEAKER pro tempore. The Chair cannot comment on the legislative schedule.

Mr. NADLER. Mr. Speaker, can the Chair advise when the House will vote on the measure?

The SPEAKER pro tempore. The Chair cannot comment on the legislative schedule.

Mr. NADLER. Mr. Speaker, under the rule, the minority, the Democrats, are entitled the offer one final amendment in the form of a motion to recommit.

Mr. Speaker, when will we have that opportunity?

The SPEAKER pro tempore. The Chair is entertaining debate on the bill at this time.

Mr. NADLER. Mr. Speaker, we normally have that opportunity during debate.

Mr. Speaker, will we have that opportunity in debate tonight?

The SPEAKER pro tempore. The Chair is entertaining debate on the bill.

Mr. NADLER. Mr. Speaker, I understand that.

Mr. Speaker, will we have the opportunity, as part of that debate, to offer the amendment in the form of a motion to recommit, as is our right during debate?

The SPEAKER pro tempore. Under the rule for consideration of this bill, one motion to recommit is available.

Mr. NADLER. Mr. Speaker, I take it that we will be able to offer that motion to recommit before we finish debate tonight.

The SPEAKER pro tempore. The Chair is currently entertaining debate on the bill.

Mr. NADLER. Mr. Speaker, you didn't answer my question, sir.

Mr. Speaker, we are, of course, entertaining debate on the bill now. The motion to recommit is part of that debate, and my question is: Will we be permitted to offer that motion to recommit before we finish debate tonight?

The SPEAKER pro tempore. After the hour of debate on this bill has expired, there may be an opportunity for a motion to recommit.

Mr. NADLER. Mr. Speaker, there may be.

Mr. Speaker, if the Chair can't answer, perhaps the chairman of the committee can answer that question about the motion to recommit.

Mr. Chairman?

Mr. GOODLATTE. If the gentlemen will yield, I don't control the floor schedule so I can't answer the question as to the timing of when the gentleman's opportunity to offer a motion to recommit, which the rules provide for, will be afforded to him. I don't know the answer to that.

Mr. NADLER. Mr. Speaker, can the chairman perhaps comment on when the House will vote on this bill?

Mr. GOODLATTE. If the gentleman will yield, again, I don't control the floor, and I don't have any direct advice on when that will take place.

Mr. NADLER. Mr. Speaker, for what purpose are we debating this bill tonight if we cannot guarantee when or if we will vote?

Let me rephrase the question.

Mr. Speaker, can the Chair guarantee that we will, in fact, vote on this bill at some point?

The SPEAKER pro tempore. Is the gentleman asking the chairman of the committee?

Mr. NADLER. Mr. Speaker, I am asking the Acting Speaker right now. I think the mace is up, so Speaker.

The SPEAKER pro tempore. The Chair will reiterate that the Chair is entertaining debate on the bill.

Mr. NADLER. Mr. Speaker, we are entertaining debate on the bill, obviously, but can the Chair guarantee that we will, in fact, vote on this bill at some point? Otherwise, why are we wasting time?

The SPEAKER pro tempore. The Chair will not advise on the future legislative schedule.

Mr. NADLER. Mr. Speaker, can the Chair guarantee that we will have the opportunity, as guaranteed under the rules, to offer our motion to recommit, whether or not we ever vote on this bill?

The SPEAKER pro tempore. The Chair would reiterate that the rule does provide for one motion to recommit.

Mr. NADLER. Mr. Speaker, the Chair will not guarantee that the rule will be adhered to and give us the opportunity to offer that motion?

The SPEAKER pro tempore. The Chair is entertaining debate on the bill.

Mr. NADLER. Mr. Speaker, the Chair is being very forthcoming.

Mr. Speaker, I do assume that we will have the opportunity to offer our motion to recommit.

Mr. Speaker, I further assume that at some point we will vote on this bill, otherwise, everything the majority has said about why it is being offered would be a little less than honest.

Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this supposed compromise bill is a sham. It fails to cover all Dreamers or to provide them with a certain path to citizenship. It fails to end the Trump family separation policy. It revokes critical protections for detained children and families. It eliminates important asylum protections. It makes communities less safe, and it slashes legal family immigration.

At every step of the way, this bill attacks family unity. It attacks immigrant communities, it attacks common decency, and it evades fulfilling the pledge of the Speaker and the President that we will solve the problem and allow a path to citizenship for the Dreamers.

Mr. Speaker, I include in the RECORD a report by the Cato Institute titled: ''House GOP Bill Cuts Legal Immigration by 1.4 Million Over 20 Years.''

[From CATO at Liberty, June 21, 2018]

HOUSE GOP BILL CUTS LEGAL IMMIGRATION BY 1.4 MILLION OVER 20 YEARS

(By David Bier and Stuart Anderson)

The House is scheduled to vote tomorrow on a bill—the Border Security and Immigration Reform Act, the supposed GOP compromise bill. The authors claim in their bill summary that ''the overall number of visas issued will not change,'' yet that is simply incorrect. In fact, the proposal would reduce legal immigration at least 1.4 million over 20 years.

The bill would reduce the number of legal immigrants in five ways: 1) eliminating the diversity visa lottery, 2) ending sponsorship of married adult children of U.S. citizens, 3) ending sponsorship of siblings of U.S. citizens, 4) restricting asylum claims, and 5) indirectly by restricting overall immigration, which will lead to fewer sponsorships of spouses, minor children, and parents of naturalized citizens years later. The bill partially offsets these effects by increasing employer-sponsored immigration and by granting permanent residency to some Dreamers in the United States, but the net effect is still strongly negative.

Table 1 breaks down the cuts to legal immigration by category over the 20-year period from 2020 to 2039. The net effect is a reduction in legal immigration of 1.4 million including Dreamers or 2.1 million not counting Dreamers toward the total. This is a cut of 7 percent or 10 percent in the number of legal immigrants that would have been allowed to enter under current law.

Mr. NADLER. Mr. Speaker, I urge all Members to oppose the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, for the purpose of closing on our side, I yield the balance of my time to the gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. Mr. Speaker, I thank the distinguished chairman for yielding me time.

Mr. Speaker, the reason I am here is because I made a commitment to my constituents, and, really, to the country, that I wanted to improve our country's immigration system.

If you look at the reality of what is happening today, it is really sad. We have a chaotic situation at the border. We have drug traffickers active at the border, bringing in their drugs, poisoning the American people.

We have human traffickers, which are exploiting some of the most vulnerable people in the world, profiting off of them.

Some of these children that get brought over by coyotes get abused, molested, raped.

This is what is happening at our southwest border, and it has to change.

The underlying bill invests in border security, and most Americans—an overwhelming majority—want to see the situation at the border improve. And an overwhelming majority believes that the United States of America, like every country in the world, has the right and the duty to enforce its laws and to protect its borders.

I am also here, Mr. Speaker, because I made a commitment to some of the victims of our broken immigration system.

There are a lot of young immigrants in our country who were brought over as children. Some of them have no memory of their countries of origin. They are the victims of a broken immigration system. Some of these young

people—I know their stories because I know them well—when they are 14 or 15, they discover that they are undocumented, after years of having sat in classrooms with our own kids, pledging allegiance to our own flag, and loving this country just as much as we do.

And that is why this bill contains a solution that is fair to these young immigrants.

If we don't pass this bill, these young immigrants, the Dreamers, the DACA recipients, could lose all of their protections in a matter of months.

Now, we don't have to get into why or how that happened. We know that there are some court challenges out there, but that is the reality. That is what we are dealing with today.

In addition to that, we have all spoken out against this tragedy of children being separated at the border and the difficult position that the current and the previous administration were in of having to choose between enforcing our immigration laws and separating families.

Yes, the Obama administration planned and started detaining families together until a court told them that they could not, and now we have a true tragedy on our hands. This bill would also help solve that issue.

In addition to that, we modernize our immigration laws by making sure that our economy's needs are met.

Now, the alternative is to vote ''no'' and to double down on the status quo: a failed broken immigration system that has created so many victims over the years, from the small children who get abused by the human traffickers, to the young immigrants in our country who discovered one day that they were undocumented, to drug trafficking at the border that is poisoning so many people in our country.

A vote against this bill is a vote for that status quo. And I don't think anyone in this Chamber supports the status quo on immigration.

Mr. Speaker, I know this bill isn't perfect. This isn't the bill I would have drafted. My bill is the Recognizing America's Children Act. That is the bill that I drafted and that I would prefer. But there are 435 of us in this Chamber, and sometimes we have to meet somewhere, meet into the middle, compromise.

And let's not let this time be like it always is on immigration where everyone says: Unless I can get 100 percent of what I want, no one is going to get anything. And that might be easy for us to say here in this Chamber, but that isn't something easy for people to hear. For the American people, for young immigrants brought to our country, for the DACA population, that isn't easy for them to hear.

They want to hear that we are going to find a way to get to yes, and that although our solution might not be perfect, it will leave us at a place better than the one we are in today.

Mr. Speaker, that is why I respectfully ask all of my colleagues on both sides of the aisle to strongly consider supporting this legislation that will leave our country much better off than it is today.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

□ 1915

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there has been a lot of talk about children. I am the father of five children. This bill will keep families together, not separated, as exists under current law. This bill changes that law so that the Department of Homeland Security can keep family units together.

I talked to the Secretary today. She told me there were 12,000 children in these detention centers. I think it is important that we be transparent with the American people about the facts.

Ten thousand of these children did not come in with their parents. Ten thousand of these children made the dangerous journey through Central America, through Mexico, and up into the United States with their guardian being the coyote, the human smuggler, the human trafficker. During the dangerous journey, many of them were abused and exploited on the way.

I have been to the detention centers, and it is heartbreaking to see these kids. This bill provides a deterrent to stop this.

In sum, Mr. Speaker, this bill protects the children. I was a Federal prosecutor in Texas. I saw the threats coming from the United States southern border: the drug traffickers; the human traffickers; the MS–13; the opioids we have been talking about all week, precursors coming from China into Mexico, bringing heroin and opioids into the United States, killing thousands of Americans; the violence and the destruction. That is why we need a secure border.

We have been talking about this for a long time on both sides of the aisle. Hillary Clinton talked about: ''We need a secure border.'' Barack Obama talked about: ''We need a secure border.'' Now we have a President who I think is serious about securing our border.

This bill does many things, but it sticks to the four pillars we talked about in the White House: border security, by building a wall barrier system, technology, and personnel; the visa lottery system, a random lottery system, to be more merit based to bring in talent rather than a random system; chain migration is reduced so that it is not just based on family but rather on merit; and then, finally, we provide the solution for DACA. We legalize the DACA kids. We give them legal status to stay in the United States.

I don't understand why my colleagues on the other side of the aisle can't support that.

But what I want to talk about is my role as chairman of Homeland Security, why I think this border protection is so important. This is a map of special-interest aliens' pathway into the United States. Two thousand special-interest aliens are apprehended trying to make their way into the United States every year. Special interest means special-interest countries, coming from the Middle East, from Africa, terror hotspots, coming into our hemisphere and going up into the United States.

The 9/11 Commission talked about this. They said: ''Before 9/11, no agency of the U.S. Government systematically analyzed terrorists' travel strategies. Had they done so, they could have discovered the ways in which the terrorist predecessors to al-Qaida had been systematically but detectably exploiting weaknesses in our border security since the early 1990s.''

Just recently, Secretary Nielsen testified and said: ''We have also seen ISIS, in written materials, encourage ISIS followers to cross our southwest border, given the loopholes that they are aware of.''

We heard from Rear Admiral Hendrickson, the U.S. Southern Command admiral, who said: ''Some of these people''—attempting to cross our borders—''have ties to terrorism, and some have intentions to conduct attacks in the homeland.''

Then a recently declassified CIA report written in 2003 says: Specific information at the time demonstrates al-Qaida's ''ongoing interest to enter the United States over land borders with Mexico and Canada.''

And then the CIA reported: ''Bin Laden apparently sought operatives with valid Mexican passports.''

The Secretary went on to say: '' . . . we are identifying and stopping terror suspects who would otherwise have gone undetected. In fact, on average, my department now blocks 10 known or suspected terrorists a day''—not a year—''from traveling to or attempting to enter the United States.''

I think it is time we get this done. It is my last year as chairman of this committee, and I want to end it with providing the American people the security that they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in opposition to this fake DACA bill, a bill that we just found out 10 minutes ago that we are not going to even vote on tomorrow. So all this time, all of the comments we have heard from the other side about how important it is for us to do our work, well, they have now decided it must not be too important. We are not going to vote on it.

So again, this is a fake DACA bill. Obviously, someone has lost their nerve, because we are not going to even vote on it. So I have trouble believing that President Trump did not know that his unilateral decision to implement the zero-tolerance policy in April would result in thousands of children being ripped from their parents' arms.

Over the past 6 weeks, Americans have grown more and more alarmed by the images and voices of children who, with little or no warning or explanation, were separated from their loving parents. For weeks, both the President and the Secretary of Homeland Security, Kirstjen Nielsen, repeatedly refused to accept responsibility for creating this humanitarian disaster.

They blamed immigration laws. They blamed the Democrats. They blamed Congress. They blamed parents for the dangerous journey north to seek safe haven for themselves and their children.

None of this was true. The lies did not fly. That dog didn't hunt.

This past weekend, several of us in the Democratic Caucus flew down to the border to see for ourselves what was happening to the families. The President, seeing the news stories of suffering children and families, succumbed to his base desire for better press and finally acknowledged what we all know: He is responsible for the family separation crisis.

The executive order he signed yesterday doubled down on zero tolerance and provides no relief to the families who have been separated. Like the executive order, H.R. 6136 does not resolve the family separation crisis. This does nothing to stop CBP's unfettered ability to separate families in various situations, including for those seeking asylum at ports of entry.

The solution H.R. 6136 offers is to detain children indefinitely with their parents while they wait to be prosecuted in facilities that do not have to comply with court-ordered requirements for clean drinking water, toilets, and medical assistance. It ignores the 2016 findings of the Department of Homeland Security's own advisory committee that studied the question of family detention. In it, the experts concluded that family detention is neither appropriate nor necessary for families, and that it is never in the best interest of children.

Mr. Speaker, it is time for Congress to take a stand against the cruel, inhumane immigration enforcement policies of the Trump administration by voting down H.R. 6136. We can send a strong message to the President to stop family separation.

Mr. Speaker, many Members came into this week expecting to consider and vote on a measure that trades border wall funding for a Dreamer fix. H.R. 6136 is not that bill.

This legislation would compel the expenditure of billions of taxpayers' dollars for decades to come on an unnecessary border wall, while maintaining the cruel zero-tolerance policy, limiting access to asylum, shrinking legal immigration, ending the diversity visa lottery program, and abolishing protections for unaccompanied children.

There is nothing profamily or prosecurity about this bill. This is a fake DACA bill. There were no hearings, no witnesses, no stakeholder engagement, no markup, not even a CBO score. Now we find out at this hour that we have been debating a bill that we won't even vote on tomorrow. I wonder why. It is probably because some other people have found out that this is a fake DACA bill and probably not worth the paper it is printed on. But we shall see.

Mr. Speaker, for these reasons, I urge a ''no'' vote, and I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield myself the balance of my time.

In closing, I know this is an emotional topic, and I think both sides have what they think are the best interests of the American people in their hearts. I feel that the Constitution drives me to protect the American people, and that is my most solemn, highest responsibility.

I want to close with a quote from our Secretary of Homeland Security. She said: ''The only people who benefit from the immigration system right now are the smugglers, the traffickers, those who are peddling drugs, and terrorists. So let's fix the system.''

Mr. Speaker, I agree with her. Let's fix the system. Let's protect the American people.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 953, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 6136 is postponed.

CHILDREN HEADED TO MICHIGAN

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, yesterday's Detroit Free Press reported that two babies were taken by the Department of Homeland Security from their parents at the U.S.-Mexico border and flown in the dead of night last night to Grand Rapids, Michigan—one child is 8 months old, and another 11 months old—hundreds and hundreds of miles from home.

Fifty more immigrant children have landed in foster care by spontaneous combustion in western Michigan. A staffer at Bethany Christian Services, which is assisting these displaced children said: ''Not only are they being separated from their family, they are being transported to a place that they don't know in the middle of the night.''

Mr. Speaker, taking children from parents presents a deep moral crisis for our Nation. The abduction of children from their parents is a crime against humanity. The Trump administration's kidnapping of children must end.

Mr. Speaker, I include in the RECORD this important article from the Detroit Free Press entitled ''Torn from Immigrant Parents, 8-Month-Old Baby Lands in Michigan.''

[From Detroit Free Press, June 20, 2018]

TORN FROM IMMIGRANT PARENTS, 8-MONTH-OLD BABY LANDS IN MICHIGAN

(By Tresa Baldas)

Four days ago, a Homeland Security official proclaimed: ''We are not separating babies from parents.''

Yet in the middle of the night, two baby boys arrived in Grand Rapids after being separated from their immigrant parents at the southern border weeks ago.

One child is 8 months old; the other is 11 months old. Both children have become part of a bigger group of 50 immigrant children who have landed in foster care in western Michigan under the Trump administration's zero-tolerance border policy.

The average age of these children is 8, a number that has alarmed foster care employees who are struggling to comfort the growing group of kids who are turning up in Michigan at nighttime, when it's pitch-dark outside. They're younger than ever, they say. And they are petrified.

''These kids are arriving between 11 p.m. and 5 a.m. Not only are they being separated from their family, they are being transported to a place that they don't know in the middle of the night,'' said Hannah Mills, program supervisor for the transitional foster care program at Bethany Christian Services, which is currently assisting the displaced children. ''We have found on many occasions that no one has explained to these children where they are going.''

According to Mills, some of these displaced children got picked up right at the airport by a foster family, while others wound up at a foster care center, begging to talk to their parents. Many have gone 30 days or more without talking to their parents because their parents can't be located, she said.

Bianey Reyes, center, and others protest the separation of children from their parents in front of the El Paso Processing Center, an immigration detention facility, at the Mexican border on June 19, 2018, in El Paso, Texas. (Photo: Joe Raedle, Getty Images)

''These kids are hysterical. They're screaming out for mom and dad,'' said Mills, who speaks Spanish and can converse with the children, noting only a handful have learned some English.

Mills, who has worked with displaced, immigrant children for six years, said the foster agency is dealing with a new, troubling element: Getting unaccompanied children on the phone with their parents. Typically, this takes about three days, she said. But now it's taking up to a month or more because the parents are detained and the agency can't locate them.

''That's probably one of the most detrimental things,'' Mills said. ''At least if we can get a kid to speak with their parent, they can feel safe.''

Equally upsetting, Mills said, is watching children when they do finally get on the phone with a parent. For example, she recalled, a tearful 7-year-old on the phone with her mother asking her, 'Are you OK? Are you hurt? Is someone hurting you?'

''All of it is incredibly upsetting,'' Mills said, stressing: ''The difference is, we're seeing so many more younger kids.''

Homeland Security officials were not available for comment on why infants and toddlers are being taken from their parents.

Meanwhile, the Trump administration has steadfastly maintained that its goal is to protect the nation's borders, enforce immigration laws and send a strong message to

immigrants that if they cross the border unlawfully, they will be prosecuted and their kids taken away.

There is no federal law that mandates children and parents be separated at the border, though the practice has led to nearly 2,000 kids being misplaced in the past six weeks—a phenomenon that has triggered a firestorm of controversy. Many religious groups, social activists and immigrant-sympathizers are calling for an end to the practice while Trump supporters are saying let him do his job.

On Tuesday, the Michigan Department of Civil Rights announced that it's assessing the impact of Trump's zero-tolerance policy on the state of Michigan and the detained immigrant children, stating it ''has a duty to make sure their civil rights are protected.''

''We have received reports and are very concerned that the children arriving here are much younger than those who have been transported here in the past. Some of the children are infants as young as 3 months of age and are completely unable to advocate for themselves,'' Agustin V. Arbulu, Executive Director of Michigan Department of Civil Rights said in a statement.

The American Association for Justice also condemned the family separation policy on Tuesday, stating: ''These actions are risking the safety and well-being of innocent children. We call on the administration to immediately halt this practice and to reunite these traumatized families. This is not who we are as a nation. We can and must do better.''

But the Trump administration is not backing down, stressing the policy is about preserving and protecting America's borders and upholding the law. Moreover, it insists, the policy is not new, claiming children have long been placed in foster care when their parents were criminally charged with an immigration violation.

''What has changed is that we no longer exempt entire classes of people who break the law,'' Homeland Security Secretary Kirstjen Nielsen said in a White House briefing Monday. ''Here is the bottom line: DHS is no longer ignoring the law.''

She later added: ''We are a country of compassion. We are a country of heart. . . . We must fix the system so that those who truly need asylum can in fact receive it.''

President Donald Trump and congressional Republicans desperately searched Tuesday for an end game to the administration's contentious zero-tolerance immigration policy that has drawn fire from lawmakers on both sides of the aisle.

Trump said Tuesday he wants the legal authority to detain the children along with the adults and ''promptly remove families together as a unit.''

Ms. KAPTUR. Mr. Speaker, I remind my colleagues of the words at the base of the Statue of Liberty by Emma Lazarus:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuge of your teeming shore.
Send these, the homeless tempest-tost to me,
I lift my lamp besides the golden door.

That is the America that I know. That is the America of liberty for all.

THE NEW COLOSSUS

(By Emma Lazarus)

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
''Keep, ancient lands, your storied pomp!'' cries she
With silent lips. ''Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!''

□ 1930

IMMIGRATION LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentlewoman from New York (Ms. CLARKE) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. CLARKE of New York. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of this evening's special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE of New York. Mr. Speaker, this evening the Congressional Progressive Caucus is going to be sharing some thoughts with the American people about this extremely horrible zero-tolerance policy that Mr. Trump has subjected our Nation to.

Mr. Speaker, I rise today in opposition to this administration's cruel and inhumane zero-tolerance policy at the border that has resulted in the separation of more than 2,000 children from their families and their loved ones.

This policy calls to mind the worst of our history, including the internment of Japanese Americans during World War II, our refusal to grant safety to Jewish refugees during the Holocaust, and the treatment of Africans who were brought here as chattel slaves during and throughout the Middle Passage.

Unlike what the administration says, this policy is not required by law, and I think that has been made plain to all Americans. It is not President Obama's doing, and I think that has been made plain to all Americans. It is not in any way justified by the Bible. In fact, as a Christian and someone who grew up in the church, I know that these very same verses were falsely used to justify four centuries of chattel slavery, and that the Bible teaches us to welcome the stranger and to beware of spiritual wickedness in high places.

So don't be deceived. This policy of choice is solely the result of a racist, xenophobic, anti-immigrant, and antifamily values agenda adopted by this administration to intimidate immigrants of color seeking asylum from violence and persecution for their own political gain.

The Trump administration has also sought to avoid responsibility for its decisions by cowardly claiming that no such policy exists, as Secretary Nielsen claimed in a reply to my March 20 letter and then reiterated more recently via Twitter—more lies and deception.

However, when 2,000 children are separated from their families, many of whom have been dispersed across this Nation as a result of a decision made by the Trump Department of Justice, a policy of depravity indeed exists.

But that is not all. Children are now, as I have stated, being shipped all across this Nation, including to New York City where there are currently at least 239 children being detained just a few miles from my district and thousands more who are miles away from their caregivers.

Yesterday, Donald Trump finally gave way to public pressure by signing an executive order that he claims will end this horrific policy. Unfortunately, he did so by abrogating his responsibility under the Flores agreement to release children without unnecessary delay and to keep those who are in custody under the least restrictive conditions possible. This means that children will be detained with their families, which is also unacceptable.

Unfortunately, this body, too, is neglecting its responsibility to the American people by debating the most restrictive immigration bills that ignore past commitments to Dreamers and the diversity visa lottery program, and would build an unnecessary and ineffective border wall with Mexico.

To add insult to injury, Republicans, who control every branch of government, blame Democrats for their failure to legislate and offer these regressive, dead-on-arrival bills as solutions to problems that they themselves have created.

So, tonight, I call on this administration to stop playing politics with immigrant lives and on my Republican colleagues to pass meaningful, comprehensive immigration reform that not only protects Dreamers, but protects individuals who are under temporary protected status, and stop separating families.

Mr. Speaker, it is now my honor and my privilege to yield to the gentleman from Massachusetts (Mr. KENNEDY). Representative JOE KENNEDY represents the Fourth Congressional District of Massachusetts.

Mr. KENNEDY. Mr. Speaker, I want to thank my colleague, Ms. CLARKE, for her leadership on this issue and so many others in Congress as a member of the Congressional Progressive Caucus and of the Energy and Commerce Committee. Healthcare and immigration policies run through the veins of our society.

Mr. Speaker, over the course of the day today and over the course of the last several days, my colleagues have

eloquently described the shortcomings of the immigration bills brought forward by Republicans. I echo their outrage at what has taken place over the past few weeks on American soil and their fury that Congress still is so unwilling or unable to address it.

As this debate has unfolded, one chorus in particular caught my ear, these voices that say: Our own kids are suffering. Our own country has issues. We feel for these children at the border, but how do you expect us to take care of them when you have made it so hard for us to take care of our own?

Mr. Speaker, it is those voices that I want to speak to this evening first to say: You are right.

Mr. Speaker, we have children in this country who will not get one hot meal today let alone three. We have children who will show up to schools without books, children who will spend a winter without coats or Christmas presents, or a summer without clean water and cool air. We have children who are abused or ill, who are abandoned, and who are oppressed.

All of this is in the most powerful country in the world. We should be ashamed and united in our rage that, as a country, a nation as rich as ours makes it so damn hard for families to be able to survive. We are united by a resolve to do better because if a place, a country like America, can't meet its people's needs, then who can?

So, Mr. Speaker, some dream up walls, frantically grasping at what they can have and pushing others away in a desperate attempt to make sure that there is enough left over for them and their families. It is a ferocious instinct to defend ourselves and our loved ones, and one that any parent can understand, particularly those parents arriving at our border today, those who risk everything to show up on our shores and beg for mercy.

Can we not see in them that same parental, basic human instinct to bear any burden to protect your child? If we were they, I know of no parent who wouldn't walk through jungles and deserts and risk gangs and violence for the chance of a brighter future for their child.

In a perfect world, all borders would be peaceful, all governments would be strong and good, all families would be whole, all neighborhoods would be safe, and all communities would have the resources to fix what is broken and pick up those among us who have fallen.

But ours is not a perfect world. So, night after night, children show up on our doorstep terrified and traumatized. Yes, we have our own tragedies, our own struggles, and our own monsters to defeat. No, we cannot right every wrong; we cannot save every soul; and we cannot shoulder the world's inequities alone.

But we absolutely can offer small and weary heads a safe place to rest. We can make space for people with no place else to go. We can do that and still take care of our own. We can welcome the tired, the poor, and those yearning to be free and still be free ourselves. We can help the very hungry afford food, the very sick get care, and the very cold shelter without jeopardizing our own dinner, our own health, and our own bed.

We can choose both. Americans do every single day. Across the country in soup kitchens and shelters, in schools, on battlefields and operating tables, our people struggle, they stretch, and they extend. They do it when it is hard and when it is uncomfortable and inconvenient.

So no matter how many times this administration doubts their capacity or their compassion, they reach out. No matter how many times they try and force us to choose between taking care of someone else and taking care of ourselves, they do choose both.

We cannot fall for that false choice, because if we, the United States of America, cannot figure out how to muster the resources, the courage, the boldness, and the political will to ensure that no child suffers on our shores, who will?

□ 1945

Ms. CLARKE of New York. Mr. Speaker, I thank the gentleman from Massachusetts for his eloquence and putting what has been a very disturbing period of time for the American people in perspective.

Indeed, as our children born in the United States witness what is taking place under the Trump administration, we all have to ask ourselves a question about who we are as Americans and what it is that we are leaving as a legacy for our children and our grandchildren to inherit from us.

I believe the gentleman from Massachusetts has really put it all into context. Indeed, here in the United States, where we have the access to the best of everything, we have limited ourselves by the artificial divisions that would subjugate some of humanity while elevating others.

Having said that, I have been joined by one of the most eloquent speakers here in the House of Representatives. She is the chairwoman of our Steering and Policy Committee for the Democratic Caucus and has been a fierce fighter for children and families.

Mr. Speaker, it is my honor to yield to the gentlewoman from the Third Congressional District of Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from New York with heartfelt thanks for organizing this effort tonight and calling attention to what is such a poignant and powerful issue, one that we haven't faced in a long time and one that has engaged the people of this country in a way that we have not seen in a very long time.

Mr. Speaker, I rise to strongly condemn the Trump administration's policy of child abuse—yes, it is child abuse—at our Nation's border and to demand answers and solutions. The President's zero-tolerance policy has separated thousands of children from their parents, some who are younger than a year old.

I just saw my colleague from Ohio, MARCY KAPTUR, who was on the floor not that long ago, and she talked to me and said there have been two babies separated from their parents, ages 8 months and 11 months, and flown to Michigan.

Think about it. Think about your own children. Think about your grandchildren.

The Trump administration is now keeping babies and toddlers in cages. The fencing is what you do for a dog run. It is the same kind of fencing that these children are in.

Yesterday, the President signed an executive order. He claims it is going to fix the crisis that he made. Yet two infants were on a plane tonight, separated from their families and sent to Michigan.

What is the weight of that executive order? It is not worth the paper it is written on. His executive order is not going to fix the crisis.

Michelle Brane, director of the Women's Refugee Commission Migrant Rights and Justice program, describes the President's executive order as ''no solution.'' She said ''there are more than 2,000 children already separated from their parents. This executive order does nothing to address that nightmare.''

There are 2,300 children who are in limbo. They don't know where their parents are. They are too young, some of them, to know where their parents are, and their parents don't know where they are.

Have you ever been to a shopping mall on a Saturday with your kids or with your grandkids and all of a sudden you turn around and you can't find them? The panic is overwhelming. You don't know what to do first, who to call. You are looking around frantically. It is the same with a child who is calling out ''Mommy,'' ''Grandma,'' because they don't know where their link is.

This is the United States of America. What are we doing? It is a nightmare. This is about children. They are at the center of this crisis.

As I see it, there are three crucial questions that President Trump and his fellow Republicans have yet to answer. First is reunification. There is no plan for reunification. How is this administration going to reunite children with their parents?

According to statistics from the Department of Homeland Security, between May and June, the Trump administration, as I said, took 2,300 children from their parents at the border. How are they going to guarantee prompt reunification of all of these children and their parents, especially when some of the parents have already been deported? Some of these children have none of the records necessary to turn them back to their parents or

even to verify who their parents are. Can you imagine?

I fear that these children may never see their parents again. And that is what the former Director of U.S. Customs and Enforcement, John Sandweg, said. He warned: ''You could be creating thousands of immigrant orphans.''

That is unspeakably heartbreaking, when you think about it, for many of these children and their parents. That last hug might have been their last hug. Can you imagine the terror?

It is terror to not know where your child is and with the thought that you may never see that child again. I cannot imagine it.

I was on the floor of the House today a good part of the day and I saw a lot of little tykes here, beautiful children playing on the chairs here in the safety and security with their mothers or their fathers who are sons, daughters, and Members of the House of Representatives, or maybe even grandchildren. I had my grandchildren here last week. If you think that you might not ever see them again or they may not see you, that is what is happening on the border.

What are the standards under which the Trump administration is detaining these children?

Children are the most vulnerable in our society. We need to take extreme precaution whenever we take responsibility for them.

What are the accommodations in these detention facilities in regard to healthcare, availability of mental health professionals?

Experts are sounding the alarm about the health repercussions, the mental health repercussions. Luis H. Zayas is a professor of social work and psychiatry at the University of Texas at Austin. He said: ''It's not like an auto body shop where you fix the dent and everything looks like new. We're talking about children's minds. If that trauma continues over a long period of time, that can actually begin to shift brain development because it becomes more of a chronic trauma.''

These children need professional care. Instead, there are reports that children are being sedated. They are being injected with sedatives to keep them calm. There are reports that special-needs children are not receiving any of the care and attention they need.

That is unacceptable. There are clear standards on the books on how children are to be cared for in these situations. We need to ensure the Trump administration is following the law.

Another area is oversight. Congress has a moral and constitutional obligation to ensure the administration is taking the proper, immediate, and necessary steps to fix their own self-inflicted crisis, which is why I introduced a resolution which 180 of my colleagues have supported and Democratic colleagues have supported to condemn this policy as child abuse.

This is child abuse, make no mistake. This is not an issue of right or left or Democrats or Republicans. This is an issue of right and wrong. That is why we sent a letter to the Office of Management and Budget Director, Mr. Mulvaney, and HHS Secretary Azar on June 14 and asked about the costs that the President's policy decision has incurred.

We have not heard an answer from them or from the administration on any of these questions—not on costs, not on reunification, not on standards, not on oversight. It is unacceptable.

The President's self-manufactured crisis is child abuse, plain and simple. As Members of this Congress, we have a moral responsibility, a moral obligation to stand up and to say: Stop this child abuse. Mr. President, fix this crisis now. Your executive order didn't do it.

Humanity, this is about our humanity. It is about the soul of this country and what we are about and where our values are. Whatever our views are on immigration, to watch what is happening at our border with disrupting families, wrenching children from their parents is a disgrace, and it is one that we have to address as Members of Congress, and it is one that this President and this administration and those others who support this effort need to look into their hearts and souls and say: I can't go there. Let's do something else to help to make a difference.

I want to thank the gentlewoman for all that she is doing to bring attention to this issue. God bless her.

Ms. CLARKE of New York. Mr. Speaker, I thank the gentlewoman from Connecticut for her impassioned plea and for enumerating for us the type of work that we are going to have to engage in to redeem ourselves by looking at reunification of these families to the best of our ability. We are going to need the resources. We are going to need the will. We are going to have to redeem ourselves by getting these children back to their parents by whatever means we possibly can muster.

ROSA DELAURO also raised some very important questions about investigation and oversight about child abuse. It is my hope that we will continue to be vigilant because, indeed, all of our souls are tied to what has transpired here. None of us can feel as though we don't have a role to play in redeeming our country in what has just occurred.

Mr. Speaker, it is my honor and privilege to yield to the gentleman from the Fifth District of Illinois (Mr. QUIGLEY), someone who has been a part of this body fighting for justice and human dignity.

Mr. QUIGLEY. Mr. Speaker, in less than a week, my office has received over 800 phone calls, emails, and letters from constituents regarding the crisis at the border, constituents who are alarmed, ashamed, and angry. Their outrage is warranted, and I share it.

A Chicago public school teacher called, in tears, unable to shake the vision of her second graders locked in cages.

A U.S. marine called to share his recent bouts of PTSD and explained that the crisis reminded him of the time he and other American soldiers were forced to take Vietnamese children away from their parents.

Countless constituents have pointed out the parallels between this inhumane practice and the internment of Japanese Americans in the 1940s and even the concentration camps of World War II. Countless more wanted to commit to a call to action, but they don't know where to start or what could be done to combat the deplorable steps this administration has taken.

While an active and engaged constituency is imperative to a strong democracy, this isn't their problem to fix. The primary solution to this humanitarian crisis must come from the administration that arbitrarily created the problem in the first place.

Instead of stepping up to right this wrong and finally embrace the principles on which this country was founded, the President and his administration have spent the past week blaming the Democrats for the heartbreaking, life-changing mess that he has made.

Their attempts to cast blame and distract attention from the emergency at hand does not change the facts. At least 2,300 children remain separated from their parents, living in unconscionable conditions, many behind cage-like fencing and unsure of when or if they will be reunited.

□ 2000

In fact, the administration still does not have a coherent process for reuniting families, nor have they indicated that there ever will be one.

If the President wants a legislative fix to this solution, we have one for him. Earlier this week, I joined 190 of my Democratic colleagues to introduce the Keep Families Together Act. Unlike the meaningless executive order the President signed, this bill carries real weight and, with it, real change by effectively ending this abhorrent policy of separating families seeking safety and opportunity.

It clearly stipulates that no child is to be removed from their parent's custody, except under the most extreme of circumstance: instances of neglect, abuse, or risk of being trafficked. Beyond that, it establishes that no government agency can separate children from their parents for the sole purpose of deterring immigration to this country.

These children, the most innocent and vulnerable population, should never be used as leverage or a political bargaining chip. That is exactly what the President has tried to do.

We will not stand by and let the administration get away with that. Neither will the American people. We will continue to fight for a fairer immigration system that is humane, smart, and cost effective. First and foremost, we must address this horror at the border.

Mr. Speaker, I thank the gentlewoman for providing this time.

Ms. CLARKE of New York. Mr. Speaker, I thank the gentleman from Illinois for bringing to the fore the concerns of children in our country who are looking at what is taking place on our border and not quite understanding, not grasping, the weight of why and how something like this could happen in this country, the home of the brave and the land of the free.

We are really in a space in time right now where every American is really questioning what we value in terms of one another's humanity.

Someone I know who has been a part of solution-driven policy is Ms. CAROL SHEA-PORTER, the gentlewoman from the First Congressional District of New Hampshire.

Mr. Speaker, I yield to the gentlewoman from New Hampshire (Ms. SHEA-PORTER) at this time.

Ms. SHEA-PORTER. Mr. Speaker, I thank the gentlewoman from New York for holding this Special Order.

This is so important to speak to the Nation tonight, and we must keep raising our voices until the President backs off and fixes this.

I am a Democrat, but I grew up in a conservative Republican family. What we all had in common was the idea that children were sacred—to be loved, to be cared for—and that families were the most important.

I grew up in a large, large family with many, many kids and many adults around all the time. There wasn't any problem because we understood that the children were what brought us together.

So here we are now. I am in Congress. I have been here for 8 years. Never, ever, did I think that I would have to stand on the floor of the House of Representatives and ask the President of the United States to stop locking babies up, to stop putting babies in jail.

This plan, his executive order, is not going to solve this problem.

How big is this problem? In addition to the more than 2,000 children and their parents—and we don't even know if the parents will ever be able to be reunited with their children because their parents have been deported—many of them—and separated, and they don't even know where their children are, which is just heartbreaking.

I think we all saw those images the other night of little girls being brought under the cover of darkness, after midnight, in New York.

Who is doing that to these little children who have done no harm to them?

These children are refugees. They are not trying to break any laws. They are refugees. They were fleeing from danger.

Their parents carried them in their arms many, many miles through really treacherous terrain and conditions, to save them, just as so many of our forefathers and -mothers did to save their children. So it is hard for me to believe that we have to stand here and ask the President of the United States not to lock up these people.

Now, there is a process, and everybody knows we need to have a process and a procedure at the border. But this is just cruel, inhumane, humiliating, and, frankly, has really hurt our image around the world. Everybody—everybody—in this time and age is now seeing these pictures of these little children and seeing their parents—they are refugees—who are being turned away and wondering: Whatever happened to the shining city on the hill? Shining city.

Whatever happened to us that we would do something like this? And why are we doing this?

I am getting so many phone calls in my office, and I know that everybody else is also. They are not coming from just Democrats or Republicans. They are coming from people who have children, people who love children, grandparents. They call up, they cry, and they say: Do something. Make this stop now. I can't stand to see the pictures anymore. What is happening down there?

Well, what is happening here is that we have a President who has locked up children. We just need to say it.

When that first happened, they said they weren't separating the children.

Then they said, well, they are separating the children, but they are not in cages.

Then we saw the pictures that they actually are in cages. Then all of our hearts broke.

This can't stay. This is a huge stain on this beautiful country that has been known as a place of refuge.

We have been the place dreamt of by the world. When things have been terrible in their own corner of the world, when they have suffered from violence and they have suffered from war and all kinds of problems, they dreamt of coming to America. And Americans welcomed them.

Something has changed. But not the American soul. It is not the American heart. It is not the American people.

What has changed is the administration. We have a President who is indifferent to this; and he has surrounded himself with people who are, in the kindest words to say, indifferent to this.

We have to ask ourselves: Why are they doing this? Against all of our moral values, against the outcry, against many people in their own party who are saying: This is just wrong. This can't be right. We have to stop.

Why does the President continue to do this?

Now they are talking about putting these children and their families on military bases. Again, you have to think: What are we planning on doing?

Why are we not using the same tools that we have been using that were effective? Why do we have to imprison these little ones and their parents?

And the conditions. They can say all they want about the conditions; but we know that if you are in a tent in Texas in this season, you are broiling hot. We also know that the conditions, where so many people are packed in together, make it difficult to keep people healthy.

So these little children are not only coming exhausted from their journey, but they are arriving and then are having to deal with all of the other problems that they are seeing.

The damage that we are doing to these children will not go away, ever. We have traumatized them.

I am a social worker. I have worked with vulnerable children and their families, and I know that the scars that they are going to carry will impact them forever.

It is not just impacting them. The pictures that have come out from these places are absolutely locked in people's minds. When we have some countries that are not friendly to America scolding us, something is really wrong.

We have to insist that the President and his administration remember that this is not about the President and his administration; this is about our country. Not just his country. It is our country.

This is about our history of being the place of refuge and about caring about people, welcoming them, and knowing that the refugees who have come to our country—we like to brag about some of the people who have arrived and brought incredible talents and advances in business and technology and science. We always say that is because we were the melting pot. We brought people in, and then they used their talents and helped grow our economy and grow our country. That was something that we bragged about.

We still say: Let's go have Mexican food. Let's go have Italian food. We have embraced so much of this. It has just become a regular thing because we have been a melting pot.

But we are not using that word anymore. Apparently, we don't feel that children who are born under very difficult circumstances have a right to seek refuge. We put those babies in jail.

Let that sit on our conscience for a little bit. More importantly, let that sit on the conscience of the President of the United States.

It isn't right. We know how wrong this is. When we see other countries talking about us and about our violations of human rights, we really have lost it.

I beg the President tonight, I beg his administration, to open their hearts, to look at these children, and to recognize that, when their families came over, most of those families did not come over well educated and with a lot of money in their pockets. Their forefathers and -mothers, as did mine, came in search of a better life.

They were desperate, they were penniless, and they took a chance. No, they didn't follow what we call proper channels because they weren't there. The channels were, if you could get

enough money to get in a boat or you could get enough money to walk, you came. Then you enriched this country with your presence, with your hard work, with your embracing of American values.

Those American values are still there. The President needs to look around and recognize the damage that he is doing to our image, the damage that he is doing to those little ones, the damage that he is doing to their families, and the damage he is doing to us right now.

He needs to stop, pause, and change direction.

Ms. CLARKE of New York. Mr. Speaker, I thank the gentlewoman from New Hampshire for her impassioned plea, for really setting the table with regards to the type of child abuse that we have all witnessed and with which we are all trying to grapple at this time, and for appealing to the administration to correct course.

Right now we are still in need of answers.

Mr. Speaker, I yield to the gentlewoman from Illinois, Congresswoman JAN SCHAKOWSKY, to speak at this time.

Ms. SCHAKOWSKY. Mr. Speaker, I want to thank my dear colleague and friend from New York for holding this moment so that we can all speak out.

Like so many of my fellow Americans, I have absolutely been distraught the last several days, many days. Many days crying.

We are getting hundreds of calls to my office here in Washington, my office in the district. Many of those people are actually crying as they watch what is happening to children.

I have to tell you that, in my life—and I am a mother and a grandmother and, for the last 20 years, a Member of this United States Congress—I have never seen such state-sponsored cruelty, state-sponsored child abuse that we are seeing right now. There really isn't any other word for it. Child abuse.

The President of the United States has announced some sort of a so-called improvement, trying to fool an enraged Nation into thinking that they have reversed course on this issue of children coming, with their parent, across the border.

In reality, the President's executive order enables the indefinite incarceration of immigrant families and has absolutely no plan to reunite babies who were ripped from their families, ripped from the arms of their parents.

There are children who will still be in cages, Mr. Speaker. Frankly, I can't stand it. I wonder if you can stand it, Mr. Speaker.

I am the daughter of immigrants. Neither of my parents was born here in the United States of America. They came here because Jews were being persecuted in Russia, and they fled here. They were able to get to this country. They were helped to be resettled in the city of Chicago by the Salvation Army, for whom I am ever grateful in my life.

My grandfather made it by getting a horse and wagon, getting up before dawn and loading up the wagon with vegetables, and going through the alleys of Humboldt Park in Chicago and schlepping bags of potatoes over his shoulder, up stairs, and into apartments.

He and my grandmother—who made clothes for all the children, including my mother—sent four children to college, because they worked so hard to fulfill the dream of taking care of their children and having a better life.

□ 2015

The parents who are fleeing across this border are desperate. They are leaving domestic abuse, abuse from gangs threatening the lives of their children, sometimes leaving some children behind and taking the ones that they can across this border, because they believed that they could seek asylum in this country. And that was the rule, that is the law, until the Attorney General of the United States, directed by the President, said: No, we are no longer considering a right of asylum for people who are victimized by domestic abuse or gang abuse. No, not anymore. We are going to arrest them. We are going to put them in jail.

Now understand, I bet you—we haven't talked about this—that many of these children are not well, or their parents are not well, because this was a journey across countries, often walking for mile after mile after mile—dehydration, lack of proper nutrition—and now confined in places, separated from their parents. You have the children in one place and the parents in another place—in jails, essentially, and in cages for the children.

What happens if there is a sickness that could pass across these children?

If a child dies, will we know? Will we be told?

Many times, they try to keep even Members of Congress out of seeing exactly what is going on. Some of my colleagues—God bless them—have been able to visit and see.

How come there are so few images?

Because you can't even take your phone in there to take pictures of what is going on.

What do we know about the reality of the life of these children, the suffering of these children, the screaming of these children, that is now on the cover of Time magazine?

I am telling you, this is not the United States of America. Shame, shame on President Trump; shame on congressional Republicans for their heartless, radical immigration agenda; and shame on anyone who is silent in the face of this abuse of children. People are heartbroken, and now they have to rise up and say no to this.

Mr. Speaker, I understand that there were mothers and children today at ICE in New York protesting. We need to see more of that.

Ms. CLARKE of New York. Mr. Speaker, I thank the gentlewoman of the Ninth Congressional District of Illinois, a very prominent member of the Congressional Progressive Caucus, for really drilling down on a number of the issues that we all have to grapple with here in Congress as Members of the House of Representatives and of the U.S. Senate, that the administration under Donald Trump has to grapple with, and the American people.

We really have to search our souls at this time and think about the children. We are talking about infants, who are breastfeeding, taken away from their mothers. We are talking about toddlers who are barely able to walk, who aren't potty-trained, who have to be stacked up with a whole bunch of other children who they have no relationship with.

We have heard reports of children trying to console one another and being chastised because they are afraid. They only have one another to cling to, and no one is there to hug them, to soothe them, and to make them feel okay. This is unreal in the 21st century that we would sink to such depths to prove a point. And what is the point again? That you cannot come to the United States seeking refuge from violence, from death and destruction, as so many others have done in prior generations. These people, in particular, have no claim to asylum. That if you dare come and claim it, we will take your children, and we will extract from you even more pain than you left in the country that caused you to flee. I can't believe that this is the United States of America in the 21st century.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), who has something that she would like to share, from the 12th Congressional District of New York, and a member of the Congressional Progressive Caucus.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank my good friend and colleague from the great State of New York, YVETTE CLARKE, for organizing this incredibly important Special Order. Her mother and I served together on the city council. She was one of my best friends there, and Yvette is one of my best friends here. I would say that Yvette and Una really have been major leaders in the immigrant community, particularly from the Caribbean where her mother was born, and has been a leader on all forms of social justice to help immigrants in our country, not just this disaster that we are confronting right now.

Throughout history, we have been a nation to which the world's oppressed and vulnerable look to for hope; a beacon of light signaling a better life. The zero-tolerance policy put forth by the Trump administration utterly violates that tradition of values in this country. Families are fleeing unspeakable danger and oppression only to arrive at our borders and be torn away from each other.

Yesterday, President Trump signed an executive order that halts segregated detention for parents and children. But we have to remember that the President created this crisis and always had the power to reverse course. Why didn't he do it sooner?

Now the so-called solution seems to be that families will be detained together, but we don't know for how long and we don't know where.

All today, I have been looking for the girls. Where are the girls? I found detention centers for boys, I found them for men, and I found them for babies. I still haven't gotten an answer where the young girls are. We are left with troubling questions. We don't know where they are, and we don't know how they are being treated.

How and when will the thousands of children who have already been separated from their parents be reunited? Now I read that some parents have been sent back—deported—and their children are still here. How are we going to unite those families and bring them together?

Last weekend, I joined members of the New York delegation and the New Jersey delegation, and we went to a detention center in Elizabeth, New Jersey. We had letters that said we could see the people who had been detained. It was signed by their lawyers and it was signed by the men. We went on Father's Day to meet with the fathers.

First, they wouldn't let us in. They put papers on the wall in the windows so we couldn't look in. Then finally, we demanded and demanded, and they finally opened the doors and let us meet with five of the detainees. Four of them came to this country legally. They came seeking refuge, they came seeking asylum, and they went through the proper orders and the proper procedures. One did not. Because there was violence at the border, he came another way, and then turned themselves in to the authorities.

Their stories were heartbreaking. Two of them broke down and literally cried. One father told a story that in his business, they were fishermen, his partner had been murdered. They were asking for them to pay them money, the gangs down in those areas. So the gang members went to the school looking for his daughter. He heard about it. She was going in the afternoon. He immediately took his daughter and fled and came to America.

When he came to the border, they were then moved into a detention center. The authorities came to him at 3:00 in the morning and tore his daughter out of his arms. He did not know where she was, and he did not know how to contact her. When we talked to the warden, we asked the warden in Elizabeth, New Jersey, at this detention center, where his daughter was, and he didn't know. Then he said he would try to find his daughter.

Well, when I arrived today, I checked with my New Jersey colleagues. They had been in touch with the detention center and with the warden. They still had not found his daughter. This is disastrous. This is cruel. This is dangerous. We don't know where this particular child is, and we don't know where the thousands of others are. We don't know what kind of conditions these families are being held in, and we don't know how long they are being held. We need to know these answers, and we have to hold this administration accountable for completely ending this family separation policy that they initiated.

Now, between May 5 and June 9, just 35 days, over 2,300 children have been separated from their parents at the southern border. Now, this, I think, is the worst action in our country regarding immigrants in the history of a country. And the other worst one is when we interned Japanese citizens that had fled and come to America. We interned them during World War II.

But here we have over 2,000 children separated from their parents. That is 60 children per day for the past 35 days, who go to sleep at night not knowing when they will see their mothers or fathers again. Experts tell us that this is child abuse, and at the hands of our own government.

This cannot be who we are as Americans. It is why I joined Ranking Member CUMMINGS and every Democrat on the Oversight and Government Reform Committee to demand a hearing on this reckless policy. We kept asking, and the Republican majority never granted it.

So, today, the Women's Caucus held our own shadow hearing, where we heard from experts about health, about law, about humanity, and what we should be doing as a nation to help these children, not hurt them.

I have signed on to Representative DELAURO's resolution condemning this horrific behavior as the child abuse that it is, and why I am an original cosponsor of the Keep Families Together Act, introduced by my colleague and friend, JERRY NADLER, which bans the separation of migrant children from their families. These children, these families, and this country deserve so much better. We will not stop fighting until families are made whole again.

Mr. Speaker, I thank my distinguished colleague for her hard work on this issue, and so many others, that are important to our city of New York, our State, and our Nation.

Ms. CLARKE of New York. Mr. Speaker, I thank the gentlewoman from New York for her sentiments as well. And as she has stated—I didn't state this in the beginning of my remarks—I happen to be a second generation American myself. My parents came from the beautiful island nation of Jamaica in the Caribbean as foreign students in the 1950s. They came to this Nation where they knew that their talent and their work ethic would enable them to reach their God-given potential, but could never have dreamt that they would live this long—they lived more time here in the United States than they ever did in the Caribbean—as naturalized Americans to see this type of behavior take place in our country on the auspices of our government.

I look at my octogenarian parents, and I say to them, this is not who we are as a nation. And that we stand with all the people of goodwill in this Nation who see this behavior from the Trump administration as totally abhorrent. That we will not stand by idly and see this continue. We will be part of the resistance to make sure that these families' human dignity are restored, and that these children, where possible, can be returned to their families, at whatever cost it may be. It may mean that we will have to do DNA testing, or it may mean that we will have to hire private investigators. Whatever the cost, it is up to us to make these families whole.

□ 2030

They only came to this Nation seeking refuge, and what we gave them was heartache, was pain. What we have given these children is trauma, is pain, is heartache.

What we are hearing of reports now from some of these privately hired-out contractors is children being abused, which was inevitable because, indeed, we are irresponsible in the behavior that this administration took. These organizations were not vetted. They tried to do all of this in the dark, and now we all pay a very dear price.

We have all been stripped this much, a little bit more, of our humanity due to the behavior of the Trump administration, Donald Trump, and his Cabinet members who saw fit to hide this from the American people and to treat human beings as though they didn't deserve the human dignity that all human beings on this planet deserve.

So, Mr. Speaker, I want to thank you for giving us the time to share the perspective of the Congressional Progressive Caucus.

Mr. Speaker, I would like to thank all of my colleagues who came to the floor this evening. We stand shoulder to shoulder, united with the American people to make this right, to end this zero-tolerance policy, and to push back at every turn on the dehumanization of mankind, womankind, childkind across this globe that still regard this Nation as a shining city on a hill.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, we have a humanitarian crisis at our borders.

A crisis initiated by an administration that purports to be the champion of 'family values' but whose actions do not value families.

Yesterday, after much deserved criticism and push back, President Trump signed an executive order that modified his "zero-tolerance" policy by detaining parents and children apprehended by the U.S. Customs and Border Protection together, possibly on military bases, instead of separating them.

The executive order, however, is silent regarding where the families would be detained

or whether children will continue to be separated from their parents while the facilities to hold them are located or built.

We have so much work to do, because even in ending the heinous practice of separating families, there are still many legal and practical obstacles.

Kenneth Wolfe, a spokesman for the Administration for Children and Families, a division of the Department of Health and Human Services, initially stated that ''there will not be a grandfathering of existing cases.''

Mr. Wolfe was later to be corrected by Brian Marriott, Senior Director of Communications for the Department of Health and Human Services, who stated that Mr. Wolfe had ''misspoke'' and insisted that ''it is still very early, and we are awaiting further guidance on the matter.''

Mr. Marriot then said that ''reunification is always the goal'' and that the agency ''is working toward that'' for the children separated from their families because of President Trump's policy.

While there is a possibility that the children could be connected with other family members or sponsors living in the United States, it is not necessarily the parent they were separated from at the border.

This raises the heart-breaking questions of what happens to the more than 2,300 children who have already been separated from their parents under the president's ''zero tolerance'' policy?

We have all heard the wailing of detained immigrant children on audio tapes and we have all seen the heartbreaking pictures.

The latest reports suggest that very young infants, some as young as 3 months old, are being separated and being placed in ''tender age shelters.''

This is outrageous.

This past weekend, I was at a processing center in McAllen, Texas and the Southwest Key Programs' Casa Padre which houses 1,500 children, most of them separated from their parents.

I saw people huddled in cages.

I saw children who certainly needed to be with their parents.

Like nine-month old baby Roger, who I held in my arms.

Or Leah, a one year old, separated from her grandmother and her sister, whose love for her would have provided comfort and protection.

As the Founder and Chair of the Congressional Children's Caucus and as a parent and grandparent, this is unacceptable.

Studies have documented that when young children are forcibly removed from their parents, the traumatic experience engenders long-term negative effects on their physical and mental health and well-being suffers.

In one famous experiment in Romania, doctors considered the results later in life of those children separated from their parents.

The activity in the children's brains was much lower than expected.

''If you think of the brain as a lightbulb,'' Charles Nelson, a pediatrics professor at Harvard Medical School said, ''it's as though there was a dimmer that had reduced them from a 100-watt bulb to 30 watts.''

The children, who had been separated from their parents in their first two years of life, scored significantly lower on IQ tests later in life.

Their fight-or-flight response system appeared permanently broken.

Stressful situations that would usually prompt physiological responses in other people—increased heart rate, sweaty palms—would provoke nothing in the children.

The effects of these traumatic experiences—especially in children who have already faced serious adversity—are unlikely to be short-lived, and can likely last a lifetime.

The stressed endured by a child in custody is exacerbated when the child does not speak a language that is not English or Spanish.

Although the government has a legal obligation to provide reasonable language services to unaccompanied minors, many children arriving to the U.S. speak indigenous languages and have little or no translation assistance provided by the U.S. government.

The last time this nation had policies that promoted the forcible separation of children from newly arrived persons was slavery: a dark chapter in this nation's history that we should not revisit.

Today, the parents of these thousands of children will not be deterred from finding ways to reunite with their children, even reentering the United States under the threat of imprisonment.

It would be unconscionable to prosecute parents under these circumstances.

The level of callousness displayed by this administration towards those seeking refuge within our borders is shocking and the world is taking note.

Yesterday, Theresa May, the Prime Minister of our closest ally Great Britain, denounced the ''zero-tolerance'' policy on the floor of the House of Commons.

His Holiness Pope Francis said the ''zero-tolerance'' policy is contrary to Catholic values.

The Most Reverend Bishop Michael Curry stated that for Christians, Jesus of Nazareth is the standard of conduct for your life—he tells us—''love God and love thy neighbor.''

However, the Trump Administration has forgotten that.

The United States Secretary of Homeland Security Kirstjen Nielsen defended this egregious policy.

Attorney General Jeff Sessions used Romans 13 (submit to rulers) to justify the ''zero-tolerance'' policy.

It is outrageous to use the Bible—Romans 13—to justify this policy.

However, many used Romans 13 to justify horrors in history such as slavery and Nazism.

The more operative biblical passages should be, Matthew 7—the golden rule—or Matthew 25—I was a stranger and you welcomed me (''least of these'').

National policy regarding immigration legislation should not create greater fear for families already traumatized by intolerable conditions in their home countries.

U.S. immigration policy should not deter refugees from seeking asylum within our borders.

I am thankful to the 60 members of the United States Senate of Congress who said enough is enough to the despicable ''zero-tolerance'' policy.

I am thankful to the Republican governors of Maryland and Massachusetts who ended their contribution of National Guard deployments because they too are saying ''not in my name.''

But there is still more work to be done.

We should welcome mothers carrying their babies to a safe haven and ensure the safety of their children.

The Trump administration is utterly failing in its basic duty to treat all persons with dignity and compassion.

Rather, it is making a mockery of our national values and reputation as a champion of human rights.

We are a great country with a long and noble tradition of providing sanctuary to the persecuted and oppressed.

And it is in that spirit that we should act.

We can do it; after all, we are Americans.

ISSUES OF THE DAY

The SPEAKER pro tempore (Mr. GALLAGHER). Under the Speaker's announced policy of January 3, 2017, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my privilege to be recognized here on the floor of the House of Representatives and take up a topic that I have been hearing about here for some time.

It seems as though the Nation is wrapped up in an immigration discussion again. We seem to peak out on our peak concern of immigration issues a couple of times a decade, and a lot of the same topics are debated over and over again.

I have been listening to the minority here for some time, a full hour, I believe, and a number of things come to mind that don't seem to match up the same from my perspective as theirs, and one of them is, you know, the discussion about separating families.

I have made multiple, multiple trips down to the border. I have traveled most of the miles of the border. I can't say definitively that I have traveled them all—I don't know if anyone has—but I have flown a lot of it, driven a lot of it, walked a fair amount of it, ridden with the Border Patrol sometimes for days on end, and sat down at night and listened in the darkness at some of the most dangerous crossings there are as illegal aliens come through the fence and over the border.

I have been there as part of the arrests of the drug smuggling that comes through our border. I have seen MS–13 be among those that we arrested for smuggling drugs into the United States of America.

I have watched as we paroled into the United States, I will say, the casualties from the bar fights on the Mexican side of the border and the knifings that have taken place there, and I have visited some of those folks in the hospital.

I have met and discussed with the hospital officials the cost to them for funding the medical care for people who are not only not Americans, they are not American citizens. They are not American green card holders. They aren't even illegal aliens in America. They are paroled into America for medical care out of the compassion and the sympathy of our hearts.

So to hear the discussion about how cruel we are, how mean we are, how

heartless we are, some of these phrases—I wrote a couple of them down, Mr. Speaker. Apparently, I did so on a different piece of paper.

However, here is one, ''tore his daughter out of his arms,'' speaking of a father and a daughter. We just heard that a little bit ago, Mr. Speaker.

''Tore his daughter out of his arms''; ''babies separated from their parents, some at 8 months, some at 11 months''; ''it is a disaster''; ''it is cruel''; it is dangerous''; ''this is child abuse''—these are the things that I am listening to.

Well, I took the trouble to go and to visit those locations, and I am thinking in particular of McAllen, Texas, in the Brownsville area, where we have multiple locations of transfer homes for these children. Most of them are unaccompanied alien children who have come into America on their own, and they are older than they are described to be, and some of them are older than they say they are.

In fact, I see some of these juveniles in the juvenile cell at the Border Patrol, and those folks that are under 18, presumably, with a little gray in their beard. That is a little bit of a giveaway. You would think that they might at least shave so that doesn't show up. But they are not the way they are characterized to be.

As I stand on the border and go into these locations, the first one, I think, of focus and attention would be going into the locations where the unaccompanied alien children are housed. One of the first locations that they set up when the largest flood came into the United States about 3 years ago was a huge warehouse in McAllen, Texas.

In that huge warehouse, they moved in there and they went to work. In a matter of 17 days, Mr. Speaker, they cleaned everything out of that warehouse, squared it away, washed it down, scrubbed it down, wired it, and put in a full air-conditioning system along with chain link barriers in there that set it off in kind of like partitions for large rooms.

You have to do that, because when you have several hundred or even several thousand youth that you have to take care of, you can't leave the boys and the girls together. You have got to separate them to a degree by age, and they did that.

So they had them managed in that fashion, the younger boys in this area, little bit older boys in this area, the more older boys in this area, and the same with the girls; keep the boys and the girls separated except for certain activities such as the outdoor recreation that they had.

So people say, well, that is cruel, because they saw—this all got started because we saw a picture on the internet of a little boy standing behind a chain link fence, and it was advertised that that little boy, Mr. Speaker, was in a cage, that we had been putting these unaccompanied alien children in cages. Well, no. It was a huge warehouse, an air-conditioned warehouse.

You can stand any child in a schoolyard—that is the same kind of fence that is in the schools all over America, all over the world so far as I know, chain link fencing. You could stand a little boy or a little girl behind that chain link fencing in the corner and take a picture of them and contend that they were in a cage.

It is not a cage. It was a large divided area. And some of those areas were large enough that they were playing soccer in them.

So when these kids come in, they get a shower. They get cleaned up. They get medical care. They get a medical examination to see if they are carrying any disease, if they have any injuries, if they need any medical treatment of any kind, and they will square them away with any medical treatment that they need. They get a fresh change of clothes.

When they go in, they get three squares a day. They get a mattress to sleep on that is about three or four times more comfortable than a sleeping bag. It is not a fancy four-poster bed, but it is a warm, comfortable place to sleep. They get their own blankets, their own coverage that way. And they are managed all the time. They have the things that they need.

Somebody said to me: Well, but they only get 2 hours of fresh air a day.

This is hot. It is hot. It is in Texas. It is hot in south Texas. They are playing soccer indoors in air-conditioning.

My kids didn't ever get to do that. My grandkids don't get to do that. I never got to do that. But that is what is going on down there.

They are not abused and they are not short of the things that they need to be taken care of. And, yes, there are counselors there to talk with them.

And by the way, the most recent trip was last October. It was a bipartisan trip. I have heard one of the Members who was on that trip from the other party complaining about how badly we were treating these kids, but it wasn't her concern when we were down there asking questions of the people who were taking care of them.

That Member did ask a lot of questions, was concerned about their care, but not alarmed because these children didn't have their mother or their father with them. That wasn't an issue that was raised at all.

So all of a sudden it becomes the subject du jour that they ''tore his daughter out of his arms.'' Well, there is a way to characterize that, isn't it? I don't think that actually fits at all. I think if you had the video, you couldn't characterize it that way.

But here is what does tear a baby from its mother, and it is called abortion. If you want to really see, Mr. Speaker, how bad that is—nobody has got a video of what goes on in the abortion mill because it is too ghastly. But if a baby is ever torn from its mother, it is through abortion, and it doesn't seem to bother the folks on the other side of the aisle. They will rail away for days on end about 2,000 juveniles who were separated from their parents because—well, usually a parent, because the parent committed a crime.

I would submit there are more American citizens who are separated from their children because those American citizens committed crime on a daily basis than there are illegal alien mothers or fathers who are separated from their illegal alien children, because when they commit a crime, that is what happens.

So we have tens of thousands of American citizens in prison today who are separated from their sons and daughters. Usually it is the dads, not as often the moms, but that doesn't seem to bother the left either, how many of these criminal American citizens are separated, but it does bother them, apparently, because there is political hay to be made over making a big issue out of this.

The people taking care of these children down here are compassionate. They are giving gentle, loving care. We are hiring coaches to play soccer with them in the air-conditioned building, and yet they are being characterized as a cage.

Well, what shall I say? One of the largest warehouses I have seen anywhere is not a cage, but they do have dividers in there that are made out of chain link, the same thing that is used in the playgrounds, the fences around the playgrounds, Mr. Speaker.

So I think there is a lot of hyperventilation going on here and very little substance, but the President addressed this with an executive order.

And by the way, I support the policy change that he brought forth with his executive order, but it is not enough to satisfy the left. They will never be satisfied.

I have long said that if I had a magic wand—let's see if I have got one here in my pocket, a magic wand—and I would say to the left, ''You have got all the rest of the year to come up with a list of all of the things that you want and you can write these policy changes down and agree on them; and I don't care how long that list is, it can be infinity minus one, all of the things you have, and when the ball drops at Times Square in New York for the new year, I will wave the magic wand and you can have all the policy changes that you plotted up from today till December 31 at midnight,'' and if we made that deal and I agreed to all of that and this wand actually were magic, and when the ball dropped at Times Square and the new year started, I would say, ''Presto, here you go; now you have got all the things you want. We have solved all of the problems''—well, that would probably include the impeachment of Donald Trump, so I would exempt that one from the list, Mr. Speaker, but all the rest of them, here is what would happen: They would stay up all night the rest of the night whining about being cheated because we didn't give them enough time to come

up with the things they wanted to do to our country, and they would never be satisfied.

And if I required that they had to show us what they wanted America to look like once they had their globalist utopia established, they wouldn't be able to paint it, because they can't see into the future. All they want to do is tear down what is and continue to tear down what is rather than build up what is best for us. That means they are turning their back on the foundations laid down by our Founding Fathers, turning their back on constitutional issues, Mr. Speaker, turning their back and denying the very human nature components of this.

And, you know, when I see that Bill Clinton, Hillary Clinton, Harry Reid, CHUCK SCHUMER, all of them have spoken for at least a measure of border security, build a wall, we can't be a sovereign nation if we don't secure our borders, all of those folks have spoken in that way 20 years ago, but not anymore—not anymore because they have decided, as a party, that they have an advantage for pouring illegal aliens into the United States of America because it picks up for them.

These illegal aliens are counted in the Census. If you noticed the hyperventilation, Mr. Speaker, that came out when the administration announced that they were going to count citizens separately in the Census, and, oh, my gosh, you would have thought that the world had come to an end as far as the Democrats were concerned, Mr. Speaker, because they are afraid that it will suppress the count of human beings. They believe that illegal aliens deserve to be represented in the United States Congress.

And by the way, they are, they are represented in the United States Congress. We have now held a couple of hearings on this. I held a hearing in the Constitution Committee that I chair just a few weeks ago. But I recall testimony from about 10 or 12 years ago that came from Steve Camarata, Dr. Steve Camarata of the Center for Immigration Studies, who testified that if we counted citizens for redistricting purposes rather than people, so then people would include legal and illegal immigrants, but noncitizens, if we only counted citizens and redistricted accordingly, then what we would have would be somewhere between 8 and 11—this is his old testimony—8 and 11 congressional districts that would move out of States like Florida, Texas, and California into States like Utah, Iowa would pick a seat back up again, and Indiana. Those States come to mind in that fashion.

□ 2045

But as it is, illegal aliens are counted alongside citizens. The congressional seats here are different because we are not counting citizens for reapportionment purposes; we are counting all people.

So why is it that they want to invite illegals into their cities like Los Angeles, like maybe MAXINE WATERS' district? Why do they want to protect them? It gives them political power. And it takes me a lot more votes to be elected or reelected in my district, because I have a low percentage of illegal aliens. And it takes a lot fewer votes if you are in a district with a high percentage, presuming that the illegal aliens are not voting. And they are voting in increasing numbers, and that has been proven, too.

So we have people that have a political gain that comes out of promoting illegal immigration. We are hearing it come out of the mouths of the people on the left time after time after time, to make a political issue out of this.

The most successful institutions over the last two centuries, Mr. Speaker, are the nation-states, the nation-states. You have to be a sovereign nation-state, and that requires a border. You have to control who comes and who goes outside of that border or inside of that border. That is what nations do.

And inside the nation-state, you have to have the rule of law. That law also covers who comes and who goes. Our Founding Fathers understood this. They wrote it into our Constitution. And they established that the Congress establishes immigration policy, because they knew they were establishing a nation-state.

The nation-states had not been established for that long or that successfully in the time that our Founding Fathers laid down the foundation for America, but they had the vision on how best to build a country. They wrote some of it in the Declaration and the rest of it in the Constitution.

Here we are, well past two centuries of terrific success, the unchallenged greatest Nation in the world. We have created a larger economy, a stronger military, a more powerful culture, more influential around the world than any country has ever seen, and it is built upon the pillars of American exceptionalism. Those pillars are described as Ronald Reagan described often for us: The shining city on the hill.

Mr. Speaker, I can see that shining city on the hill in my mind's eye, painted by President Reagan, whom I revered. But I would argue that really isn't a shining city on the hill. I would rather envision this shining city as a shining city built upon the pillars of American exceptionalism. Those pillars of American exceptionalism, the perimeter pillars around the outside edge with a central pillar in the middle that holds it all together, but around the outside edge would be a pillar for freedom of speech, a pillar for freedom of religion, a pillar for freedom of assembly, a pillar for freedom of the press. That is just the First Amendment. Another pillar for Second Amendment rights, the right to keep and bear arms so that we can protect all of our other rights. And on up the line, a pillar for property rights and the Fifth Amendment; nor shall private property be taken for public use without just compensation. Another pillar for being tried by a jury of our peers, no double jeopardy, and on around the line.

A few other pillars along the way that aren't in the Bill of Rights, and another one would be free enterprise capitalism as our economic system that has been a foundation for the success of America. And the property rights not only that I have quoted in the Fifth Amendment, but also intellectual property rights, so that creators have a right to the proceeds of their work.

Then, as I define these pillars around the outside, the perimeter pillars in this shining city on the pillars of American exceptionalism, I would add to that, as I said, free enterprise capitalism, the dynamic economy that we have, and Judeo-Christian values that are core in the foundation. They are the founding of our country. They are the core of the moral foundation that we are, as a people. They are part of our religion, and they are part of our culture. This Nation would collapse if we ever lost them. And when they are weakened, America goes wobbly.

But all of these pillars that I have described are perimeter pillars. The central pillar of American exceptionalism, the one that we cannot and dare not sacrifice, is the rule of law. That is the central pillar that sits in the middle that anchors everything else that it sets upon and ties together.

What is happening here in this Congress, this day and these days, is a relentless effort that is eroding this essential pillar of American exceptionalism called the rule of law.

Whenever a Member gets up and argues that we should grant amnesty to illegal aliens because it makes our hearts feel good, what we are doing is desecrating these pillars of American exceptionalism and chiseling away on them and eroding them. Our job needs to be to refurbish the pillars of American exceptionalism, not erode them.

So to go back into some of these topics that are being addressed by people on the other side of the aisle and people on this side of the aisle, they continually say that it is too dangerous in these countries in Central America, so we need to get these young people out of countries like, let's say, Honduras, El Salvador, Venezuela, Colombia, Belize, Guatemala, Jamaica, Trinidad and Tobago, Dominican Republic, Brazil. Get people out of there. Get young people out of there, because it is too dangerous for them. They might be killed by the gangs down there.

I recall sitting in a Judiciary Committee meeting when John Conyers was the ranking member from Detroit, and they were making that argument, that it is too dangerous in Central America for these young people, these, let's say, 13-, 14-, 15-, 16-, 17-year-olds, especially boys, to get them out of there and bring them into America.

Well, where do they put them? Right back into the inner city here, in a center of an ethnic enclave that is full of gangs.

So I said, if you think it is too dangerous for those children in Guatemala, that they should go to America, you had better not take them to Detroit, because it is more dangerous in Detroit than it is in Guatemala. It is more dangerous in Baltimore than it is in Honduras. It is more dangerous sometimes in Washington, D.C. It is more dangerous in New Orleans. It is more dangerous in St. Louis, especially East St. Louis, than it is in any of these countries down here that I have just mentioned.

But, Mr. Speaker, these countries that I mentioned, and I am going to go through it in a little more detail, these are the top 10 most violent countries in the world. There is a website called worldlifeexpectancy.com, and I have followed it for a decade or so.

So these are the most current numbers, Mr. Speaker, and I think it is important for the body to understand what is going on here. We are listening to people advocate for bringing prime gang-age young men, especially, out of these countries into America. They are coming from the most violent countries in the world, some of them going into the most violent cities in America. We know the countryside is safer than the cities, statistically at least.

So here are some numbers. The most violent country in the world right now, the one where you can have a greater expectancy of dying a violent death, is Honduras. Honduras has a 94.47 violent deaths per 100,000 rate, according to worldlifeexpectancy.com. That is Honduras.

Then El Salvador, Number two, the second most violent country in the world: 62.82 violent deaths per 100,000 reported. There have been times when El Salvador was so bad that they didn't give you a number. At least there is a number here. I don't know that I trust it, but we know it is very high.

Venezuela: 50.5 violent deaths per 100,000. That is number 3.

Number 4, it is the only one out of the top 10 that is not south of the Rio Grande, by the way: Zimbabwe, 47.41.

Now we are back to our familiar Western Hemisphere again, south of the Rio Grande: Colombia, 47 violent deaths per 100,000; Belize, 41.54 violent deaths per 100,000; Guatemala, their numbers have been a lot higher. They seem to be a little lower now, but they are still seventh highest in violent death rate in the world: 39.85 violent deaths per 100,000.

Then: Jamaica, 34.79; Trinidad and Tobago, 31.74; and number 10, Dominican Republic comes in at 31.18 violent deaths per 100,000.

Now you think, okay, what does this mean proportionally?

A few more along the way that I have here. That is Dominican Republic. Then Brazil, 29.50.

So what this tells you is nine of the top 10 most violent countries in the world are south of the Rio Grande River, and 10 of the top 11 most violent countries in the world are south of the Rio Grande.

But one of them is not Mexico. Mexico doesn't come up on this until you get to number 19, and it is easy to remember. Mexico is the 19th most violent country in the world, and they have 19 violent deaths per 100,000.

So if we wanted to enhance violence in America, if we wanted more violence instead of less, one of the things that you would do is you could go look at the most violent countries in the world, try to pick the most violent demographics out of there, young men, and bring them into America if you wanted to ensure that there would be more crime in America.

That is an irrefutable equation. If you go to Honduras and you load up several thousand young men that are 15-, 16-, 17-, 18-, 19-, and 20-years-old, and you bring them in and you drop them into the inner city in Detroit or Baltimore or East St. Louis or Los Angeles, I mean, what do you expect is going to happen, Mr. Speaker? Are there going to be more murders there, or are there going to be less?

I don't think it is any question at all. There will be more murders because of this. There will be more rapes. There will be more assaults. There will be more thefts. There will be more violent crime of all kinds. There will be more drugs dealt.

By the way, some of them, in fact a lot of them, become or are already MS–13. And MS–13, are they sending people into America to expand their drug reach? We know, Mr. Speaker, that they are doing that. And why? Well, they are perpetrating violence. They are shaking down the neighborhoods. They are extracting the mordida payments out of the people around them and threatening the people around them. We know this.

They are killing Americans. I met with some of the families out of New York. One in particular had their daughter killed, just clubbed to death. One had been killed with a machete. And this is MS–13.

But the drug gangs in this country—we had the Director of the Drug Enforcement Agency, Mr. Patterson, before the Judiciary Committee here about a month ago, as I recall, and I asked him a few questions, Mr. Speaker, and it was like this:

What percentage of the illegal drugs consumed in America come from or through Mexico? The answer that he agreed to was 80 to 90 percent of the illegal drugs consumed in America come from or through Mexico.

They are not all produced in Mexico. Some of those drugs, a lot of them, are smuggled out of China. Then they process the drugs there, and they smuggle them into the United States, because that is the most expeditious route.

Now, it is our responsibility, here in the United States, because we have the demand for illegal drugs. But that is part of it. We need to address it here on the demand side, but we also have to address it on the interdiction side, and we need to address it with regard to Mexico and points south that are part of this equation that is producing and pushing these drugs up into America, particularly fentanyl, the highly, highly dangerous drug that coming in contact with that one time can kill you, and a very small dose of it can do that.

But we have a tremendous number of people coming out of the most violent countries in the world being brought into America, and we are being told we should have sympathy for that. Those are the boys I am talking about.

I counted the numbers down there and looked at the data some time back of the unaccompanied alien children coming into America: 81 percent young males, most of them in that 14- to 16-, 17-year-old age group. But they were 81 percent males then.

If you look at the pictures, riding the Beast, that train of death, you might see 30 or 40 young men there and one or two girls or young women there. But other information that I picked up in traveling around through Central America and down in McAllen and talking to the kids in the transfer centers, I learned this, Mr. Speaker, that it went from seven different sources. These are supervisory sources that were working with these kids.

They insisted that 100 percent of the girls got birth control before they were sent from home on up across into the United States. Say the distance of that is, El Salvador to McAllen, 1,500 miles. McAllen to Minnesota another 1,500 miles, just to put it in proportion.

□ 2100

They would say: No, 100 percent of the girls get birth control pills. They put them on the pill. They give them plan B, the morning after part of it, and they expect that they will be raped. And the consistent message from those same seven different independent sources that didn't index with each other, that 75 percent—75 percent—of the girls who are traveling across Mexico into the United States are raped, 75 percent.

Now, it is a ghastly thought to think that anybody would take their daughter or granddaughter and give them birth control pills and send them on a journey like that believing that somehow they would send them into America, knowing they were going to be raped before they got here as they came across Mexico. That is a piece of this equation that doesn't get stated very often, Mr. Speaker, and that is as close to known facts as we can get. That is field research done by this Member and another Member of Congress, and they are the right kind of witnesses.

So I have described the violence. I have described the drugs. I have described the types of victims that we have, 50,000 of them a month for the last 3 months in America.

That turns out to be 600,000 illegals coming into America that we would be interdicting, not counting those that get past us that we don't see; 600,000 will be the target number, I guess I will say, the predicted number for the calendar year of 2018.

In addition to this, as we talked about, Mr. Speaker, ripping children from their father's arms or from their mother's arms, and I said what really does that is abortion, ripping a child from her mother in that fashion.

We bring into this country between 1 and 1.2 million legal immigrants each year. Let's just round that to a million, Mr. Speaker, a simple number. Well, that happens to be identical to the number of abortions in America each year: 1 million.

So, since 1973 and Roe v. Wade, there have been 60 million babies aborted in this country, and about the same number of legal immigrants that have come into America.

It just came into my head a couple days ago as I was listening to someone speak, Mr. Speaker, that, for every time a legal immigrant comes into America, we abort an American baby here. And that baby goes, I guess I could say as gently, into the disposal at Planned Parenthood. That baby is destroyed for every individual that comes into America legally.

And 600,000 illegals coming into America that we have to adjudicate, and who knows how many come in that we aren't catching, that we are not adjudicating.

These American babies, these 60 million American babies are a hole in the demographics of America, and they are a heavy weight on the guilty conscience of a country—60 million babies.

And when you do the back-of-the-envelope calculation to find out what about those future mothers who were aborted, what about those future fathers who were aborted, what would they have done? How many children would they have had starting in 1973?

I did that calculation, and it is only an estimate, and I wouldn't say that there isn't a better way to come up with it, but what I came to was another number. These 60 million babies that have been aborted, roughly 30 million of them are girls. And of those 30 million girls, some of them would have had babies by now.

As you do the calculation on what the birth rate was then for those earlier years, you are looking at perhaps as many as another 60 million babies would have been born, except their mothers and presumably their fathers were aborted, too.

So someplace 60 million aborted, 60 million babies not born because their mothers were aborted. Somewhere around 100 million to 120 million Americans are missing as a result of abortion.

And we are wrapped around the axle because of 2,000 children who were temporarily separated from their parents because their parents committed the crime, at least the crime of unlawful entry into the United States of America, if not other crimes like document fraud and whatnot.

But all of the criminals who are put into prison who are American citizens are separated from their children, and I am listening to the angst over here that I think is unnecessary hyperventilation, Mr. Speaker.

I think of a mother who was separated from her daughter and how I came to learn that. About, roughly, a decade ago, a little more than a decade ago, I guess, I went over to Iraq to visit our troops over there, and I flew into Kuwait City, the airstrip there.

I was met by a young National Guard captain. It was the middle of the night, about 1, 1:30 in the morning, and she met me and escorted me over to Camp Arifjan, which was where the 1168th Transportation Unit was based as they were hauling equipment and manpower into Baghdad over land from there, a fairly dangerous run.

As the captain took me to visit the troops—and I spoke to a good-size group of the troops. But then afterwards, she had six of her troops who had personal issues that they couldn't solve while they were deployed in Iraq, and I sat town with each of those troops individually, took notes, and put together a bit of a plan of action of what I could do to try to help.

I did follow through and did what I could do. I think I helped some of them. I don't know that I solved it all. She said I did, but I didn't think so, Mr. Speaker.

In any case, I learned this young captain had a 4-year-old daughter who was home, and this young captain was separated from her daughter at the age of 4. So I promised, since the girl was being taken care of by her father and the message was that things were okay at home, I promised I would go check on her daughter because sometimes that Mr. Mom stuff doesn't get confessed over the email when Mom is deployed in the war zone.

So when I got back to the States, I traveled back to Iowa and set up an appointment and went down to visit that home. And there is this little 4-year-old girl, and she had long blonde hair with reddish highlights in it, stovepipe curls, went all the way down to her waist in the back, Mr. Speaker.

I sat there and talked to her father. I talked to this 4-year-old girl, and she had matching dimples, the cutest thing, right out of Norman Rockwell, and an energy, sparkle in her eye, a smile on her face, the laughter in her voice.

Kids are the source of all joy, by the way.

I remember her trucking around the living room and out to the kitchen and running around and full of energy, but also full of love. And it broke my heart to see that little 4-year-old girl and think about her mother being deployed in a war zone, missing out on 13 months of some of the most joyful time you can have raising a child.

That child was separated from her mother, and that child's mother's name is, today, Senator JONI ERNST, and her daughter is Libby Lou, who is now going to the Military Academy.

But we have people who are separated from their families on a consistent basis. Everybody who is deployed who has children is separated from those children for long periods of time, a lot longer than they are separated from their children when they sneak into America and break our laws.

I honor them. I respect them. I revere them. That has touched my heart for all these years, having seen that, and I have never heard a word of complaint out of either the mother or the daughter or the dad, for that matter, Mr. Speaker.

So I want to remind the body that this separation is not unique to criminal aliens. It is just that it seems that our sympathy is a bit misplaced when we should be thinking about the separation and thankful that they are willing to endure it, the separation that takes place from our Army, our Navy, our airmen, and our marines, and all of those who are serving and protecting our God-given liberty and what that means to our country.

So I think of another time that there was a severe personal problem of a young man who was serving over in the middle of Iraq at Camp Victory. I won't describe that personal problem, Mr. Speaker, but I will just say that it broke my heart to know what was going on also in his personal life.

As I went over to visit him and his unit and present a flag to them that had been flown over the Capitol in his unit's honor, I mentioned to him how difficult it must be. He looked me in the eye with a stoic, patriotic look and he said: It is manageable, sir.

Well, he served his duty and served his time and he served our country nobly and honorably and demonstrated that it was manageable.

This difficulty on the southern border is manageable, too, but we have high principles that we must restore. And the highest principle we must restore is respect for the rule of law.

When Ronald Reagan signed the Amnesty Act in 1986, I watched this debate take place here in the House and in the Senate. And, no, I didn't have C–SPAN then. I watched the text of it and I read the stories on it, and I listened to the newspaper stories as they went on.

And when it passed the House and passed the Senate, the Amnesty Act of 1986 that was supposed to be for a million people, there was supposed to never be another amnesty again so long as this country should live, and they would enforce the law and secure the border at every point since that time. But I didn't believe it, of course, and I was right not to believe it.

When the bill got to President Reagan's desk, President Reagan signed the bill with the advice of most, if not all, of his Cabinet. And most, if not all,

of those who advised him to sign it have regretted that advice because they saw that it was a big mistake. And Ronald Reagan regretted that signature on the 1986 Amnesty Act as well.

But we are here dealing with the problems created by that Amnesty Act because we didn't restore the respect for the rule of law. The right thing to do in 1986 would have been to continue the kind of enforcement that Dwight Eisenhower was utilizing during his terms of office.

Here is some of the data that I happen to have in my pocket, Mr. Speaker.

Dwight Eisenhower mounted a border enforcement program in 1954. In 1954, 1,074,277 illegal aliens were verified to voluntarily return to their home country. 1,074,277 voluntary returns in 1954 alone, that many years ago before the problem was as big as it is today.

Throughout the years of the Eisenhower administration, they managed to deport 250,000 each year, or more. And they managed to do that, Mr. Speaker, with only 800 Border Patrol agents—800 agents. Today, we have 21,000 Border Patrol agents. They had 800.

I divided that out to see what the ratio is.

For every Border Patrol Agent that Dwight Eisenhower had, we have got 26.1 now, and we are deporting—let's see. Last year, 2017, we deported 226,000.

So they got 26 times, more than 26 times better performance, better results, back in the fifties with only 800 Border Patrol agents for 2,000 miles along the southern border, where now it is 21,000. Twenty-six Border Patrol agents for every one they had then, and we are deporting fewer people than they did then.

And by the way, that 1,074,000 voluntary returns, we can set up policy that brings about a lot of that as well.

But ever since Dwight Eisenhower, each President that has succeeded Dwight Eisenhower diminished our enforcement worse and worse and worse and less and less and less. So from Dwight Eisenhower, we ratcheted downhill, and there were fewer that were deported and less border security under Kennedy, under Johnson, under Nixon, and on down the line.

When we got to Bill Clinton, I was very concerned that he was not paying attention to his responsibility to take care that the laws were faithfully executed. When I look back on what he had to say at the time, he was at least giving lip service to it, unlike Hillary Clinton, who essentially came out and said we are going to have to give people citizenship, reward them with citizenship for breaking our laws.

I recall a time here in about 2004 or 2005 when the immigration debate was ramping up again and they had bussed in thousands—many of them illegal aliens, I presume—out here on the west lawn. A lot of them had on matching white T-shirts. I don't remember what they said.

Senator Teddy Kennedy was active then. He went out to speak to them from a sound system and a podium, and he was speaking through an interpreter, a Spanish language interpreter. But I recall the language that he used and how he said it, because it caught me as the clarion call, and it was this.

□ 2115

He said to those thousands, and I believe actually tens of thousands, he said, ''Some say report to be deported. I say, report to become an American citizen.''

Thirteen or 14 years ago, that message was uttered out here on the west lawn, Mr. Speaker, and that message was calling people into America and promising them citizenship. And this grinds on, the same old story. Erode the rule of law, sacrifice the rule of law, discount and diminish and dilute citizenship, and take away a measure of the influence of citizens and hand it over to people that have demonstrated their contempt for our laws.

But just a little bit before that, I believe it was the year before—I remember the day, it was January 6, 2004—Karl Rove had prepared a speech for George W. Bush and it was an amnesty speech. It was one that played off of Tom Ridge's amnesty speech that he had given the December before. And they decided that they needed to, I will say, advertise to Hispanics in south Texas, because they had lost most of those counties in south Texas that are heavily Hispanic. And, of course, they are heavily Democrat as well.

I remember that discussion with Karl Rove and I said: Karl, you cannot redefine amnesty. The American people know what amnesty is. And whatever you want to say about it, if you want to say it is not amnesty if they pay a fine, it is not amnesty if they learn to speak English, it is not amnesty if they go to school, it is not amnesty if they get a job, what has that got to do with it? To grant amnesty is to pardon immigration lawbreakers, a class of people, pardon them.

And if they say: Well, it is not a pardon if they have to pay a fine. Well, it is a pardon if you don't apply the penalty that exists in the law at the time they violate the law. You can't change the penalty afterwards and claim that it is not amnesty. The American people aren't going to go for that.

At least Ronald Reagan was honest. He said: I am going to sign the amnesty act, and he did. I wish he hadn't, but he did. But you can't redefine it as amnesty is a pardon for immigration lawbreakers. And what is going on here, it is coupled with the reward of the objective of their crime.

When you hand someone the objective of the crime that they committed and you say it is not amnesty—I mean, there are a lot of different ways to describe this, but I think the simplest way is just to say that if someone robs a bank and they step out on the steps of the bank with the loot and you stop them. Then someone else robs a bank; and someone else robs a bank; and finally, you decide, this is such a popular activity, we can't enforce the law anymore. We would like to have you stop, but since we are going to let you all know we are not going to enforce the law, there are going to be more bank robbers. And, by the way, all of you get to keep the loot.

That is what this amnesty is and the American people know it, and there is outrage that is building. The clouds are not just on the horizon. They are sweeping toward the city. And if we are not going to finish this debate and shoot down that last amnesty bill, then I will tell you that the clouds will be hanging over this city next week on Monday and Tuesday when we come back to town.

The American people are going to be more and more outraged every day because they are just figuring out what is going on. They are being told that these bills aren't amnesty.

I mean, there was a Member down in conference that said the word amnesty and some folks hissed at him because they didn't think you should call it that.

Well, it clearly is amnesty. You can look it up in Black's Law Dictionary. You can take my word for it.

But Members have been going through all kinds of mental gyrations to try to find a way to rationalize the vote that they want to put up because they think that they are politically in a safer place to vote for amnesty, but they know they can't admit it.

I had a Member come to me and he said: ''What is the definition of amnesty? I have heard three different definitions in the last hour.'' And I said: ''Well, what is happening there is, they are rationalizing their vote and they are trying to redefine amnesty so they don't have to confess that they are voting for amnesty.''

Well, I am not going to have to confess that I voted for amnesty because I am not going to vote for amnesty. But I am going to hold people to a real definition of amnesty.

And by the way, we ought to think about people who have been separated from their families permanently.

How about the angel moms and the angel dads who had a son or daughter that were killed by an illegal alien, especially those that have been turned loose after they have been encountered by law enforcement.

It happens every day in this country, Mr. Speaker, and it happens multiple times a day. This country is dotted with the graves of those who have been killed at the hand of criminal aliens in this country, many of whom had been encountered by law enforcement and turned loose.

One of those I think of is Jamiel Shaw, whom I got to know here as a witness in a hearing that I had called years ago. His son, a high school football star, a stellar athlete with a great future ahead of him, was killed in the

neighborhood just a couple of blocks down the street from Jamiel's home. His son, 17-year-old, Jazz was his nickname, Jazz Shaw, killed by an illegal alien who had been deported.

Part of his gang's mission was he had to kill a Black guy. He was killed because of his race. He was murdered because of gangs. And he was murdered by an illegal alien.

And Jamiel Shaw has the courage these years after to step up every day that need be and tell us how painful it is and what kind of an obscene mistake it is to reward lawbreakers.

If we had enforced immigration laws, Jamiel's son, Jazz, would be alive today and he knows that. And he said over Father's Day, if you are worried about separating families, try spending your Father's Day talking to a grave like he has for the last 10 years.

That shakes me when I read that in text. Another one, Mary Ann Mendoza, her son, Brandon, a fine law enforcement officer, killed by an illegal alien driver. Sabine Durden, her son, her only child, Dominic, killed by an illegal alien, a DACA recipient. Laura Wilkerson, her son, Joshua, was tortured, murdered, and his body burned by an illegal alien.

Who can forget Kate Steinle? Her father, Jim, testified here in this Congress about what happened when she was killed by a five-times deported illegal alien.

And my constituents, my friends to this day, Michelle and Scott Root, who lost their daughter, Sarah Root, who was a perfect 4.0 student in criminal justice at Bellevue College. She had graduated the day before when she was run down on the road by an illegal alien who was on a first-name basis with his immigration attorneys, and who was bailed out of jail for $5,000. He absconded back to his home country, Honduras.

They said he was bailed out of jail before they could bury their daughter, and for less money than it took to bury their daughter. And what do they have left? They have got memories and broken hearts.

What about the four children who were killed up in Cottonwood, Minnesota, when the school bus was run off the road by an illegal alien who twice had been deported and still ran the school bus off the road. These four kids who were killed were two siblings, and then a child from each of two other families.

And some said: ''Accidents happen. It has got nothing to do with immigration.'' And I say: If we enforce our laws, they are not there to kill our youth. And if you don't agree with me, try going up to those parents and try to convince them that their children would still be dead if we had deported that individual when she was first encountered by the law.

No, we really know. We should know in our hearts and know in our conscience the real truth here, Mr. Speaker. And I think that also a piece of the real truth is: Who are these DACA recipients?

Barack Obama gave us the standard on what it took to be a DACA recipient. You had to have come in by a certain date or at a certain age, and then he closed that off at the other end. And you needed to be going to school.

So this little chart here tells us a little something. How many of them had no diploma. They might be dropouts—we can't be sure—21.9 percent. There are 817,000 of them in this database. 817,798 we are working with, Mr. Speaker.

And you can see, here are those who have no record at all. They didn't even bother to fill in the blank in their application or their renewal form on whether they had ever gone to school. Maybe they never had—that is the safest presumption—68.9 percent of them, that number is 564,000 disqualified themselves because they are not going to school. They don't attest that they ever went to school.

Even with help filling out the form, that information is not available, and it should have disqualified them. But they got their DACA permit anyway. So there is that 68.9 percent, and 21.9 percent over here that may be dropouts, but we can't be sure. So that is 179,719.

Then, we had self-reported criminals, over 3,000 of them in the first tranche that we were able to look at the numbers; 66 percent of the self-reported criminals received DACA permits. And I guess apparently a number of them committed a lot of crimes after they received their DACA permits, because when they applied for their renewals, then there was a number of well over 30,000, around 33,000, that were self-reported criminals. 94 percent of the self-reported criminals got DACA renewals.

I mean, they are honest criminals at least. They admitted they were criminals, but they were rewarded for being honest, I guess, because two-thirds of those in the beginning of the first tranche of criminals were granted DACA status. And then 94 percent, coming to 31,854 that received their renewals, even though they had committed crimes while they were DACA recipients.

Then we have 8,964 DACA recipients who would be normally, under the rules, under the Obama rules, would be disqualified because of their date of entry. They entered in too early or they entered in too late, 8,964. These are numbers that came from USCIS, by the way. I started asking for them last September and finally received these numbers a little over 2 weeks ago.

2,100 DACA recipients have no data on their nationality. You can't check that box so they should have been disqualified. 775 of them went back to their home country. They put that on their application. That should disqualify them. They can't say, through no fault of their own, that they weren't aware of what they did. If they were aware that they went home, they were aware that they snuck back in and that they violated the law again.

When I add this all up, and I have to discount that there must be duplicates in these categories, just to be fair, Mr. Speaker, but if we presume that there were no duplicates, that each time that one of these categories that would normally kick them out was an individual, but there might have been people that were criminals that also had no education.

But when I added up the rules violations here that should have disqualified some of them, out of the 817,798 that were approved, there were 789,851 application forms that were deficient and should have brought about a disqualification.

So I just did the math, a little bit more for fun than it is for a definitive number. Only 27,947 of them would qualify even as they attested to their eligibility.

These records are junk. The Obama administration put them in folders on paper, seven pages of application for each applicant, and there are around 2 million of these applications between the originals and the renewals. And of those 2 million, that is 14 million pieces of paper, they just began to electronically enter that data on November 1 of 2015, I believe that date would be.

So we have got a short, little window of these DACA recipients. But here are some other things. How good was the education they got of those who attested they had an education? So we are dealing again with 817,000—almost 818,000. Let's see.

Those who got a GED, 1,789 of them. That is two-tenths of a percent even had a GED. And high school graduates, 37,300. So there are 4.5 percent that are high school graduates. Some college credit, less than a year—so they went to college, 33,000 of those. And let's see, one or more years of college, no degree, 620 of those. So those who started college, 33,000 and change. Those who entered the second year beyond, add another 620.

But those who came with an associate's degree, 235. And these are just raw numbers, not percentages, of course. And those who have a bachelor's degree, college educated: 246 out of 817,000 have a college degree; 14 managed to achieve a master's; professional degrees, 2; doctorates, 1; doctor degree, 1.

□ 2130

So I have heard all this story about valedictorians, and I guess maybe that valedictorian could be that one who received the doctorate degree.

I am a little confused by the gentleman from Texas (Mr. FLORES), who has all of these highly educated Dreamers down there in his district. They don't show up in these applications unless maybe it is in his district where this single doctor is. These two professionals, I presume maybe they could be lawyers. I met one of those. He told me that he is a DACA lawyer. I said: That is great. Just what we need, another lawless lawyer.

So when I looked through these numbers, they don't at all paint the picture that I am hearing from these Members of Congress among Democrats or Republicans on what a DACA recipient really is and what the typical profile would be of these DACA recipients.

It is true that many of them did, according to the records, come in at a fairly young age. I actually thought that would be higher than it turned out to be. There are around 135,000 of these 817,000 who were brought in at prime gang age recruitment. The oldest one now is about 37 years old. So I presume some of them are grandparents by now.

The rule of law is hanging in the balance. It is our job to keep our oath of office, and that is to preserve, protect, and defend this Constitution of the United States, and that means defend the rule of law. If we allow it to be sacrificed here because our hearts or our politics overrule our heads, then this country will rue the day, and none of us who votes on this issue here will live to see the day that the rule of law is restored again.

Mr. Speaker, I yield back the balance of my time.

CONSERVATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from California (Mr. LOWENTHAL) for 14½ minutes.

Mr. LOWENTHAL. Mr. Speaker, as I begin, I and many others have been outraged by the President's zero-tolerance policy, so it is so therapeutic for me to stand before you today and talk about a program that brings us together rather than divides us. Today I rise to celebrate the successes of the Land and Water Conservation Fund.

The LWCF is a highly successful conservation program, and it enjoys great bipartisan support. It was created in 1964. It was a bipartisan commitment to safeguard our natural areas, to safeguard our water resources, and to protect and enhance our cultural heritage. We also wanted to be able to provide for recreational opportunities for all Americans.

It was a simple idea. It said: Use the resources from the depletion of one resource, which was offshore oil and gas, to support the conservation of another precious resource, our land and water.

Over its 50-year history, with no cost to taxpayers, it has provided critical access to public lands for hunting, fishing, biking, hiking, climbing, paddling, and many other outdoor activities that Americans enjoy. It has protected critical watersheds, ecosystems that provide for clean, safe drinking water, and has protected the habitat for our wildlife. Finally, it has provided protection and access for cultural and historic sites across our Nation.

Fifty percent of it goes to local and State grants, which help to build and preserve local and State parks, trails, and wildlife areas. Fifty percent in my State we have used for habitat conservation programs and the Forest Legacy Program. The other 50 percent goes to support access and conservation in and around our U.S. public land.

So, for example, in my district or near my district, really near my district, we have places like the Channel Islands National Park, Joshua Tree National Park, Santa Monica Mountains National Recreation Area, and Seal Beach National Wildlife Refuge. They all benefit from the Land and Water.

I would like to say that where we are is that we have a bill now. We finally must deal with the reauthorization, and we have a bill, H.R. 502, that reauthorizes the Land and Water Conservation Fund, and it has the support of 35 Republicans and 194 Democrats. Mr. Speaker, it must be reauthorized before September 30. I ask that you bring it to the floor of the House because it will have overwhelming support.

Mr. Speaker, I yield to the gentleman from Washington (Mr. KILMER).

Mr. KILMER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today just to join my colleagues in urging the House to reauthorize the Land and Water Conservation Fund before it expires this September.

I think former Senator ''Scoop'' Jackson said it best when he introduced the legislation to create this fund nearly a half century ago. He said Americans ''go to the open areas.'' The LWCF is what helps ensure we have open areas in our community where the next generation can gather.

People in my neck of the woods have 600 more open areas to go to in Washington State thanks to the Land and Water Conservation Fund's $600 million investment in our region. The Land and Water Conservation Fund has helped build parks in places like Tacoma and has helped protect forestland in Kitsap and Mason Counties, without a cost to taxpayers.

Folks come to our region to visit unique places supported by the Land and Water Conservation Fund, and then they stick around to spend some money at our local shops and restaurants. So by investing in the Land and Water Conservation Fund, Congress supports jobs and small businesses. This is good for our economy.

Congress gets a lot for their money when they invest in the Land and Water Conservation Fund. This money helps communities attract private dollars from multiple sources to accomplish big goals. It is the glue that holds these big projects together.

I would like to highlight a couple of the projects that have had a big impact in my neck of the woods.

The South Puget Sound Coastal Forest Legacy Project is a partnership between The Trust for Public Land and Green Diamond Resources Company that will help protect nearly 10,000 acres of working forestlands along the Hood Canal. Keeping this land off-limits to development will help maintain working forest jobs and recreational access to Mason County trails. It will also protect, roughly, 1,400 acres of shellfish beds that serve more than 20 shellfish companies and 2,000 recreational and Tribal harvesters.

The Salt Creek Recreation Area is another great example of what local communities can achieve thanks to support from the LWCF. I grew up just down the road from Salt Creek, so I can tell you firsthand what a difference this park has made for our region. In fact, I took my kiddos there for an amazing day last summer. From the tide pools and sandy beaches to the panoramic views, it is no wonder this park has become a key driver of our growing recreational economy. That project would not have become a reality without the relatively small—just $250,000—but vital investment from the Land and Water Conservation Fund.

But the LWCF isn't just about creating opportunity in rural communities; it supports recreational opportunities in urban areas as well. Take the Kandle Park and Pool in Tacoma.

Less than a decade ago, this park was just an empty field with a dilapidated playground; but thanks to support from the LWCF, this park hosts a modern aquatics facility and sports fields that provide a safe, fun, and screen-free place for kids to spend their time.

So in my Washington, what I consider the better Washington, we have seen firsthand that the LWCF grows jobs, supports rural economies, and connects our urban communities to the outdoors.

So that is what is on the line. At a time when we are starving for bipartisanship in this place, look no further than H.R. 502. Mr. Speaker, 229 Members, Democrats and Republicans, have cosponsored this. We have 100 days to get it done. I hope that we get this done.

Mr. LOWENTHAL. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. Mr. Speaker, I thank my colleague from California for yielding.

When I think of California and I think of conservation, I think of John Muir, the father of our national forests and the founder of the Sierra Club. We have a lot to be proud of in California in John Muir. His final resting place was there.

But when I think of conservation, I also think of a wonderful Pennsylvanian conservationist by the name of Gifford Pinchot. Gifford Pinchot was a noted Republican and Progressive conservationist to make Pennsylvania proud. He was the Governor of Pennsylvania twice. He was the first Chief of the United States Forest Service. Above all, he was a pioneer in the American conservation movement. It makes me proud to be from northeastern Pennsylvania where for many, many years Gifford Pinchot lived.

Mr. Speaker, the Land and Water Conservation Fund's authorization expires on September 30. This vital program, which has broad bipartisan and bicameral support, should be made permanent and should be fully funded.

I am proud to support H.R. 502, which permanently authorizes the Land and Water Conservation Fund. It has bipartisan support from 231 cosponsors in the House. Over 30 Republican House Members recently wrote to leadership expressing their support for reauthorizing the Land and Water Conservation Fund this year.

LWCF plays an instrumental role in preserving and protecting our precious drinking water, safeguarding our natural resources, and providing pristine outdoor recreational spaces to millions of Americans, all while creating jobs and supporting local economies.

Stakeholders work together to leverage LWCF funding with other State, local, and private funds to make the most out of every LWCF dollar spent. Without these Federal funds sparking the investment, we would never amass the resources needed to protect critical tracts of land.

LWCF funds are almost always the critical piece of a puzzle that allows precious land to be forever protected and preserved. It is the funds from offshore gas and oil revenue that provide the funding for LWCF, not taxpayer dollars.

We all benefit greatly from the LWCF and the lands that it protects. The outdoor recreation economy generates $1 trillion per year and supports 7.6 million American jobs. In my district alone, outdoor recreation accounts for well over $1 billion a year. It is a sector that also annually generates $65.3 billion in Federal tax revenue and $59.2 billion in State and local tax revenue.

Our Federal investment in these historic, cultural, and recreational landmarks and wildlife habitats generates a substantial return to the American taxpayer.

As we speak, LWCF is making a dramatic difference in my own district. We have worked for years to find the funds to take advantage of a once-in-a-lifetime opportunity to purchase and preserve a beautiful piece of land in the Cherry Valley National Wildlife Refuge. LWCF helped leverage funding from State, local, and private sources, but without LWCF, this land would have been lost forever. I worked very hard in the Appropriations Committee to make sure the LWCF had enough money to acquire the full 2,931 acres in Cherry Valley.

But we shouldn't have to work this hard for every LWCF dollar. We should be dedicating more money and permanently reauthorizing the LWCF to complete more projects like Cherry Valley.

From historic battlefields like Gettysburg to the very home of Gifford Pinchot—Grey Towers National Historic Site in Milford, Pennsylvania—LWCF is providing critical funding to protect our most important lands. It has wide-ranging bipartisan support, and it is past time that we permanently reauthorize LWCF and give it the robust funding that it so richly deserves.

Mr. LOWENTHAL. Mr. Speaker, I yield to the gentleman from the State of Virginia (Mr. MCEACHIN).

Mr. MCEACHIN. Mr. Speaker, I would like to associate myself with the comments of my colleagues about the importance of our Nation's premier outdoor recreation and conservation program, the Land and Water Conservation Fund.

Over the past five decades, LWCF has helped protect our Nation's most treasured places, including many in my congressional district like the Great Dismal Swamp National Wildlife Refuge and both the Richmond and Petersburg National Battlefields.

As we know, authorization of LWCF is set to expire in 100 short days. That is why the timing of this Special Order hour is so critical. If Congress does not reauthorize LWCF, we will lose one of our most powerful tools for protecting our Nation's natural, historical, and cultural landmarks. If that happens, every State and district in our country will feel the damaging consequences.

That outcome is unacceptable, which is why I am proud to cosponsor H.R. 502, which is Ranking Member GRIJALVA's legislation to permanently reauthorize LWCF. I also support robust funding for LWCF in the appropriations bills.

For my constituents, preserving our lands and waters is personal. Virginia's Fourth Congressional District is home to many beautiful public lands and waters, along with many other sites that still need to be protected.

□ 2145

Earlier this month, I toured the beautiful James River National Wildlife Refuge with local nonprofits to highlight the need to reauthorize the LWCF. My tour reminded me that there is no place quite like the James, but my district is far from unique. Across our district, LWCF has helped conserve precious ecosystems that wildlife, people, and local economies needed to survive.

While preserving these lands is the right thing to do, it also makes good business sense. In fact, outdoor recreation generates billions of dollars for the Commonwealth's economy.

The same dynamic applies across the country. That is why I intend to keep up the fight to reauthorize the LWCF. It helps communities protect the places they love, and we owe it to our children and our children's children to keep this tool in place.

Mr. LOWENTHAL. Mr. Speaker, I yield to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I thank the gentleman for yielding.

This week marks 100 days until the expiration of the Land and Water Conservation Fund authorization.

The LWCF has assisted New York State in many, many ways over its 50 years to protect some of New York's most special places and ensure recreational access for hunting, fishing, and other outdoor activities.

Both the House and Senate have currently introduced bipartisan bills to permanently reauthorize the LWCF. I am a proud cosponsor of the House bill, H.R. 502, and I urge the House leadership to bring it up for a vote.

Some examples of special places in New York's 20th Congressional District include Thatcher Park in Albany, Frear Park development in Troy, the bike-hike trail in Glenville, Schenectady, Niskayuna, Peebles Island, Congress Park in Saratoga, and Mohawk Mills Park in Amsterdam.

Mr. LOWENTHAL. Mr. Speaker, I yield back the balance of my time.

IMMIGRATION ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) until 10 p.m.

Mr. GOHMERT. Mr. Speaker, it has been an interesting week.

We were told when we were starting the week that we were going to be taking up a couple of immigration bills. Before we could even get that started, we were met with a firestorm of absolute outrage about children being separated from their parents.

Well, anybody who is a parent doesn't want that to happen, even though, as a felony judge in Texas, I know. I watched it happened constantly. It happens every day in our country. It is heartbreaking, but it happens every day all over the country when any person in the United States commits a crime and is taken to jail.

I watched it happen over and over in my courtroom. Your heart breaks for their children. You can't let the children go to jail with the parent. Sometimes there is somebody else to take care of them. Sometimes it is Child Protective Services. But it is still heartbreaking. That is what we have seen on the border.

We have a President and Attorney General trying to follow their oath and enforce the law. But it is heartbreaking when you see some of these pictures like the first one here. When I saw that, my heart broke for this beautiful little boy in a blue shirt—actually, I think this is a separate picture, and these are two others—initially, just seeing this, where it looks like he is in a cage.

You feel bad that Jeff Sessions as Attorney General and President Trump are the ones in office when this is going on. But then we find out actually he is a child of one of the protesters that is protesting the Trump administration. He is not really incarcerated. This was completely trumped up, so to speak, by the media and by the groups that are trying to do everything they can since

the stories about Russia collusion turned out to have more to do with the Clinton campaign colluding with the Russians than Trump.

Well, this has to be another source of attack. Again, it is just heart-wrenching to see a child like that, until you find out he is not really in a cage. He is not somebody that the Trump administration was restraining. In fact, here is the same little boy skipping around over here on the other side of the fence with the protesters. So it turns out he is not.

But then we look at some of these other pictures here. We will do this in rapid order, because we are running out of time.

Here you have all of these people, many of them children, in this facility and a chain link fence everywhere. It is treating them like animals, basically. They are all under these shiny blankets. It is tragic. But then we found out, actually, that was while President Obama was in office and then conditions improved dramatically.

This is another tragic picture. Tragic. It does look like they are caged animals. Again, they were appearing to be caged animals during the Obama administration. President Obama was responsible for that.

You see this tragic sign ''Juvenile Holding Cell,'' where the Trump administration is treating these little juveniles this way. They are locked up in this little room. It is strictly for juveniles being held away from others. Then we find out, no, that was the Obama administration, too. But all of these pictures were originally touted as being part of Trump's war on children.

Here is a female juvenile holding cell. That is proof positive that President Trump was isolating these female juveniles away. Then we find out, no, that is part of the Obama administration. It is proof positive the Obama administration was separating children from their parents, even though there are some lamebrain newspapers in Texas that try to tell me I didn't see what I personally saw.

I have been there. I have seen what they did. I have been there all hours of the day and night.

All these lumps are precious little children, and it is heartbreaking to think that any parent could send these children—90 percent of them—unaccompanied through deserts and put them in the custody of gangs. The former gangs are the ones the drug cartels use normally as coyotes to bring these precious people across.

Tragic circumstances. Horrendous circumstances. Yet that was all going on, all of this tragic stuff was happening, without one single word from Hollywood about the tragedy that President Obama was causing.

A couple of more quick pictures here. Again, these were portrayed initially as being proof of the horrors of the Trump administration. It turns out these were all under the Obama administration.

All these little silver lumps, it turns out that most of them are children. All of them are people under there. Tragic circumstances, but it is what President Obama was doing, his administration was doing, not the Trump administration.

So all these people who were throwing dirt balls at the Trump administration, where they actually stuck was on the Obama administration.

It always helps if you don't just fly off like so many have. It is not really mainstream media; it is the alt-left media. Once they were the mainstream media, now they are the alt-left media.

But they are covering for the Obama administration, trying to make the Trump administration look horrendous, when what the Trump administration has done has been far more caring and supportive of the children than the facilities that I saw during the Obama administration. They have a lot better facilities they are using now.

The ones I am particularly familiar with are down in south Texas. That is where I spent so much time during the Obama administration. Since President Trump has been in office, I am telling you the facilities are a lot better, and they are doing a better job of caring for people.

I heard somebody this morning say: Wow, there are so many people who are just getting outraged about children being ripped from their mothers' arms. I believe Mr. KING had mentioned that nothing does that like abortion.

Then somebody reminded me this morning that when children were being ripped from their mothers in a process called abortion, it appears that the Democrats felt like it was okay. At least they didn't say anything about it, not that I heard, when those little children's body parts were being sold off after being ripped from their moms in abortions.

So politics makes for strange situations, to have people who are not outraged by a precious little child being ripped from the mother's womb and killed and have the parts sold off—not bothered by that. But then when 90 percent of the children coming into this country are said to be coming unaccompanied and many of those that come—we have 12,000 who are being held right now. Some of them tenderly held; some of them not so tenderly.

But when you have nearly 40 percent who are male, teenaged, and potentially part of gangs or subject to being recruited into gangs, it is not the precious little child that is often being portrayed by the alt left media.

We need to have commonsense. I know in Washington, it is just sense. Back in east Texas it is commonsense. Here, it is sense.

In the few minutes I have left, we have been taking up bills on border issues. I thought it was extremely unfortunate that our leadership would not allow us to have an amendment to the Goodlatte bill. It has so many good things in it. It has an amnesty for DACA. At the end, that was my problem.

So many good things—I really think if our Republican leadership had wanted it to pass, they could have put on there a fix where children were not separated from their parents, and that would have helped get enough votes to go from 193 to get votes to pass it.

But it just felt like our own leadership didn't want it to pass. They weren't going to allow something like that that would add votes, because many of them were out there saying: No, no. The compromise bill will get a lot more votes than the Goodlatte bill.

It simply wasn't true. They were misreading our conference.

I recall our Speaker, right after President Trump was elected, saying that he was hearing voices none of the rest of us heard. Well, some of us were saying those same things that President Trump was saying before the election, and we need them to be heard. But, apparently, they are still not being heard.

But a good comparison was done by NumbersUSA on the issue of amnesty. Under the Goodlatte bill, it says 690,000 existing DACA recipients with Federal ID cards can apply for contingent nonimmigrant status, which may be renewed every 3 years indefinitely. It makes ineligible those aliens with two or more misdemeanors or a felony. It makes ineligible those aliens charged with a misdemeanor or felony while the charge or charges are still pending. But there is amnesty at the end of the Goodlatte bill.

Under the compromise bill, as the Speaker was calling it, 1.8 million to 2.4 million illegal aliens who may have been eligible for DACA may apply for contingent nonimmigrant status, which may be renewed every 6 years indefinitely.

It goes on to describe that the applications could actually reach 5 million or more. It is the largest amnesty ever provided. It is bigger than any amnesty that was ever given during President Obama's two terms.

With regard to a special path to citizenship, the Goodlatte bill did not offer any, but there was one under the so-called compromise bill. It created a merit-based green card category for a path to citizenship and then had tens of thousands of green cards that would be available under the compromise bill that we are supposed to vote on early next week.

With regard to the visa lottery, both of them reallocate those. With regard to chain migration—this was a good thing under the Goodlatte-McCaul bill—it ends chain migration completely. However, under the so-called compromise bill, it doesn't end chain migration. That is why some say it put us on the road to ending chain migration, because it doesn't. It doesn't. Parents who acted illegally to bring their children into this country illegally would be rewarded by being allowed to get legal.

As far as enforcement, NumbersUSA has a good comparison there.

It would be tragic if our leadership brings up the so-called compromise bill. The Goodlatte bill was a good one. It cut out amnesty. It ought to pass. We can secure the border. We can save this Republic and God will bless us and enable us to help these countries that are in trouble.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JEFFRIES (at the request of Ms. PELOSI) for today on account of son's graduation.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), the House adjourned until tomorrow, Friday, June 22, 2018, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5259. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan and Auxiliary Provisions [Docket No.: APHIS-2017-0055] (RIN: 0579-AE37) received June 19, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

5260. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 18-18, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

5261. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of financial disclosure statements filed by the members of the board of the Office of Congressional Ethics for the period between January 1, 2017, and December 31, 2017, pursuant to Clause 3 of House Rule XXVI (H. Doc. No. 115—135); to the Committee on Ethics and ordered to be printed.

5262. A letter from the Director, Cost Assessment and Program Evaluation, Office of the Secretary, Department of Defense, transmitting a determination; jointly to the Committees on Armed Services and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCAUL: Committee on Homeland Security. H.R. 5026. A bill to amend the Homeland Security Act of 2002 to establish the Office of Biometric Identity Management, and for other purposes; with an amendment (Rept. 115–773). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 5207. A bill to amend the Homeland Security Act of 2002 to establish the immigration advisory program, and for other purposes; with an amendment (Rept. 115–774). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRENDAN F. BOYLE of Pennsylvania (for himself, Mr. JOHNSON of Georgia, Ms. WASSERMAN SCHULTZ, Mr. QUIGLEY, Mr. COHEN, Mr. SOTO, Ms. NORTON, Mr. COURTNEY, Mr. SIRES, Ms. ROSEN, Ms. ESTY of Connecticut, Mr. WELCH, Ms. CLARKE of New York, Mr. MCGOVERN, Mr. PASCRELL, Mr. SERRANO, and Mr. KHANNA):

H.R. 6172. A bill to require the Secretary of Homeland Security, in coordination with the Attorney General, to reunite alien parents separated from their minor children with such children, and for other purposes; to the Committee on the Judiciary.

By Mr. KNIGHT:

H.R. 6173. A bill to amend section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to clarify the standards for family detention, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. BLUMENAUER, Mr. CÁRDENAS, Mr. ESPAILLAT, Mr. GRIJALVA, Ms. MCCOLLUM, Ms. NORTON, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Ms. WASSERMAN SCHULTZ, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CARSON of Indiana, Ms. KAPTUR, and Ms. KELLY of Illinois):

H.R. 6174. A bill to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself and Mr. GARAMENDI):

H.R. 6175. A bill to enhance maritime safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself and Mr. GOODLATTE):

H.R. 6176. A bill to make technical amendments to update statutory references to certain provisions classified to title 2, United States Code, title 50, United States Code, and title 52, United States Code; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH:

H.R. 6177. A bill to require the Securities and Exchange Commission to revise the definitions of a qualifying portfolio company and a qualifying investment to include an emerging growth company and the equity securities of an emerging growth company, respectively, for purposes of the exemption from registration for venture capital fund advisers under the Investment Advisers Act of 1940; to the Committee on Financial Services.

By Mr. CRAWFORD (for himself, Mr. BISHOP of Georgia, and Mr. WESTERMAN):

H.R. 6178. A bill to amend the Motor Carrier Safety Improvement Act of 1999 with respect to exemptions from certain motor carrier regulations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARR (for himself, Mr. HOLDING, Mr. BABIN, and Mr. DUNN):

H.R. 6179. A bill to amend the Internal Revenue Code of 1986 to apply current income tax brackets to capital gains brackets; to the Committee on Ways and Means.

By Ms. BARRAGÁN (for herself, Mr. THOMPSON of Mississippi, Mr. BLUMENAUER, and Ms. CLARKE of New York):

H.R. 6180. A bill to require the Federal Government to provide mental health services to each child who has been separated from one or more parent as a result of implementation of the Trump Administration's zero tolerance policy at the United States border, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRAWFORD:

H.R. 6181. A bill to amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes; to the Committee on the Judiciary.

By Mr. DUNCAN of South Carolina:

H.R. 6182. A bill to amend the Immigration and Nationality Act to codify President Trump's ''Affording Congress an Opportunity to Address Family Separation Executive Order,'' and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUIZENGA:

H.R. 6183. A bill to require the Secretary of Homeland Security to reunite unaccompanied alien children with the parents or legal guardians with whom they entered the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. RYAN of Ohio, Ms. DELAURO, Ms. PINGREE, Ms. ROYBAL-ALLARD, Mr. GARAMENDI, Ms. JACKSON LEE, Ms. WILSON of Florida, Mr. MCNERNEY, Ms. LOFGREN, Mr. JOHNSON of Georgia, Mr. LOWENTHAL, Ms. NORTON, Mr. HASTINGS, Mr. SEAN PATRICK MALONEY of New York, Ms. JUDY CHU of California, and Ms. KUSTER of New Hampshire):

H.R. 6184. A bill to support educational entities in fully implementing title IX and reducing and preventing sex discrimination in all areas of education; to the Committee on Education and the Workforce.

By Ms. MCCOLLUM (for herself, Mr. COLE, Mr. GRIJALVA, Mr. YOUNG of Alaska, and Mr. HUFFMAN):

H.R. 6185. A bill to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MEEKS (for himself, Ms. MAXINE WATERS of California, Mrs. BEATTY, and Mr. EVANS):

H.R. 6186. A bill to establish Minority Depository Institutions Advisory Committees, to provide advice related to preserving and encouraging minority depository institutions, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 6187. A bill to amend the District of Columbia Home Rule Act to permit the Council of the District of Columbia to enact laws with respect to the organization and jurisdiction of the District of Columbia courts; to the Committee on Oversight and Government Reform.

By Mr. QUIGLEY (for himself and Mr. KATKO):

H.R. 6188. A bill to direct the Secretary of Homeland Security to establish a program to improve election system cybersecurity by facilitating and encouraging assessments by independent technical experts to identify and report election cybersecurity vulnerabilities, and for other purposes; to the Committee on House Administration.

By Mr. TAKANO:

H.R. 6189. A bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEBSTER of Florida:

H.R. 6190. A bill to amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes; to the Committee on the Judiciary.

By Mr. CICILLINE (for himself, Mr. SIRES, Mr. BLUMENAUER, Mrs. CAROLYN B. MALONEY of New York, Ms. NORTON, Ms. JACKSON LEE, and Mr. VARGAS):

H. Con. Res. 125. Concurrent resolution expressing support for the designation of June 21 as National ASK (Asking Saves Kids) Day to promote children's health and safe storage of guns in the home; to the Committee on Energy and Commerce.

By Mr. SCHIFF (for himself, Ms. CLARKE of New York, Mr. MEEKS, Ms. BONAMICI, Mr. NADLER, Ms. WILSON of Florida, Mr. BLUMENAUER, Ms. SÁNCHEZ, Mr. KILMER, Ms. BARRAGÁN, Mr. CÁRDENAS, Ms. JAYAPAL, Ms. PINGREE, Ms. ROYBAL-ALLARD, and Ms. MCCOLLUM):

H. Res. 956. A resolution recognizing the benefits and importance of music making as an essential form of creative expression and expressing support for designating the Summer Solstice, June 21, 2018, as Make Music Day; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SOTO introduced a bill (H.R. 6191) for the relief of Alejandra Juarez; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BRENDAN F. BOYLE of Pennsylvania:

H.R. 6172.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the U.S. Constitution grants Congress the power to ''lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common defense and general Welfare of the United States.''

By Mr. KNIGHT:

H.R. 6173.

Congress has the power to enact this legislation pursuant to the following:

Article I Sec 8 Clause 4

Sec 8. The Congress shall have Power:

Clause 4. To establish an uniform Rule of Naturalization . . .

Article I Sec 8 Clause 18

Sec 8. The Congress shall have Power:

Clause 18. To make all Laws which shall be necessary and proper for carrying into Execution . . . all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. COHEN:

H.R. 6174.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mr. HUNTER:

H.R. 6175.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. NADLER:

H.R. 6176.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, Clause 18.

By Mr. HOLLINGSWORTH:

H.R. 6177.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. CRAWFORD:

H.R. 6178.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article I, Section 8 of the U.S. Constitution.

By Mr. BARR:

H.R. 6179.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

By Ms. BARRAGÁN:

H.R. 6180.

Congress has the power to enact this legislation pursuant to the following:

Article I Section I of the U.S. Constitution

''All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

By Mr. CRAWFORD:

H.R. 6181.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in Article L Section 8 of the U.S. Constitution.

By Mr. DUNCAN of South Carolina:

H.R. 6182.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 grants Congress the right to set forth rules for Naturalization.

By Mr. HUIZENGA:

H.R. 6183.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4—To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

By Ms. MATSUI:

H.R. 6184.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. MCCOLLUM:

H.R. 6185.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which gives Congress the power ''To make all Law which shall be necessary and proper for carrying into Execution the foregoing powers.''

By Mr. MEEKS:

H.R. 6186.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: Necessary and Proper Clause

By Ms. NORTON:

H.R. 6187.

Congress has the power to enact this legislation pursuant to the following:

clause 17 of section 8 of article I of the Constitution.

By Mr. QUIGLEY:

H.R. 6188.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to lay and collect taxes, duties, imposts and excises; as enumerated in Article I, Section 4 of the United States Constitution.

By Mr. TAKANO:

H.R. 6189.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

By Mr. WEBSTER of Florida:

H.R. 6190.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the U.S. Constitution

Mr. SOTO:

H.R. 6191.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 6: Mr. STIVERS.

H.R. 93: Mr. MCGOVERN.

H.R. 113: Mr. BUDD.

H.R. 140: Mr. ALLEN, Mr. CHABOT, Mr. ROUZER, and Mr. RICE of South Carolina.

H.R. 163: Ms. NORTON.

H.R. 246: Mrs. LESKO.

H.R. 519: Mr. SESSIONS.

H.R. 754: Mr. LANGEVIN.

H.R. 795: Mr. MCKINLEY.

H.R. 858: Ms. DEGETTE.

H.R. 936: Mr. MULLIN.

H.R. 1171: Mr. RODNEY DAVIS of Illinois.

H.R. 1212: Mr. DUNCAN of South Carolina.

H.R. 1227: Ms. SCHAKOWSKY and Mr. SMITH of Washington.

H.R. 1266: Mr. LARSEN of Washington.

H.R. 1377: Mr. FOSTER and Mr. PRICE of North Carolina.

H.R. 1439: Mr. PRICE of North Carolina.

H.R. 1548: Mr. SCHNEIDER.

H.R. 1562: Mr. POLIS.

H.R. 1612: Mr. SOTO.

H.R. 1708: Ms. NORTON.

H.R. 1838: Mr. GOHMERT.

H.R. 1884: Mr. COURTNEY.
H.R. 2315: Mr. BERGMAN and Mr. SIRES.
H.R. 2358: Ms. ESHOO.
H.R. 2380: Ms. NORTON.
H.R. 2472: Mr. LAMB.
H.R. 2644: Ms. SHEA-PORTER.
H.R. 2651: Mr. PRICE of North Carolina, Ms. BORDALLO, Ms. HANABUSA, and Mr. CICILLINE.
H.R. 2790: Mr. TROTT.
H.R. 2841: Ms. CLARKE of New York.
H.R. 2856: Mr. RODNEY DAVIS of Illinois.
H.R. 2911: Mrs. COMSTOCK, Ms. SÁNCHEZ, and Mr. SABLAN.
H.R. 2946: Mr. MESSER.
H.R. 3091: Mr. POLIS and Mr. VISCLOSKY.
H.R. 3500: Mr. SMITH of Missouri and Mr. SESSIONS.
H.R. 3960: Ms. SPEIER, Mr. POCAN, and Mrs. TORRES.
H.R. 3962: Mr. NORCROSS.
H.R. 4022: Ms. HANABUSA and Mr. VEASEY.
H.R. 4099: Mr. LAMB.
H.R. 4202: Ms. SHEA-PORTER and Mr. POCAN.
H.R. 4256: Mr. KINZINGER, Mr. NOLAN, Mr. YOUNG of Iowa, and Mr. PANETTA.
H.R. 4328: Ms. MCCOLLUM.
H.R. 4732: Mr. LOUDERMILK, Mr. O'ROURKE, and Mr. ADERHOLT.
H.R. 4778: Ms. ESTY of Connecticut.
H.R. 4838: Ms. MOORE, Mr. HURD, and Ms. NORTON.
H.R. 4881: Mrs. BLACKBURN.
H.R. 4897: Ms. SPEIER.
H.R. 4953: Mr. BARTON.
H.R. 4978: Mr. HUDSON, Mrs. BLACKBURN, and Mr. YOUNG of Iowa.
H.R. 4985: Mr. VEASEY.
H.R. 5068: Ms. LEE.
H.R. 5105: Mrs. MCMORRIS RODGERS.
H.R. 5121: Mr. YOUNG of Alaska, Mrs. DAVIS of California, and Mr. HARPER.
H.R. 5129: Ms. MATSUI, Mr. DEUTCH, Ms. ADAMS, Mr. PAYNE, Mr. SHIMKUS, Mr. LANCE, Mr. FOSTER, Mr. ZELDIN, Mr. SARBANES, Mr. BEYER, Ms. ESHOO, and Mr. LYNCH.
H.R. 5141: Ms. FOXX, Mr. SAM JOHNSON of Texas, Mr. PASCRELL, and Mr. GOMEZ.
H.R. 5148: Mr. GOSAR.
H.R. 5149: Mr. GOSAR.
H.R. 5357: Mr. FOSTER.
H.R. 5358: Mr. MULLIN and Mr. BACON.
H.R. 5359: Mr. DESAULNIER.
H.R. 5385: Mr. RODNEY DAVIS of Illinois.
H.R. 5588: Mr. SIRES, Mr. WALZ, Mr. LAMB, Mr. COFFMAN, Mr. CARBAJAL, and Mr. TAKANO.
H.R. 5595: Mr. MEADOWS and Mr. GIANFORTE.
H.R. 5607: Ms. CLARK of Massachusetts and Mr. DESAULNIER.
H.R. 5649: Ms. SINEMA.
H.R. 5671: Mr. SENSENBRENNER, Mr. KATKO, Ms. NORTON, Mr. CÁRDENAS, Mr. GONZALEZ of Texas, Mr. VARGAS, and Mr. KING of Iowa.
H.R. 5697: Mr. FITZPATRICK.
H.R. 5747: Mr. WALZ.
H.R. 5780: Mr. POLIS and Mr. TROTT.
H.R. 5783: Mr. HOLLINGSWORTH and Ms. SINEMA.
H.R. 5813: Mr. NUNES.
H.R. 5859: Mr. GOSAR and Mr. PEARCE.
H.R. 5912: Mr. POCAN.
H.R. 5922: Mr. KILMER.
H.R. 5948: Mr. TIPTON, Mr. ALLEN, Mr. DUNCAN of South Carolina, Mr. GOSAR, and Mr. SIMPSON.
H.R. 5949: Mr. TIPTON, Mr. ALLEN, Mr. DUNCAN of South Carolina, Mr. GOSAR, Mr. SIMPSON, and Mr. PEARCE.
H.R. 5977: Mr. BLUMENAUER.
H.R. 5996: Ms. WILSON of Florida.
H.R. 6014: Ms. SPEIER.
H.R. 6048: Mr. SIRES, Mr. GUTIÉRREZ, and Ms. WILSON of Florida.
H.R. 6059: Mr. KEATING.
H.R. 6060: Mr. QUIGLEY.
H.R. 6084: Mr. MARCHANT and Mr. SESSIONS.
H.R. 6089: Mr. LAMALFA.
H.R. 6108: Mr. LUETKEMEYER, Mr. FORTENBERRY, Mr. FITZPATRICK, and Mrs. COMSTOCK.
H.R. 6111: Mr. FLORES.
H.R. 6114: Mr. POCAN.
H.R. 6136: Mr. FLORES.
H.R. 6138: Mr. GOHMERT.
H.R. 6146: Mr. O'HALLERAN.
H.J. Res. 33: Mr. PETERS, Mr. MCNERNEY, Mr. RYAN of Ohio, Mr. KILMER, and Mr. HECK.
H. Con. Res. 119: Mrs. WAGNER, Mr. HENSARLING, Mr. BARTON, and Mr. KELLY of Pennsylvania.
H. Res. 413: Mr. GENE GREEN of Texas.
H. Res. 776: Mr. SEAN PATRICK MALONEY of New York.
H. Res. 855: Mr. PETERSON.
H. Res. 870: Mrs. LESKO.
H. Res. 927: Mr. TED LIEU of California.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GOODLATTE

The provisions that warranted a referral to the Committee on Judiciary in H.R. 4760, the ''Securing America's Future Act of 2018,'' do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. GOODLATTE

The provisions that warranted a referral to the Committee on Judiciary in H.R. 6136, the ''Border Security and Immigration Reform Act of 2018,'' do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.