Mr. Paul, Mr. Scott (SC), Mr. Young, Mr. Hawley, Mr. Budd, Mr. Curtis, Mr. Justice, Mrs. Blackburn.

AMENDMENTS SUBMITTED AND PROPOSED

SA 16. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table.

SA 17. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 18. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 19. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 20. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 21. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 22. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 23. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 24. Mr. COONS (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 25. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 26. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 27. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 28. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 29. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 30. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 31. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 32. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 33. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 34. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 35. Mr. DURBIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 36. Mr. DURBIN (for himself, Mr. PADILLA, Ms. CORTEZ MASTO, Mr. HICKENLOOPER, Mr. WYDEN, Mr. VAN HOLLEN, Mr. PETERS, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. KAINE, Mr. SCHIFF, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 37. Mr. COONS submitted an amendment intended to be proposed to amendment SA 8 proposed by Ms. ERNST (for herself and Mr. GRASSLEY) to the bill S. 5, supra; which was ordered to lie on the table.

SA 38. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 39. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 40. Mr. HICKENLOOPER submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 41. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 42. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 43. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 44. Ms. CORTEZ MASTO (for herself and Mrs. BLACKBURN) submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 45. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill S. 5, supra; which was ordered to lie on the table.

SA 46. Mr. BUDD submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 47. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 48. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

SA 49. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 5, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 16. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. ENHANCING PUBLIC SAFETY THROUGH DETENTION, CONTINUOUS MONITORING, OR REMOVAL OF ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Jocelyn Act''.

(b) LIMITATION ON PARTICIPATION IN ALTERNATIVES TO DETENTION.—No alien may be released as part of any program under the Alternatives to Detention program unless—

(1) all detention beds available to the Secretary have been filled;

(2) there exists no available option to hold aliens in detention; and

(3) the Secretary of Homeland Security has exercised and exhausted all reasonable efforts to hold aliens in detention.

(c) GPS TRACKING AND CURFEW REQUIREMENTS FOR CERTAIN ALIENS.—Each alien on U.S. Immigration and Customs Enforcement's nondetained docket shall be—

(1) enrolled in the Alternatives to Detention program;

(2) continuously subject to GPS monitoring—

(A) for the duration of all applicable immigration proceedings, including any appeal; and

(B) in the case of an alien who is ordered removed from the United States, until removal; and

(3) required to stay in their Alternatives to Detention-compliant home address between the hours of 10:00 p.m. and 5:00 a.m.

(d) REMOVAL OF ALIENS WHO FAIL TO COMPLY WITH RELEASE ORDER.—Section 240(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(5)) is amended by adding at the end the following:

''(F) FAILURE TO COMPLY WITH RELEASE ORDER.—If an immigration officer submits an affidavit to an immigration judge stating that an alien failed to comply with a condition of release under section 236(a), such alien shall be ordered removed in absentia.''.

(e) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is held by a Federal court to be unconstitutional, the remainder of this section and the application of such provisions to any other person or circumstance shall not be affected.

SA 17. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 8, strike the end quote and final period and insert the following:

''(4) TRUST FOR LAW ENFORCEMENT DISCRETION.—The Director for U.S. Immigration and Customs Enforcement may authorize the release of an alien detained pursuant to paragraph (1)(E) if the Director determines such alien—

''(A) does not pose a danger to the community; and

''(B) is not a flight risk.''.

SA 18. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 8, strike the end quote and final period and insert the following:

''(4) PRELIMINARY HEARING.—An alien detained pursuant to paragraph (1)(A)(E) is entitled to a preliminary hearing to determine whether the relevant charge, arrest, or conviction is within the scope of the relevant offense under such paragraph.''.

SA 19. Mr. BENNET submitted an amendment intended to be proposed by

him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. CLARIFICATION WITH RESPECT TO CERTAIN ALIENS WHO CAME TO THE UNITED STATES AS CHILDREN AND ALIENS WHO ARE 16 YEARS OF AGE OR YOUNGER.

Section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)), as amended by this Act, is further amended by adding at the end the following:

''(5) EXCLUSIONS.—The following aliens are not subject to custody or detention under paragraph (1)(E):

''(A) Any alien who has been granted or is eligible for deferred action pursuant to the deferred action for childhood arrivals program described in the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012.

''(B) Any alien who has been granted or is eligible for deferred action pursuant to the final rule of the Department of Homeland Security entitled 'Deferred Action for Childhood Arrivals' (87 Fed. Reg. 53152 (August 30, 2022)).

''(C) Any alien who is 16 years of age or younger.''.

SA 20. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 11 and all that follows through page 6, line 4, and insert the following:

(c) VISA SANCTIONS.—Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

''(d) RESERVING VISA SANCTIONS AS A DIPLOMATIC TOOL.—

''(1) DETERMINATION.—Upon receiving notice from the Secretary of Homeland Security that the government of a foreign country is denying or unreasonably delaying accepting an alien who is a citizen, subject, national, or resident of such country, the Secretary of State shall have the exclusive authority to determine whether to discontinue granting visas as a diplomatic tool for encouraging such country to accept such alien.

''(2) SANCTION.—If the Secretary of State elects to discontinue granting visas pursuant to a determination under paragraph (1), the Secretary of State shall order consular officers at the United States embassy and consulates in such country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of such country.

''(3) DURATION.—The sanction described in paragraph (2) shall remain in place until the Secretary of Homeland Security notifies the Secretary of State that the country subject to such sanction is cooperating with the Department of Homeland Security by accepting the return of its citizens, subjects, nationals, and residents.''.

SA 21. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 8, strike the end quote and final period and insert the following:

''(4) PREGNANT, NURSING, AND POSTPARTUM WOMEN.—

''(A) IN GENERAL.—The Secretary of Homeland Security may not detain an individual pursuant to paragraph (1)(E) who is pregnant, nursing, or in postpartum recovery, unless the Secretary makes an individualized determination that such individual presents a threat to public safety or national security.

''(B) PROHIBITION ON SHACKLING.—The Secretary may not use a restraint on an individual detained under the circumstances described in subparagraph (A) if such individual is known to be pregnant, including during labor, transport to a medical facility or birthing center, delivery, or postpartum recovery.''.

SA 22. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—REPUBLIC ACT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Reforming Emergency Powers to Uphold the Balances and Limitations Inherent in the Constitution Act'' or the ''REPUBLIC Act''.

Subtitle A—Congressional Review of National Emergencies

SEC. ___11. CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES.

The National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by inserting after title I the following:

''TITLE II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

''SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

''(a) AUTHORITY TO DECLARE NATIONAL EMERGENCIES.—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such a national emergency by proclamation. Such proclamation shall immediately be transmitted to Congress and published in the Federal Register.

''(b) SPECIFICATION OF PROVISIONS OF LAW TO BE EXERCISED.—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers will act in—

''(1) a proclamation declaring a national emergency under subsection (a); or

''(2) one or more Executive orders relating to the emergency published in the Federal Register and transmitted to Congress.

''(c) PROHIBITION ON SUBSEQUENT ACTIONS IF EMERGENCIES NOT APPROVED.—

''(1) SUBSEQUENT DECLARATIONS.—If a joint resolution of approval is not enacted under section 203 with respect to a national emergency before the expiration of the 30-day period described in section 202(a), or with respect to a national emergency proposed to be renewed under section 202(b), the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to the same circumstances.

''(2) EXERCISE OF AUTHORITIES.—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President in a proclamation under subsection (a) or an Executive order under subsection (b)(2) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

''(d) EFFECT OF FUTURE LAWS.—No law enacted after the date of the enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

''SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMERGENCIES.

''(a) TEMPORARY EFFECTIVE PERIODS.—

''(1) IN GENERAL.—A declaration of a national emergency shall remain in effect for a period of 30 calendar days from the issuance of the proclamation under section 201(a) (not counting the day on which the proclamation was issued) and shall terminate when such period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

''(2) EXERCISE OF POWERS AND AUTHORITIES.—Any emergency power or authority made available under a provision of law specified pursuant to section 201(b) may be exercised pursuant to a declaration of a national emergency for a period of 30 calendar days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority may not be exercised after such period expires unless there is enacted into law a joint resolution of approval under section 203 approving—

''(A) the proclamation of the national emergency or the Executive order; and

''(B) the exercise of the power or authority specified by the President in such proclamation or Executive order.

''(3) EXCEPTION IF CONGRESS IS UNABLE TO CONVENE.—If Congress is physically unable to convene as a result of an armed attack upon the United States or another national emergency, the 30-day periods described in paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

''(b) RENEWAL OF NATIONAL EMERGENCIES.—A national emergency declared by the President under section 201(a) or previously renewed under this subsection, and not already terminated pursuant to subsection (a) or (c), shall terminate on the date that is one year after the President transmitted to Congress the proclamation declaring the emergency or Congress approved a previous renewal pursuant to this subsection, unless—

''(1) the President publishes in the Federal Register and transmits to Congress an Executive order renewing the emergency; and

''(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

''(c) TERMINATION OF NATIONAL EMERGENCIES.—

''(1) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate on the earliest of—

''(A) the date provided for in subsection (a);

''(B) the date provided for in subsection (b);

''(C) the date specified in an Act of Congress terminating the emergency; or

''(D) the date specified in a proclamation of the President terminating the emergency.

''(2) EFFECT OF TERMINATION.—

''(A) IN GENERAL.—Effective on the date of the termination of a national emergency under paragraph (1)—

''(i) except as provided by subparagraph (B), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

''(ii) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

''(iii) any contracts entered into pursuant to authorities provided as a result of the emergency shall be terminated.

''(B) SAVINGS PROVISION.—The termination of a national emergency shall not affect—

''(i) any legal action taken or pending legal proceeding not finally concluded or determined on the date of the termination under paragraph (1);

''(ii) any legal action or legal proceeding based on any act committed prior to that date; or

''(iii) any rights or duties that matured or penalties that were incurred prior to that date.

''SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

''(a) JOINT RESOLUTION OF APPROVAL DEFINED.—In this section, the term 'joint resolution of approval' means a joint resolution that contains only the following provisions after its resolving clause:

''(1) A provision approving—

''(A) a proclamation of a national emergency made under section 201(a);

''(B) an Executive order issued under section 201(b)(2); or

''(C) an Executive order issued under section 202(b).

''(2) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

''(b) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS OF APPROVAL.—

''(1) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a joint resolution of approval may be introduced in either House of Congress by any member of that House.

''(2) REQUESTS TO CONVENE CONGRESS DURING RECESSES.—If, when the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the majority leader of the Senate and the Speaker of the House of Representatives, or their respective designees, acting jointly after consultation with and the concurrence of the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

''(3) CONSIDERATION IN SENATE.—In the Senate, the following shall apply:

''(A) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval has been referred has not reported it at the end of 10 calendar days after its introduction, that committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar.

''(B) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee to which a joint resolution of approval is referred has reported the resolution, or when that committee is discharged under subparagraph (A) from further consideration of the resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is subject to 4 hours of debate divided equally between those favoring and those opposing the joint resolution of approval. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business.

''(C) FLOOR CONSIDERATION.—A joint resolution of approval shall be subject to 10 hours of consideration, to be divided evenly between the proponents and opponents of the resolution.

''(D) AMENDMENTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), no amendments shall be in order with respect to a joint resolution of approval.

''(ii) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Clause (i) shall not apply with respect to any amendment—

''(I) to strike a provision or provisions of law from the list required by subsection (a)(2); or

''(II) to add to that list a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution of approval.

''(E) MOTION TO RECONSIDER FINAL VOTE.—A motion to reconsider a vote on passage of a joint resolution of approval shall not be in order.

''(F) APPEALS.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

''(4) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—In the House of Representatives, the following shall apply:

''(A) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval has been referred has not reported it to the House within 10 calendar days after the date of referral, such committee shall be discharged from further consideration of the joint resolution.

''(B) PROCEEDING TO CONSIDERATION.—

''(i) IN GENERAL.—Beginning on the third legislative day after the committee to which a joint resolution of approval has been referred reports it to the House or has been discharged from further consideration, and except as provided in clause (ii), it shall be in order to move to proceed to consider the joint resolution in the House. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(ii) SUBSEQUENT MOTIONS TO PROCEED TO JOINT RESOLUTION OF APPROVAL.—A motion to proceed to consider a joint resolution of approval shall not be in order after the House has disposed of another motion to proceed on that resolution.

''(C) FLOOR CONSIDERATION.—Upon adoption of the motion to proceed in accordance with subparagraph (B)(i), the joint resolution of approval shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except two hours of debate, which shall include debate on any amendments, equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(D) AMENDMENTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), no amendments shall be in order with respect to a joint resolution of approval.

''(ii) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Clause (i) shall not apply with respect to any amendment—

''(I) to strike a provision or provisions of law from the list required by subsection (a)(2); or

''(II) to add to that list a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

''(5) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval, one House receives from the other a joint resolution of approval from the other House, then—

''(A) the joint resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day it is received; and

''(B) the procedures set forth in paragraphs (3) and (4), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as such procedures apply to a joint resolution of the receiving House.

''(c) RULE OF CONSTRUCTION.—The enactment of a joint resolution of approval under this section shall not be interpreted to serve as a grant or modification by Congress of statutory authority for the emergency powers of the President.

''(d) RULES OF THE HOUSE AND SENATE.—This section is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of joint resolutions described in this section, and supersedes other rules only to the extent that it is inconsistent with such other rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''SEC. 204. APPLICABILITY.

''This title shall apply to a national emergency pursuant to which the President proposes to exercise emergency powers or authorities made available under any provision of law that is not a provision of law described in section 604(a).''.

SEC. ___12. REPORTING REQUIREMENTS.

Section 401 of the National Emergencies Act (50 U.S.C. 1641) is amended—

(1) in subsection (c)—

(A) in the first sentence by inserting '', and make publicly available'' after ''transmit to Congress''; and

(B) in the second sentence by inserting '', and make publicly available,'' before ''a final report''; and

(2) by adding at the end the following:

''(d) REPORT ON EMERGENCIES.—The President shall transmit to the entities described in subsection (g), with any proclamation declaring a national emergency under section 201(a) or any Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a report, in writing, that includes the following:

''(1) A description of the circumstances necessitating the declaration of a national emergency, the renewal of such an emergency, or the use of a new emergency authority specified in the Executive order, as the case may be.

''(2) The estimated duration of the national emergency, or a statement that the duration of the national emergency cannot reasonably be estimated at the time of transmission of the report.

''(3) A summary of the actions the President or other officers intend to take, including any reprogramming or transfer of funds, and the statutory authorities the President and such officers expect to rely on in addressing the national emergency.

''(4) The total expenditures estimated to be incurred by the United States Government during such six-month period which are directly attributable to the exercise of powers and authorities conferred by such declaration.

''(5) In the case of a renewal of a national emergency, a summary of the actions the President or other officers have taken in the preceding one-year period, including any reprogramming or transfer of funds, to address the emergency.

''(e) PROVISION OF INFORMATION TO CONGRESS.—The President shall provide to the entities described in subsection (g) such other information as such entities may request in connection with any national emergency in effect under title II.

''(f) PERIODIC REPORTS ON STATUS OF EMERGENCIES.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 6 months for the duration of the emergency, report to the entities described in subsection (g) on the status of the emergency, the total expenditures incurred by the United States Government, and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.

''(g) ENTITIES DESCRIBED.—The entities described in this subsection are—

''(1) the Speaker of the House of Representatives;

''(2) minority leader of the House of Representatives;

''(3) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(4) the Committee on Homeland Security and Governmental Affairs of the Senate.''.

SEC. ___13. EXCLUSION OF CERTAIN NATIONAL EMERGENCIES INVOKING INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) IN GENERAL.—The National Emergencies Act (50 U.S.C. 1601 et seq.), as amended by this subtitle, is further amended by adding at the end the following:

''TITLE VI—DECLARATIONS OF CERTAIN EMERGENCIES INVOKING INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT

''SEC. 604. APPLICABILITY.

''(a) IN GENERAL.—This title shall apply to a national emergency pursuant to which the President proposes to exercise emergency powers or authorities made available under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

''(b) EFFECT OF ADDITIONAL POWERS AND AUTHORITIES.—This title shall not apply to a national emergency or the exercise of emergency powers and authorities pursuant to the national emergency if, in addition to the exercise of emergency powers and authorities described in subsection (a), the President proposes to exercise, pursuant to the national emergency, any emergency powers and authorities under any other provision of law.''.

(b) TRANSFER.—Sections 201, 202, and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), as such sections appeared on the day before the date of the enactment of this Act, are—

(1) transferred to title VI of such Act (as added by subsection (a));

(2) inserted before section 604 of such title (as added by subsection (a)); and

(3) redesignated as sections 601, 602, and 603, respectively.

(c) CONFORMING AMENDMENT.—Title II of the National Emergencies Act (50 U.S.C. 1601 et seq.), as such title appeared the day before the date of the enactment of this Act, is amended by striking the heading for such title.

SEC. ___14. CONFORMING AMENDMENTS.

(a) NATIONAL EMERGENCIES ACT.—Title III of the National Emergencies Act (50 U.S.C. 1631) is repealed.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 207(b) of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended by striking ''concurrent resolution'' each place it appears and inserting ''joint resolution''.

SEC. ___15. EFFECTIVE DATE; APPLICABILITY.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle shall—

(1) take effect on the date of the enactment of this Act; and

(2) except as provided in subsection (b), apply with respect to national emergencies declared under section 201 of the National Emergencies Act on or after such date.

(b) APPLICABILITY TO RENEWALS OF EXISTING EMERGENCIES.—With respect to a national emergency declared under section 201 of the National Emergencies Act before the date of the enactment of this Act that would expire or be renewed under section 202(d) of that Act (as in effect on the day before such date of enactment), that national emergency shall be subject to the requirements for renewal under section 202(b) of that Act, as amended by section ___11.

(c) SUPERSESSION.—This subtitle and the amendments made by this subtitle shall supersede title II of the National Emergencies Act (50 U.S.C. 1621 et seq.) as such title was in effect on the day before the date of enactment of this Act.

Subtitle B—Limitations on Emergency Authorities

SEC. ___21. PROTECTIONS FOR UNITED STATES PERSONS WITH RESPECT TO USE OF AUTHORITIES UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) is amended by inserting after section 203 the following:

''SEC. 203A. PROTECTIONS FOR UNITED STATES PERSONS.

''(a) LIMITATIONS FOR NECESSITIES.—

''(1) IN GENERAL.—Except as provided by paragraph (2) and in accordance with this section, no authority provided under section 203 may be exercised to target a United States person.

''(2) EXCEPTION FOR ISSUANCE OF GENERAL LICENSES.—An authority provided under section 203 may be exercised to target a United States person if the President has, before using the authority, issued a general license that ensures that the United States person has sufficient access to the necessities of life, including food, nutritional support, water, shelter, clothing, sanitation, medicine, health care and other vital services, and gainful employment where necessary to provide the United States person a means for subsistence.

''(3) DUE PROCESS FOR UNITED STATES PERSONS.—

''(A) IN GENERAL.—When taking an action pursuant to authority provided by section 203 to target a United States person, the President shall—

''(i) provide contemporaneous notice of the action to the United States person;

''(ii) not later than one week after taking the action, provide the United States person with the record on which the decision to take the action was based, including an unclassified summary, or a redacted version, of any classified information that provides the United States person with substantially the same ability to respond to that information as the classified information;

''(iii) provide the United States person with the opportunity to request review of the decision and to submit information in support of that request;

''(iv) provide the United States person with the opportunity for an administrative hearing not later than 90 days after requesting a review under clause (iii), unless the United States person agrees to a longer period; and

''(v) render a written decision on a request for review under clause (iii) not later than 90 days after the hearing under clause (iv), or, if no such hearing is requested, not later than 90 days after the later of—

''(I) the request for review; or

''(II) the submission of information in support of that request.

''(B) FAILURE TO RENDER TIMELY DECISION.—Failure to render a decision within the time frame specified in subparagraph (A)(v) shall be considered an agency action for purposes of section 702 of title 5, United States Code.

''(b) WARRANT FOR SEIZURE OF PROPERTY OF UNITED STATES PERSONS.—

''(1) IN GENERAL.—When taking an action pursuant to authority provided by section 203 to target a United States person, the President may not block or otherwise prevent the access of the United States person to property in which the United States person has an ownership interest except pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a court-martial or other proceeding under the Uniform Code of Military Justice (chapter 47 of title 10, United States Code), issued under section 846 of title 10, United States Code (article 46 of the Uniform Code of Military Justice), in accordance with regulations prescribed by the President) by a court of competent jurisdiction.

''(2) DELAYED WARRANTS.—To the extent consistent with the Fourth Amendment to the Constitution of the United States, a court shall permit the temporary blocking of property under section 203 without a warrant on an emergency basis, or use other means lawfully available to the court, to enable the Federal Government to identify the property that is subject to blocking while reducing the risk of property flight.

''(c) JUDICIAL REVIEW.—

''(1) IN GENERAL.—A United States person that is the target of an action taken by the President pursuant to any authority provided under section 203 may bring an action in a United States court of competent jurisdiction, after exhaustion of any available administrative remedies, to obtain judicial review of the lawfulness of that action, including whether the action was authorized by the

Executive order or orders specifying the measures to be taken under section 203 in response to a determination issued under section 202.

''(2) CONDUCT OF REVIEW.—In an action brought under paragraph (1)—

''(A) the review of the court shall be de novo;

''(B) any party may introduce evidence not included in the administrative record;

''(C) any administrative record or portions thereof may be entered into evidence, and questions of authentication or hearsay shall bear on the weight to be accorded the evidence rather than its admissibility;

''(D) classified information shall be handled in accordance with the Classified Information Procedures Act (18 U.S.C. App.), except that references to the 'defendant' in such Act shall be deemed to apply to the plaintiff; and

''(E) the court shall have the authority to order injunctive relief, actual damages, and attorneys' fees.

''(3) OTHER MEANS OF REVIEW.—The availability of judicial review under this subsection shall not preclude other available means of judicial review, including under section 702 of title 5, United States Code, except that a person may not exercise the right to judicial review under more than one provision of law.

''(d) UNITED STATES PERSON DEFINED.—In this section, the term 'United States person' means—

''(1) a United States national; or

''(2) an entity—

''(A) organized under the laws of the United States or any jurisdiction within the United States; and

''(B) in which more than 50 percent of the controlling interest is owned by a person described in paragraph (1).''.

SEC. ___22. EXCLUSION OF AUTHORITY TO IMPOSE DUTIES AND IMPORT QUOTAS FROM INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c)(1) The authority granted to the President by this section does not include the authority to impose duties or tariff-rate quotas or (subject to paragraph (2)) other quotas on articles entering the United States.

''(2) The limitation under paragraph (1) does not prohibit the President from excluding all articles, or all of a certain type of article, imported from a country from entering the United States.''.

SEC. ___23. PRESIDENTIAL WAR POWERS UNDER COMMUNICATIONS ACT OF 1934.

Section 706 of the Communications Act of 1934 (47 U.S.C. 606) is amended—

(1) in subsection (c), by inserting ''and declares a national emergency'' after ''in the interest of national security or defense,''; and

(2) in subsection (d), by striking ''there exists'' and inserting ''a national emergency exists by virtue of there being''.

SEC. ___24. DISCLOSURE TO CONGRESS OF PRESIDENTIAL EMERGENCY ACTION DOCUMENTS.

(a) IN GENERAL.—Not later than 3 days after the conclusion of the process for approval, adoption, or revision of any presidential emergency action document, the President shall submit that document to the appropriate congressional committees.

(b) DOCUMENTS IN EXISTENCE BEFORE DATE OF ENACTMENT.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees all presidential emergency action documents in existence before such date of enactment.

(c) OVERSIGHT.—

(1) SENATE.—The Committee on Homeland Security and Governmental Affairs of the Senate shall have—

(A) continuing legislative oversight jurisdiction in the Senate with respect to the proposal, creation, implementation, and execution of presidential emergency action documents; and

(B) access to any and all presidential emergency action documents.

(2) HOUSE OF REPRESENTATIVES.—The Committee on Oversight and Accountability of the House of Representatives shall have—

(A) continuing legislative oversight jurisdiction in the House of Representatives with respect to the proposal, creation, implementation, and execution of presidential emergency action documents; and

(B) access to any and all presidential emergency action documents.

(3) DUTY TO COOPERATE.—All officers and employees of any Federal agency shall have the duty to cooperate with the exercise of oversight jurisdiction described in this subsection.

(4) SECURITY CLEARANCES.—The chairpersons and ranking members of the appropriate congressional committees, and designated staff of those committees, shall be granted all security clearances required to access, and granted access to, presidential emergency action documents, including under relevant Presidential or agency special access and compartmented access programs.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

(B) the Committee on Oversight and Accountability of the House of Representatives.

(2) FEDERAL AGENCY.—The term ''Federal agency''—

(A) has the meaning given the term ''agency'' in section 552(f) of title 5, United States Code; and

(B) includes the Executive Office of the President, the Executive Office of the Vice President, the Office of Management and Budget, and the National Security Council.

(3) PRESIDENTIAL EMERGENCY ACTION DOCUMENT.—The term ''presidential emergency action document'' refers to any document created by any Federal agency before, on, or after the date of the enactment of this Act, that is—

(A) designated as a presidential emergency action document or presidential emergency action directive;

(B) designed to implement a presidential decision or transmit a presidential request when an emergency disrupts normal executive, legislative, judicial, or other Federal governmental processes;

(C) a Presidential Policy Directive, regardless of whether the directive is available to the public, that triggers any change in policies, procedures, or operations of the Federal Government upon the declaration by the President of an emergency; or

(D) any other document, briefing, or plan, regardless of whether the document, briefing, or plan exists in any tangible or written form, that triggers any change in operations of the Federal Government upon the declaration by the President of an emergency.

SA 23. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 9 and all that follows through page 8, line 10.

SA 24. Mr. COONS (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to limit the ability of the Secretary of Homeland Security or the Attorney General to use available capacity to detain individuals determined to pose the most serious threat to public safety or risk of flight.

SA 25. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. EFFECTIVE DATE.

Section 2, and the amendments made by section 2, shall not take effect until the date that is 60 days after the date on which the Secretary of Homeland Security publishes in the Federal Register a certification to Congress, with the basis of the findings contained therein, that there is available the operational detention capacity, transportation capacity, and personnel to ensure that the amendments made by that section can be implemented without causing the release of, or an inability to detain or remove, aliens who present serious threats to public safety or serious flight risks.

SA 26. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 20, insert ''manifestly unlawful'' before ''violation''.

On page 5, line 16, insert ''manifestly unlawful'' before ''violation''.

On page 4, line 21, strike ''an action'' and insert ''a manifestly unlawful action''.

On page 6, line 13, insert ''manifestly unlawful'' before ''violation''.

On page 7, line 14, insert ''manifestly unlawful'' before ''violation''.

SA 27. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 14, strike ''and''.

On page 2, strike line 15 and insert the following:

(ii) is not in a lawful status or in a period of stay authorized by the Attorney General; and

(iii) is charged with, is arrested for, is

SA 28. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 15 through 19 and insert the following:

''(ii) has been convicted of burglary, theft, larceny, or shoplifting,'';

SA 29. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. DESTINATION RECEPTION ASSISTANCE.

(a) SHORT TITLE.—This section may be cited as the ''Destination Reception Assistance Act''.

(b) AUTHORIZATION OF DESTINATION RECEPTION SERVICES PROGRAM.—Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended by adding at the end the following:

''(g) DESTINATION RECEPTION SERVICES PROGRAM.—

''(1) DEFINED TERM.—In this subsection, the term 'eligible arrival' means an individual who—

''(A) has been granted parole;

''(B) have been placed in removal proceedings; or

''(C) has a pending application for asylum.

''(2) ESTABLISHMENT.—There is established, in the Office, the Destination Reception Services Program (referred to in this subsection as the 'Program'), which shall carry out the provisions of this subsection under the direction of the New Arrival Services Board (referred to in this subsection as the 'Board'). The Program shall coordinate with the Unaccompanied Children Program and the Refugee Program to ensure that eligible arrivals receive all of the services for which they are eligible.

''(3) NEW ARRIVAL SERVICES BOARD.—

''(A) APPOINTMENTS.—Not later than 30 days after the date of the enactment of the Destination Reception Assistance Act, the Director shall appoint 9 members to the Board who represent nongovernmental organizations with experience providing, evaluating, and offering technical assistance on eligible services provided through the Program, including organizations representing individuals with lived experience of forced migration. The Director shall designate a Chair of the Board from among its members.

''(B) FUNCTIONS.—The Board shall—

''(i) identify communities in which concentrations of eligible arrivals in need of assistance reside; and

''(ii) recommend the amount of funding to be allocated to such communities in accordance with formulas, policies, procedures, and guidelines established by the Office.

''(C) CRITERIA FOR ALLOCATING FUNDING.—In determining the allocation of Federal funding to communities under this subsection, the Director shall prioritize funding for communities with—

''(i) a higher ratio of eligible arrivals compared to other communities;

''(ii) higher housing and transportation costs; or

''(iii) the most significant medium-term reception needs (in per capita or absolute terms) in which the level of direct services provided by nonprofit, faith-based, or governmental organizations to families and individuals released by the Department of Homeland Security is most acute.

''(4) PROGRAM STRUCTURE.—

''(A) FRAMEWORK.—The framework of the Program shall be similar to the framework of the Emergency Food and Shelter Program of the Federal Emergency Management Agency to facilitate the timely delivery of Federal funding in support of eligible arrivals.

''(B) DISTINCTION FROM ALTERNATIVES TO DETENTION.—The Program is not an alternatives to detention program. Prior participation in an alternatives to detention program is not an eligibility requirement for eligible arrivals to receive Program services, nor is participating in monitoring or surveillance practices a condition while receiving Program services.

''(C) RECIPIENT ORGANIZATIONS.—The Program shall provide funding to local government entities and private nonprofit organizations to provide medium-term services to eligible arrivals who have been processed and released into the United States by the Department of Homeland Security, including—

''(i) housing transition, rental, and utility assistance programs;

''(ii) medical and mental health care or insurance for such care;

''(iii) child care, child care assistance programs, and out-of-school programming;

''(iv) workforce development, job training, English language training, paid apprenticeships, work study, and loan programs;

''(v) local public transportation support;

''(vi) interpretation and translation services;

''(vii) legal services, particularly services supporting applications for work authorization, asylum, and other types of humanitarian relief;

''(viii) programs, including case management and social work services, to provide support to individuals accessing and navigating available assistance and services;

''(ix) voluntary, coordinated relocation service; and

''(x) other eligible services, as determined by the Director.

''(5) LOCAL NEW ARRIVAL SERVICES BOARDS.—

''(A) COMMUNITY IDENTIFICATION.—The Director shall identify, in accordance with criteria to be established by the Board, communities throughout the United States where eligible arrivals are residing.

''(B) ESTABLISHMENT; DESIGNATION.—Each community designated pursuant to subparagraph (A) desiring a grant under paragraph (7) shall—

''(i) establish a local new arrival services board (referred to in this paragraph as a 'local board'); or

''(ii) at the discretion of the Director, appoint an existing substantially similar board to carry out the functions of a local board.

''(C) MEMBERSHIP.—Each local board shall consist of—

''(i) the head of a unit of local government within such community, or of a relevant department of such local government;

''(ii) to the extent practicable, representatives of the organizations that are represented on the Board;

''(iii) representatives of other local, private nonprofit organizations, as appropriate;

''(iv) representatives of ethnic and community-based organizations; and

''(v) an asylum seeker or parolee being served by the Program.

''(D) CHAIRPERSON.—Each local board established pursuant to subparagraph (B) shall elect a chairperson from among its members.

''(E) RESPONSIBILITIES.—Each local board established pursuant to subparagraph (B) shall—

''(i) determine which local government entities or private nonprofit organizations are eligible to receive grants to provide the services referred to in paragraph (4)(C);

''(ii) allocate available Federal funding among the entities and organizations referred to in clause (i);

''(iii) monitor recipient service providers for Program compliance;

''(iv) reallocate Federal funding among service providers whenever a particular service provider fails to substantially comply with Program requirements;

''(v) ensure proper reporting to the Board; and

''(vi) coordinate with other Federal, State, and local government assistance programs available in the community.

''(6) ELIGIBLE SERVICES.—

''(A) IN GENERAL.—The Director, in consultation with the Board, shall annually establish guidelines specifying which services for eligible arrivals may be funded under the Program, which may include—

''(i) noncustodial housing services, including rental and utility assistance;

''(ii) cultural orientation training;

''(iii) culturally competent interpretation and translation services;

''(iv) workforce development services, including education, employment, and training services, work study, loan programs, and childcare support;

''(v) immigration-related legal services, including preparation and practice;

''(vi) referral and case management services;

''(vii) medical and mental health services or insurance for such services;

''(viii) local public transportation support;

''(ix) voluntary, coordinated relocation services; and

''(x) other eligible services, as determined by the Director.

''(B) PUBLICATION.—The Director shall annually publish the guidelines established pursuant to subparagraph (A) in the Federal Register before the first day of the fiscal year during which they will take effect.

''(7) GRANTS AUTHORIZED.—

''(A) COMPETITIVE GRANTS.—The Director, after considering recommendation from the Board, may award competitive grants to communities identified pursuant to paragraph (5)(A) which have established a local new arrival services board to provide services to eligible arrivals who are residing in such communities. The allocation of available Federal funding among such communities shall be based on a formula developed by the Office. Grant funds allocated to a community pursuant to this subparagraph shall be disbursed to government human services agencies and local nonprofit organizations that have successfully provided human and social services in accordance with Federal, State, and local requirements, as applicable.

''(B) FEDERAL BLOCK GRANTS.—A portion of the Federal funding made available to carry out this subsection shall be reserved for Federal block grants to communities. Communities receiving funding under this subparagraph shall match every $1 of Federal funding with $1 of non-Federal funding.

''(C) PURPOSE OF GRANTS.—The primary purpose of the grants awarded pursuant to subparagraph (A) or (B) shall be to increase the capacity of grant recipients to provide medium-term services and other service navigation assistance to new arrivals to attain self-sufficiency.

''(D) RECOMMENDATIONS.—In making the determination for funding levels for grants under this subsection, the Director shall consider the funding levels recommendations from the Board. If the Director disagrees with such recommendations, the Director shall submit a report to the Board that explains the reasons for rejecting such recommendations.

''(E) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this subsection if the entity is—

''(i) a local government, an Indian Tribe, or a nonprofit organization (as such terms are defined in section 200.1 of title 2, Code of Federal Regulations);

''(ii) a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

''(iii) any agency or instrumentality of a governmental entity listed in clause (ii) (excluding local governments); or

''(iv) physically located in a State, the District of Columbia, or a territory of the United States.

''(8) ADMINISTRATIVE PROCEDURES ACT.—When issuing guidelines to carry out this subsection, including setting eligibility requirements and making program changes, the Director shall not be subject to the procedural rulemaking requirements set forth in subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedures Act').

''(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of the fiscal years 2025 through 2028, $3,000,000,000 to carry out the Program.''.

SA 30. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 9 and all that follows through page 8, line 10.

SA 31. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. CLARIFICATION WITH RESPECT TO ALIENS UNDER 18 YEARS OF AGE.

Section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)), as amended by this Act, is further amended by adding at the end the following:

''(5) EXCLUSION.—An alien who is or was 18 years of age or younger on the date on which the alien is or was charged with, is or was arrested for, is or was convicted of, admits or admitted to having committed, or admits or admitted committing acts which constitute the essential elements of an offense described in paragraph (1)(E) shall not be subject to detention or custody under that paragraph.''.

SA 32. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. ANNUAL PUBLIC REPORT.

The Director of U.S. Immigration and Customs Enforcement shall annually compile and publish, on a publicly accessible website, a report identifying the Federal costs, for the 12-month period preceding such publication, relating to the implementation of section 236(c)(1)(E) of the Immigration and Nationality Act, as added by section 2(1)(C), including—

(1) the additional costs associated with private prison contracts; and

(2) the best estimates of the additional profit private prisons have made as a result of such implementation.

SA 33. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 21, strike ''and''.

On page 3, line 8, strike the period at the end and insert ''; and''.

On page 3, between lines 8 and 9, insert the following:

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

''(5) EXCEPTION.—Paragraph (1)(E) shall not apply with respect to the following individuals:

''(A) An individual who arrived in the United States before the age of 16.

''(B) An individual granted relief under the deferred action for childhood arrivals program described in the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012 (commonly known as the 'DACA program').''.

On page 4, strike lines 19 through 21 and insert the following:

''(f) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—

''(1) IN GENERAL.—The attorney general of a State, or other authorized State officer, alleging an action or decision by the

On page 5, line 10, strike the period at the end.

On page 5, between lines 10 and 11, insert the following:

''(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any action or decision by the Attorney General or Secretary of Homeland Security to release or grant bond or parole to any alien who—

''(A) arrived in the United States before the age of 16; or

''(B) was granted relief under the DACA program.''.

SA 34. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 21, strike ''and''.

On page 3, line 8, strike the period at the end and insert ''; and''.

On page 3, between lines 8 and 9, insert the following:

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

''(5) EXCEPTION.—Paragraphs (1)(E) and (3) shall not apply if the detention of the alien would result in the separation of an individual under the age of 16 from their parent.''.

SA 35. Mr. DURBIN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. PROTECTION FOR IMMIGRANTS BROUGHT TO THE UNITED STATES AS CHILDREN.

Section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)), as amended by this Act, is further amended by adding at the end the following:

''(5) PROTECTION FOR IMMIGRANTS BROUGHT TO THE UNITED STATES AS CHILDREN.—

''(A) IN GENERAL.—A custody determination under paragraph (1)(E) shall not be a basis to terminate a grant of deferred action pursuant to—

''(i) the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012; or

''(ii) the final rule of the Department of Homeland Security entitled 'Deferred Action for Childhood Arrivals' (87 Fed. Reg. 53152 (August 30, 2022)).

''(B) CUSTODY.—Aliens who meet the requirements for deferred action pursuant to the final rule of the Department of Homeland Security entitled 'Deferred Action for Childhood Arrivals' (87 Fed. Reg. 53152 (August 30, 2022)) shall not be subject to paragraphs (1)(E) and (3).

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed—

''(i) to prevent the termination of a grant of deferred action for criminal conduct that would otherwise render an individual ineligible for deferred action under the policies and regulations described in subparagraph (A); or

''(ii) to modify requirements relating to enforcement for criminal conduct that would subject an alien to custody or removal pursuant to any other provision of this Act.''.

SA 36. Mr. DURBIN (for himself, Mr. PADILLA, Ms. CORTEZ MASTO, Mr. HICKENLOOPER, Mr. WYDEN, Mr. VAN HOLLEN, Mr. PETERS, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. KAINE, Mr. SCHIFF, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—AMERICAN DREAM AND PROMISE ACT OF 2025

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''American Dream and Promise Act of 2025''.

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

TITLE I—DREAM ACT OF 2025

SEC. 101. SHORT TITLE.

This title may be cited as the ''Dream Act of 2025''.

SEC. 102. 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, and except as provided in section 104(c)(2), 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 of this title.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, or without the conditional basis as provided in section 104(c)(2), an alien who is inadmissible or deportable from the United States, is subject to a grant of Deferred Enforced Departure, has temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), or is the son or daughter of an alien admitted as a nonimmigrant under subparagraph (E)(i), (E)(ii), (H)(i)(b), or (L) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)) if—

(A) the alien has been continuously physically present in the United States since January 1, 2021;

(B) the alien was 18 years of age or younger on the date on which the alien entered the United States and has continuously resided in the United States since such entry;

(C) the alien—

(i) subject to paragraph (2), is not inadmissible under paragraph (1), (6)(E), (6)(G), (8), or (10) 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) is not barred from adjustment of status under this title based on the criminal and national security grounds described under subsection (c), subject to the provisions of such subsection; and

(D) the alien—

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

(ii) has been admitted to an area career and technical education school at the postsecondary level;

(iii) in the United States, has obtained—

(I) a high school diploma or a commensurate alternative award from a public or private high school;

(II) a General Education Development credential, a high school equivalency diploma recognized under State law, or another similar State-authorized credential;

(III) a credential or certificate from an area career and technical education school at the secondary level; or

(IV) a recognized postsecondary credential; or

(iv) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a high school diploma or its recognized equivalent under State law;

(II) passing the General Education Development test, a high school equivalence diploma examination, or other similar State-authorized exam;

(III) obtaining a certificate or credential from an area career and technical education school providing education at the secondary level; or

(IV) obtaining a recognized postsecondary credential.

(2) WAIVER OF GROUNDS OF INADMISSIBILITY.—With respect to any benefit under this title, and in addition to the waivers under subsection (c)(2), the Secretary may waive the grounds of inadmissibility under paragraph (1), (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, for family unity, or because the waiver is otherwise in the public interest.

(3) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may, subject to an exemption under section 303(c), require an alien applying under this section to pay a reasonable fee that is commensurate with the cost of processing the application but does not exceed $495.00.

(B) SPECIAL PROCEDURES FOR APPLICANTS WITH DACA.—The Secretary shall establish a streamlined procedure for aliens who have been granted DACA and who meet the requirements for renewal (under the terms of the program in effect on January 1, 2017) to apply for adjustment of status to that of an alien lawfully admitted for permanent residence on a conditional basis under this section, or without the conditional basis as provided in section 104(c)(2). Such procedure shall not include a requirement that the applicant pay a fee, except that the Secretary may require an applicant who meets the requirements for lawful permanent residence without the conditional basis under section 104(c)(2) to pay a fee that is commensurate with the cost of processing the application, subject to the exemption under section 303(c).

(4) BACKGROUND CHECKS.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section until the requirements of section 302 are satisfied.

(5) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section, or without the conditional basis as provided in section 104(c)(2), 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) CRIMINAL AND NATIONAL SECURITY BARS.—

(1) GROUNDS OF INELIGIBILITY.—Except as provided in paragraph (2), an alien is ineligible for adjustment of status under this title (whether on a conditional basis or without the conditional basis as provided in section 104(c)(2)) if any of the following apply:

(A) The alien is inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(B) Excluding any offense under State law for which an essential element is the alien's immigration status, and any minor traffic offense, the alien has been convicted of—

(i) any felony offense;

(ii) three or more misdemeanor offenses (excluding simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, and any offense involving civil disobedience without violence) not occurring on the same date, and not arising out of the same act, omission, or scheme of misconduct; or

(iii) a misdemeanor offense of domestic violence, unless the alien demonstrates that such crime is related to the alien having been—

(I) a victim of domestic violence, sexual assault, stalking, child abuse or neglect, abuse or neglect in later life, or human trafficking;

(II) battered or subjected to extreme cruelty; or

(III) a victim of criminal activity described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)).

(2) WAIVERS FOR CERTAIN MISDEMEANORS.—For humanitarian purposes, family unity, or if otherwise in the public interest, the Secretary may—

(A) waive the grounds of inadmissibility under subparagraphs (A), (C), and (D) of section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), unless the conviction forming the basis for inadmissibility would otherwise render the alien ineligible under paragraph (1)(B) (subject to subparagraph (B)); and

(B) for purposes of clauses (ii) and (iii) of paragraph (1)(B), waive consideration of—

(i) one misdemeanor offense if the alien has not been convicted of any offense in the 5-year period preceding the date on which the alien applies for adjustment of status under this title; or

(ii) up to two misdemeanor offenses if the alien has not been convicted of any offense in the 10-year period preceding the date on which the alien applies for adjustment of status under this title.

(3) AUTHORITY TO CONDUCT SECONDARY REVIEW.—

(A) IN GENERAL.—Notwithstanding an alien's eligibility for adjustment of status under this title, and subject to the procedures described in this paragraph, the Secretary may, as a matter of non-delegable discretion, provisionally deny an application for adjustment of status (whether on a conditional basis or without the conditional basis as provided in section 104(c)(2)) if the Secretary, based on clear and convincing evidence, which shall include credible law enforcement information, determines that the alien is described in subparagraph (B) or (D).

(B) PUBLIC SAFETY.—An alien is described in this subparagraph if—

(i) excluding simple possession of cannabis or cannabis-related paraphernalia, any offense involving cannabis or cannabis-related paraphernalia which is no longer prosecutable in the State in which the conviction was entered, any offense under State law for which an essential element is the alien's immigration status, any offense involving civil disobedience without violence, and any minor traffic offense, the alien—

(I) has been convicted of a misdemeanor offense punishable by a term of imprisonment of more than 30 days; or

(II) has been adjudicated delinquent in a State or local juvenile court proceeding that resulted in a disposition ordering placement in a secure facility; and

(ii) the alien poses a significant and continuing threat to public safety related to such conviction or adjudication.

(C) PUBLIC SAFETY DETERMINATION.—For purposes of subparagraph (B)(ii), the Secretary shall consider the recency of the conviction or adjudication; the length of any imposed sentence or placement; the nature and seriousness of the conviction or adjudication, including whether the elements of the offense include the unlawful possession or use of a deadly weapon to commit an offense or other conduct intended to cause serious bodily injury; and any mitigating factors pertaining to the alien's role in the commission of the offense.

(D) GANG PARTICIPATION.—An alien is described in this subparagraph if the alien has, within the 5 years immediately preceding the date of the application, knowingly, willfully, and voluntarily participated in offenses committed by a criminal street gang (as described in subsections (a) and (c) of section 521 of title 18, United States Code) with the intent to promote or further the commission of such offenses.

(E) EVIDENTIARY LIMITATION.—For purposes of subparagraph (D), allegations of gang membership obtained from a State or Federal in-house or local database, or a network of databases used for the purpose of recording and sharing activities of alleged gang members across law enforcement agencies, shall not establish the participation described in such paragraph.

(F) NOTICE.—

(i) IN GENERAL.—Prior to rendering a discretionary decision under this paragraph, the Secretary shall provide written notice of the intent to provisionally deny the application to the alien (or the alien's counsel of record, if any) by certified mail and, if an electronic mail address is provided, by electronic mail (or other form of electronic communication). Such notice shall—

(I) articulate with specificity all grounds for the preliminary determination, including the evidence relied upon to support the determination; and

(II) provide the alien with not less than 90 days to respond.

(ii) SECOND NOTICE.—Not more than 30 days after the issuance of the notice under clause (i), the Secretary shall provide a second written notice that meets the requirements of such clause.

(iii) NOTICE NOT RECEIVED.—Notwithstanding any other provision of law, if an applicant provides good cause for not contesting a provisional denial under this paragraph, including a failure to receive notice as required under this subparagraph, the Secretary shall, upon a motion filed by the alien, reopen an application for adjustment of status under this title and allow the applicant an opportunity to respond, consistent with clause (i)(II).

(G) JUDICIAL REVIEW OF A PROVISIONAL DENIAL.—

(i) IN GENERAL.—Notwithstanding any other provision of law, if, after notice and the opportunity to respond under subparagraph (F), the Secretary provisionally denies an application for adjustment of status under this division, the alien shall have 60 days from the date of the Secretary's determination to seek review of such determination in an appropriate United States district court.

(ii) SCOPE OF REVIEW AND DECISION.—Notwithstanding any other provision of law, review under paragraph (1) shall be de novo and based solely on the administrative record, except that the applicant shall be given the opportunity to supplement the administrative record and the Secretary shall be given the opportunity to rebut the evidence and arguments raised in such submission. Upon issuing its decision, the court shall remand the matter, with appropriate instructions, to the Department of Homeland Security to render a final decision on the application.

(iii) APPOINTED COUNSEL.—Notwithstanding any other provision of law, an applicant seeking judicial review under clause (i) shall be represented by counsel. Upon the request of the applicant, counsel shall be appointed for the applicant, in accordance with procedures to be established by the Attorney General within 90 days of the date of the enactment of this Act, and shall be funded in accordance with fees collected and deposited in the Immigration Counsel Account under section 312.

(4) DEFINITIONS.—For purposes of this subsection—

(A) the term ''felony offense'' means an offense under Federal or State law that is punishable by a maximum term of imprisonment of more than 1 year;

(B) the term ''misdemeanor offense'' means an offense under Federal or State law that is punishable by a term of imprisonment of more than 5 days but not more than 1 year; and

(C) the term ''crime of domestic violence'' means any offense that has as an element the use, attempted use, or threatened use of physical force 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 government.

(d) LIMITATION ON REMOVAL OF CERTAIN ALIEN MINORS.—An alien who is 18 years of age or younger and meets the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1) shall be provided a reasonable opportunity to meet the educational requirements under subparagraph (D) of such subsection. The Attorney General or the Secretary may not commence or continue with removal proceedings against such an alien.

(e) WITHDRAWAL OF APPLICATION.—The Secretary shall, upon receipt of a request to withdraw an application for adjustment of status under this section, cease processing of the application, and close the case. Withdrawal of the application under this subsection shall not prejudice any future application filed by the applicant for any immigration benefit under this title or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 103. 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 10 years, unless such period is extended by the Secretary; and

(2) subject to revocation 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 title and the requirements to have the conditional basis of such status removed.

(c) REVOCATION OF STATUS.—The Secretary may revoke 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 section 102(b)(1)(C); and

(2) prior to the revocation, provides the alien—

(A) notice of the proposed revocation; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise to contest the proposed revocation.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is revoked under subsection (c), shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis.

SEC. 104. 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 title and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in section 102(b)(1)(C);

(B) has not abandoned the alien's residence in the United States during the period in which the alien has permanent resident status on a conditional basis; and

(C)(i) has obtained a degree from an institution of higher education, or has completed at least 2 years, in good standing, of a program in the United States leading to a bachelor's degree or higher degree or a recognized postsecondary credential from an area career and technical education school providing education at the postsecondary level;

(ii) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; or

(iii) demonstrates earned income 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, in the case of an alien who was enrolled in an institution of higher education, an area

career and technical education school to obtain a recognized postsecondary credential, or an education program described in section 102(b)(1)(D)(iii), the Secretary shall reduce such total 3-year requirement by the total of such periods of enrollment.

(2) HARDSHIP EXCEPTION.—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—

(A) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

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

(C) demonstrates that—

(i) the alien has a disability;

(ii) the alien is a full-time caregiver; or

(iii) the removal of the alien from the United States would result in 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 title 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.—The Secretary may, subject to an exemption under section 303(c), require aliens applying for removal of the conditional basis of an alien's permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(5) BACKGROUND CHECKS.—The Secretary may not remove the conditional basis of an alien's permanent resident status until the requirements of section 302 are satisfied.

(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.

(c) TIMING OF APPROVAL OF LAWFUL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—An alien granted permanent resident status on a conditional basis under this title may apply to have such conditional basis removed at any time after such alien has met the eligibility requirements set forth in subsection (a).

(2) APPROVAL WITH REGARD TO INITIAL APPLICATIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall adjust to the status of an alien lawfully admitted for permanent resident status without conditional basis, any alien who—

(i) demonstrates eligibility for lawful permanent residence status on a conditional basis under section 102(b); and

(ii) subject to the exceptions described in subsections (a)(2) and (a)(3)(B) of this section, already has fulfilled the requirements of paragraphs (1) and (3) of subsection (a) of this section at the time such alien first submits an application for benefits under this title.

(B) BACKGROUND CHECKS.—Subsection (a)(5) shall apply to an alien seeking lawful permanent resident status without conditional basis in an initial application in the same manner as it applies to an alien seeking removal of the conditional basis of an alien's permanent resident status. Section 102(b)(4) shall not be construed to require the Secretary to conduct more than one identical security or law enforcement background check on such an alien.

(C) APPLICATION FEES.—In the case of an alien seeking lawful permanent resident status without conditional basis in an initial application, the alien shall pay the fee required under subsection (a)(4), subject to the exemption allowed under section 303(c), but shall not be required to pay the application fee under section 102(b)(3).

SEC. 105. 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).

TITLE II—AMERICAN PROMISE ACT OF 2025

SEC. 201. SHORT TITLE.

This title may be cited as the ''American Promise Act of 2025''.

SEC. 202. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF CERTAIN COUNTRIES DESIGNATED FOR TEMPORARY PROTECTED STATUS OR DEFERRED ENFORCED DEPARTURE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b) if the alien—

(1) applies for such adjustment, including submitting any required documents under section 307, not later than 3 years after the date of the enactment of this Act;

(2) has been continuously physically present in the United States for a period of not less than 3 years; and

(3) subject to subsection (c), is not inadmissible under paragraph (1), (2), (3), (6)(D), (6)(E), (6)(F), (6)(G), (8), or (10) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—An alien shall be eligible for adjustment of status under this section if the alien is an individual—

(1) who—

(A) is a national of a foreign state (or part thereof) (or in the case of an alien having no nationality, is a person who last habitually resided in such state) with a designation under subsection (b) of section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) on January 1, 2017, who had or was otherwise eligible for temporary protected status on such date notwithstanding subsections (c)(1)(A)(iv) and (c)(3)(C) of such section; and

(B) has not engaged in conduct since such date that would render the alien ineligible for temporary protected status under section 244(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1245a(c)(2)); or

(2) who was eligible for Deferred Enforced Departure as of January 20, 2021, and has not engaged in conduct since that date that would render the alien ineligible for Deferred Enforced Departure.

(c) WAIVER OF GROUNDS OF INADMISSIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), with respect to any benefit under this title, and in addition to any waivers that are otherwise available, the Secretary may waive the grounds of inadmissibility under paragraph (1), subparagraphs (A), (C), and (D) of paragraph (2), subparagraphs (D) through (G) of paragraph (6), or paragraph (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes, for family unity, or because the waiver is otherwise in the public interest.

(2) EXCEPTION.—The Secretary may not waive a ground described in paragraph (1) if such inadmissibility is based on a conviction or convictions, and such conviction or convictions would otherwise render the alien ineligible under section 244(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)).

(d) APPLICATION.—

(1) FEE.—The Secretary shall, subject to an exemption under section 303(c), require an alien applying for adjustment of status under this section to pay a reasonable fee that is commensurate with the cost of processing the application, but does not exceed $1,140.

(2) BACKGROUND CHECKS.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section until the requirements of section 302 are satisfied.

(3) WITHDRAWAL OF APPLICATION.—The Secretary of Homeland Security shall, upon receipt of a request to withdraw an application for adjustment of status under this section, cease processing of the application and close the case. Withdrawal of the application under this subsection shall not prejudice any future application filed by the applicant for any immigration benefit under this title or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 203. CLARIFICATION.

Section 244(f)(4) of the Immigration and Nationality Act (8 U.S.C. 1254a(f)(4)) is amended by inserting after ''considered'' the following: ''as having been inspected and admitted into the United States, and''.

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

(a) IN GENERAL.—In this division:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this division that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) APPROPRIATE UNITED STATES DISTRICT COURT.—The term ''appropriate United States district court'' means the United States District Court for the District of Columbia or the United States district court with jurisdiction over the alien's principal place of residence.

(3) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ''area career and technical education school'' has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(4) DACA.—The term ''DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012.

(5) 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)).

(6) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' has the meaning given such term in section 213A(h) of the Immigration and Nationality Act (8 U.S.C. 1183a).

(7) HIGH SCHOOL; SECONDARY SCHOOL.—The terms ''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).

(8) 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)).

(9) 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.

(10) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(11) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(12) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

(b) TREATMENT OF EXPUNGED CONVICTIONS.—For purposes of adjustment of status under this division, the terms ''convicted'' and ''conviction'', as used in this division and in sections 212 and 244 of the Immigration and Nationality Act (8 U.S.C. 1182, 1254a), do not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.

SEC. 302. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA; BACKGROUND CHECKS.

(a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant an alien adjustment of status under this division, on either a conditional or permanent basis, 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.

(b) BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines appropriate to conduct security and law enforcement background checks and to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for adjustment of status under this division, on either a conditional or permanent basis. The status of an alien may not be adjusted, on either a conditional or permanent basis, unless security and law enforcement background checks are completed to the satisfaction of the Secretary.

SEC. 303. LIMITATION ON REMOVAL; APPLICATION AND FEE EXEMPTION; AND OTHER CONDITIONS ON ELIGIBLE INDIVIDUALS.

(a) LIMITATION ON REMOVAL.—An alien who appears to be prima facie eligible for relief under this division shall be given a reasonable opportunity to apply for such relief and may not be removed until, subject to section 306(c)(2), a final decision establishing ineligibility for relief is rendered.

(b) APPLICATION.—An alien present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for adjustment of status under this division. Such alien shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary approves the application, the Secretary shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

(c) FEE EXEMPTION.—An applicant may be exempted from paying an application fee required under this division if the applicant—

(1) is 18 years of age or younger;

(2) received total income, during the 12-month period immediately preceding the date on which the applicant files an application under this division, that is less than 150 percent of the Federal poverty line;

(3) is in foster care or otherwise lacks any parental or other familial support; or

(4) cannot care for himself or herself because of a serious, chronic disability.

(d) ADVANCE PAROLE.—During the period beginning on the date on which an alien applies for adjustment of status under this division and ending on the date on which the Secretary makes a final decision regarding such application, the alien shall be eligible to apply for advance parole. Section 101(g) of the Immigration and Nationality Act (8 U.S.C. 1101(g)) shall not apply to an alien granted advance parole under this division.

(e) EMPLOYMENT.—An alien whose removal is stayed pursuant to this division, who may not be placed in removal proceedings pursuant to this Act, or who has pending an application under this division, shall, upon application to the Secretary, be granted an employment authorization document.

SEC. 304. DETERMINATION OF CONTINUOUS PRESENCE AND RESIDENCE.

(a) EFFECT OF NOTICE TO APPEAR.—Any period of continuous physical presence or continuous residence in the United States of an alien who applies for permanent resident status under this division (whether on a conditional basis or without the conditional basis as provided in section 104(c)(2)) 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)).

(b) TREATMENT OF CERTAIN BREAKS IN PRESENCE OR RESIDENCE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an alien shall be considered to have failed to maintain—

(A) continuous physical presence in the United States under this division 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; and

(B) continuous residence in the United States under this division if the alien has departed from the United States for any period exceeding 180 days, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that the alien did not in fact abandon residence in the United States during such period.

(2) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) 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—

(A) the serious illness of the alien;

(B) death or serious illness of a parent, grandparent, sibling, or child of the alien;

(C) processing delays associated with the application process for a visa or other travel document; or

(D) restrictions on international travel due to the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19.

(3) 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 paragraph (1).

(c) WAIVER OF PHYSICAL PRESENCE.—With respect to aliens who were removed or departed the United States on or after January 20, 2017, and who were continuously physically present in the United States for at least 4 years prior to such removal or departure, the Secretary may, as a matter of discretion, waive the physical presence requirement under section 102(b)(1)(A) or section 202(a)(2) for humanitarian purposes, for family unity, or because a waiver is otherwise in the public interest. The Secretary, in consultation with the Secretary of State, shall establish a procedure for such aliens to apply for relief under section 102 or 202 from outside the United States if they would have been eligible for relief under such section, but for their removal or departure.

SEC. 305. EXEMPTION FROM NUMERICAL LIMITATIONS.

Nothing in this division 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 under this division (whether on a conditional basis, or without the conditional basis as provided in section 104(c)(2)).

SEC. 306. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall provide to aliens who have applied for adjustment of status under this division a process by which an applicant may seek administrative appellate review of a denial of an application for adjustment of status, or a revocation of such status.

(b) JUDICIAL REVIEW.—Except as provided in subsection (c), and notwithstanding any other provision of law, an alien may seek judicial review of a denial of an application for adjustment of status, or a revocation of such status, under this division in an appropriate United States district court.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien seeking administrative or judicial review under this division may not be removed from the United States until a final decision is rendered establishing that the alien is ineligible for adjustment of status under this division.

(2) EXCEPTION.—The Secretary may remove an alien described in paragraph (1) pending judicial review if such removal is based on criminal or national security grounds described in this division. Such removal shall not affect the alien's right to judicial review under this division. The Secretary shall promptly return a removed alien if a decision to deny an application for adjustment of status under this division, or to revoke such status, is reversed.

SEC. 307. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status under this division (whether on a conditional basis, or without the conditional basis as provided in section 104(c)(2)) may include, as evidence of identity, the following:

(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.

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

(7) Any other evidence determined to be credible by the Secretary.

(b) DOCUMENTS ESTABLISHING ENTRY, CONTINUOUS PHYSICAL PRESENCE, LACK OF ABANDONMENT OF RESIDENCE.—To establish that an alien was 18 years of age or younger on the date on which the alien entered the United States, and has continuously resided in the United States since such entry, as required under section 102(b)(1)(B), that an alien has been continuously physically present in the United States, as required under section 102(b)(1)(A) or 202(a)(2), or that an alien has not abandoned residence in the United States, as required under section 104(a)(1)(B), the alien may submit the following forms of evidence:

(1) Passport entries, including admission stamps on the alien's passport.

(2) Any document from the Department of Justice or the Department of Homeland Security noting the alien's date of entry into the United States.

(3) Records from any educational institution the alien has attended in the United States.

(4) Employment records of the alien that include the employer's name and contact information, or other records demonstrating earned income.

(5) Records of service from the Uniformed Services.

(6) Official records from a religious entity confirming the alien's participation in a religious ceremony.

(7) A birth certificate for a child who was born in the United States.

(8) 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.

(9) Automobile license receipts or registration.

(10) Deeds, mortgages, or rental agreement contracts.

(11) 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.

(12) Tax receipts.

(13) Insurance policies.

(14) Remittance records, including copies of money order receipts sent in or out of the country.

(15) Travel records.

(16) Dated bank transactions.

(17) 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.

(18) Any other evidence determined to be credible by the Secretary.

(c) 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 may 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.

(d) 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 may submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(e) DOCUMENTS ESTABLISHING RECEIPT OF A HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—To establish that in the United States an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, has obtained the General Education Development credential, or otherwise has satisfied section 102(b)(1)(D)(iii), the alien may submit to the Secretary the following:

(1) A high school diploma, certificate of completion, or other alternate award.

(2) A high school equivalency diploma or certificate recognized under State law.

(3) Evidence that the alien passed a State-authorized exam, including the General Education Development test, in the United States.

(4) Evidence that the alien successfully completed an area career and technical education program, such as a certification, certificate, or similar alternate award.

(5) Evidence that the alien obtained a recognized postsecondary credential.

(6) Any other evidence determined to be credible by the Secretary.

(f) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 102(b)(1)(D)(iv) or 104(a)(1)(C), the alien may 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.

(g) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under this division, the alien may submit to the Secretary the following relevant documents:

(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien may provide proof of identity, as described in subsection (a), that establishes that the alien is 18 years of age or younger.

(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien may provide—

(A) employment records or other records of earned income, including 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 two 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, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien is in foster care, lacks parental or familial support, or has a serious, chronic disability, the alien may provide at least two 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, 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.

(h) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies one of the criteria for the hardship exemption set forth in section 104(a)(2)(C), the alien may submit to the Secretary at least two 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.

(i) 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 may 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.

(j) DOCUMENTS ESTABLISHING EARNED INCOME.—

(1) IN GENERAL.—An alien may satisfy the earned income requirement under section 104(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such 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 earned income requirement by submitting at least two types of reliable documents that provide evidence of employment or other forms of earned income, including—

(A) bank records;

(B) business records;

(C) employer or contractor 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;

(F) remittance records; or

(G) any other evidence determined to be credible by the Secretary.

(k) 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 under this division (whether on a conditional basis, or without the conditional basis as provided in section 104(c)(2)) is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 308. RULEMAKING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register interim final rules implementing this division, which shall allow eligible individuals to immediately apply for relief under this division. Notwithstanding section 553 of

title 5, United States Code, the regulation shall be effective, on an interim basis, immediately upon publication, but may be subject to change and revision after public notice and opportunity for a period of public comment. The Secretary shall finalize such rules not later than 180 days after the date of publication.

(b) 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 division.

SEC. 309. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use information (including information provided during administrative or judicial review) provided in applications filed under this division or in requests for DACA for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary, based solely on information provided in an application for adjustment of status under this division (including information provided during administrative or judicial review) or an application for DACA, may not refer an applicant 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 adjustment of status under this division may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for adjustment of status under this division;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

(4) for the investigation or prosecution of any felony offense 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. 310. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) ESTABLISHMENT.—The Secretary shall establish, within U.S. Citizenship and Immigration Services, a program to award grants, on a competitive basis, to eligible nonprofit organizations that will use the funding to assist eligible applicants under this division by providing them with the services described in subsection (b).

(b) USE OF FUNDS.—Grant funds awarded under this section shall be used for the design and implementation of programs that provide—

(1) information to the public regarding the eligibility and benefits of permanent resident status under this division (whether on a conditional basis, or without the conditional basis as provided in section 104(c)(2)), particularly to individuals potentially eligible for such status;

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for adjustment of status under this division (whether on a conditional basis, or without the conditional basis as provided in section 104(c)(2)), including—

(A) screening prospective applicants to assess their eligibility for such status;

(B) completing applications and petitions, including providing assistance in obtaining the requisite documents and supporting evidence; and

(C) providing any other assistance that the Secretary or grantee considers useful or necessary to apply for adjustment of status under this division (whether on a conditional basis, or without the conditional basis as provided in section 104(c)(2)); and

(3) assistance, within the scope of authorized practice of immigration law, and instruction, to individuals—

(A) on the rights and responsibilities of United States citizenship;

(B) in civics and English as a second language;

(C) in preparation for the General Education Development test; and

(D) in applying for adjustment of status and United States citizenship.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS AUTHORIZED.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2024 through 2034 to carry out this section.

(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 311. PROVISIONS AFFECTING ELIGIBILITY FOR ADJUSTMENT OF STATUS.

An alien's eligibility to be lawfully admitted for permanent residence under this division (whether on a conditional basis, or without the conditional basis as provided in section 104(c)(2)) shall not preclude the alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

SEC. 312. SUPPLEMENTARY SURCHARGE FOR APPOINTED COUNSEL.

(a) IN GENERAL.—Except as provided in section 302 and in cases where the applicant is exempt from paying a fee under section 303(c), in any case in which a fee is charged pursuant to this division, an additional surcharge of $25 shall be imposed and collected for the purpose of providing appointed counsel to applicants seeking judicial review of the Secretary's decision to provisionally deny an application under this division.

(b) IMMIGRATION COUNSEL ACCOUNT.—There is established in the general fund of the Treasury a separate account which shall be known as the ''Immigration Counsel Account''. Fees collected under subsection (a) shall be deposited into the Immigration Counsel Account and shall remain available until expended for purposes of providing appointed counsel as required under this division.

(c) REPORT.—At the end of each 2-year period, beginning with the establishment of this account, the Secretary of Homeland Security shall submit a report to the Congress concerning the status of the account, including any balances therein, and recommend any adjustment in the prescribed fee that may be required to ensure that the receipts collected from the fee charged for the succeeding two years equal, as closely as possible, the cost of providing appointed counsel as required under this division.

SEC. 313. ANNUAL REPORT ON PROVISIONAL DENIAL AUTHORITY.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the Congress a report detailing the number of applicants that receive—

(1) a provisional denial under this division;

(2) a final denial under this division without seeking judicial review;

(3) a final denial under this division after seeking judicial review; and

(4) an approval under this division after seeking judicial review.

SA 37. Mr. COONS submitted an amendment intended to be proposed to amendment SA 8 proposed by Ms. ERNST (for herself and Mr. GRASSLEY) to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

''(3) LIMITATION.—Notwithstanding any other provision of the Laken Riley Act (or an amendment made by such Act), section 3 of the Laken Riley Act (and the amendments made by such section) shall have no force or effect.''.

SA 38. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4. ACCELERATED TIMELINE FOR APPLICATIONS FOR EASEMENTS AND LEASES TO INSTALL COMMUNICATIONS EQUIPMENT ON CERTAIN U.S. CUSTOMS AND BORDER PROTECTION PROPERTY.

(a) IN GENERAL.—Section 6409(b)(3) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)(3)) is amended—

(1) in subparagraph (A), by striking ''Not later'' and inserting ''Except as provided by subparagraph (E), not later''; and

(2) by adding at the end the following:

''(E) SPECIAL RULE FOR CERTAIN U.S. CUSTOMS AND BORDER PROTECTION PROPERTY.—

''(i) IN GENERAL.—In the case of an application for an easement, right-of-way, or lease to, in, over, or on a building or other property described in clause (ii), install, construct, modify, or maintain a communications facility installation—

''(I) the Secretary of Homeland Security shall grant or deny the application not later than 120 days after receiving the application; and

''(II) if the Secretary does not grant or deny the application within the time required by subclause (I), the regional official of U.S. Customs and Border Protection who oversees the building or other property may grant or deny the application.

''(ii) PROPERTY DESCRIBED.—A building or other property described in this clause is a building or other property—

''(I) owned by the Department of Homeland Security and operated by U.S. Customs and Border Protection; and

''(II) located less than 100 miles from an international land border of the United States.''.

(b) APPLICABILITY.—Subparagraph (E) of section 6409(b)(3) of the Middle Class Tax Relief and Job Creation Act of 2012, as added by subsection (a), applies with respect to applications described in that subparagraph that are filed on or after, or pending on, the date of the enactment of this Act.

SA 39. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 7 through 19, and insert the following:

(1) by striking paragraph (1) and inserting the following:

''(1) CUSTODY.—The Secretary of Homeland Security or the Attorney General shall take into custody any alien who—

''(A)(i) is inadmissible by reason of having been convicted of any offense described in section 212(a)(2); or

''(ii) has been arrested for, or charged with, any such offense and failed to appear for a hearing or procedural appearance relating to such charge;

''(B)(i) is deportable by reason of having been convicted of any offense described in subparagraph (A)(ii), (A)(iii), (B), (C), or (D) of section 237(a)(2); or

''(ii) has been arrested for, or charged with, any such offense and failed to appear for a hearing or procedural appearance relating to such charge;

''(C)(i) is deportable under section 237(a)(2)(A)(i) on the basis of conviction for an offense for which the alien has been sentenced to a term of imprisonment of at least 1 year; or

''(ii) has been arrested for, or charged with, any such offense and failed to appear for a hearing or procedural appearance relating to such charge;

''(D)(i) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(4)(B); or

''(ii) has been arrested for, or charged with, any terrorism offense described in either such section and failed to appear for a hearing or procedural appearance relating to such charge;

''(E)(i) is inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a); and

''(ii)(I) is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, or shoplifting offense; or

''(II) is charged with any of the crimes listed in subclause (I) and failed to appear for a hearing or procedural appearance relating to such charge or for a hearing relating to the alien's immigration status,

when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether the alien may be arrested or imprisoned again for the same offense.''.

SA 40. Mr. HICKENLOOPER submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

In section 3, add at the end the following:

(g) PROTECTION OF CONSTITUTIONAL RIGHTS.—The attorney general of a State, or other authorized State officer, alleging a violation of one or more constitutionally protected rights, including due process rights, of any individual in such State by the Department of Homeland Security or any agency within the Department of Homeland Security, shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subsection to the greatest extent possible.

SA 41. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, beginning on line 14, strike ''and'' and all that follows through ''(ii)'' on line 15, and insert the following:

''(ii) is 14 years of age or older; and

''(iii)

SA 42. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. PROTECTIONS FOR VICTIMS OF CRIMES COMMITTED BY ALIENS.

(a) GRANTS FOR ANGEL FAMILIES.—Section 1403 of the Victims of Crime Act of 1984 (34 U.S.C. 20102) is amended—

(1) in subsection (b), by amending paragraph (1) to read as follows:

''(1) such program is operated by a State and offers compensation to—

''(A) victims and survivors of victims of criminal violence, including drunk driving and domestic violence, for—

''(i) medical expenses attributable to a physical injury resulting from a compensable crime, including expenses for mental health counseling and care;

''(ii) loss of wages attributable to a physical injury resulting from a compensable crime; and

''(iii) funeral expenses attributable to a death resulting from a compensable crime; or

''(B) angel families for—

''(i) medical expenses attributable to any injury resulting from a compensable crime, including expenses for mental health counseling and care;

''(ii) loss of wages attributable to emotional distress resulting from a compensable crime; and

''(iii) funeral expenses attributable to a death resulting from a compensable crime;''; and

(2) in subsection (d)—

(A) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'angel family' means the immediate family members of any individual who is a victim of homicide committed by—

''(A) an alien described in section 212(a)(6)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(i)) who is unlawfully present in the United States; or

''(B) any member of an international criminal organization involved in the unlawful trafficking of controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), including an international drug cartel.''.

(b) VICTIMS OF IMMIGRATION CRIME ENGAGEMENT OFFICE.—

(1) ESTABLISHMENT.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following:

''SEC. 104. VICTIMS OF IMMIGRATION CRIME ENGAGEMENT OFFICE.

''(a) DEFINITIONS.—In this section:

''(1) ALIEN.—The term 'alien' means an individual who—

''(A) is described in section 212(a)(6)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(i)); and

''(B) is unlawfully present in the United States.

''(2) DIRECTOR.—The term 'Director' means the Director of the Victims of Immigration Crime Engagement Office established pursuant to subsection (b).

''(b) IN GENERAL.—The Secretary shall establish, within the Office of the Secretary, the Victims of Immigration Crime Engagement Office to provide proactive, timely, and professional services to victims of crimes committed by aliens who are inadmissible under section 212(a), deportable under section 237(a), or otherwise unlawfully present in the United States, and to the family members of such victims.

''(c) DUTIES.—The Office shall be headed by a Director, who shall—

''(1) create a hotline for victims described in subsection (b) and for the family members of such victims—

''(A) to ensure that such victims and family members receive the support they need, including by—

''(i) providing information available to help victims and their family members understand the immigration enforcement and removal process;

''(ii) liaising with social service professionals to assist in providing support services referral information; and

''(iii) directing victims and their family members to a wide range of available resources;

''(B) to assist victims and family members of victims to register for automated custody status information related to the criminal alien;

''(C) to provide victims and their family members with releasable criminal or immigration history about the criminal alien; and

''(D) to provide immediate services to victims and their family members and collect metrics and information to determine additional resource needs and how to improve services to victims; and

''(2) conduct a case study on providing proactive, timely, and professional services to victims of crimes, and the family members of such victims, that are committed by aliens who are inadmissible under section 212(a), deportable under section 237(a), or otherwise unlawfully present in the United States.

''(d) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Director shall submit to Congress a report regarding the impact on victims of crimes committed by aliens who are inadmissible under section 212(a), deportable under section 237(a), or otherwise unlawfully present in the United States that includes—

''(1) a summary of the case study described in subsection (c)(2); and

''(2) information regarding—

''(A) the demographics of such victims and criminal aliens;

''(B) the locations of such crimes;

''(C) the type of crimes committed; and

''(D) whether the criminal aliens have committed multiple crimes.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 103 the following:

''Sec. 104. Victims of Immigration Crime Engagement Office.''.

SA 43. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. INADMISSIBILITY AND DEPORTABILITY RELATED TO SEX OFFENSES, DOMESTIC VIOLENCE, STALKING, CHILD ABUSE, OR VIOLATIONS OF PROTECTION ORDER.

(a) SHORT TITLE.—This section may be cited as the ''Violence Against Women by Illegal Aliens Act''.

(b) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) SEX OFFENSES.—Any alien who has been convicted of, who admits having committed, or who admits committing acts which constitute the essential elements of a sex offense (as such term is defined in section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911(5))), or a conspiracy to commit such an offense, is inadmissible.

''(K) DOMESTIC VIOLENCE, STALKING, CHILD ABUSE, OR VIOLATION OF PROTECTION ORDER.—Any alien who has been convicted of, who admits having committed, or who admits committing acts which constitute the essential elements of—

''(i) a crime of domestic violence (as such term is defined in section 237(a)(2)(E));

''(ii) a crime of stalking;

''(iii) a crime of child abuse, child neglect, or child abandonment; or

''(iv) a crime of violating the portion of a protection order (as such term is defined in section 237(a)(2)(E)) 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.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended—

(1) in subparagraph (E)—

(A) in the heading, by striking ''CRIMES AGAINST CHILDREN AND'' and inserting ''AND CRIMES AGAINST CHILDREN''; and

(B) in clause (i), by inserting before the period at the end the following '', and includes any crime that constitutes domestic violence, as such term is defined in section 40002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12291(a), regardless of whether the jurisdiction receives grant funding under that Act''; and

(2) by adding at the end the following:

''(G) SEX OFFENSES.—Any alien who has been convicted of a sex offense (as such term is defined in section 111(5) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911(5))) or a conspiracy to commit such an offense, is deportable.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, may be construed to limit the discretion of the Secretary of Homeland Security to not deport an alien determined to be inadmissible or deportable under the provisions of law referred to in section 3, for humanitarian purposes, to preserve family unity, or if otherwise in the public interest.

SA 44. Ms. CORTEZ MASTO (for herself and Mrs. BLACKBURN) submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. JOINT OPERATIONS CENTERS.

(a) SHORT TITLE.—This section may be cited as the ''Advanced Border Coordination Act of 2025''.

(b) DEFINITIONS.—In this section:

(1) CENTERS.—The term ''Centers'' means the Joint Operations Centers established under subsection (c)(1).

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) PARTICIPATING FEDERAL AGENCY.—The term ''participating Federal agency'' means—

(A) the Department;

(B) the Department of Defense;

(C) the Department of Justice; and

(D) any other Federal agency as the Secretary determines appropriate.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) STATE.—The term ''State'' means each State of the United States, the District of Columbia, and any territory or possession of the United States.

(c) ESTABLISHMENT OF JOINT OPERATIONS CENTERS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Department shall establish not less than 2 Joint Operations Centers along the southern border of the United States to provide unified coordination centers, where law enforcement from multiple Federal, State, local, and Tribal agencies can collaborate in accordance with the purposes described in paragraph (2).

(2) MATTERS COVERED.—The Centers shall provide centralized operations hubs for matters relating to—

(A) implementing coordination and communication for field operations between participating Federal, State, local, and Tribal agencies, as needed;

(B) coordinating operations across participating Federal, State, local, and Tribal agencies, as needed, including ground, air, and sea or amphibious operations; and

(C) coordinating and supporting border operations, including deterring and detecting criminal activity relating to—

(i) transnational criminal organizations;

(ii) illegal border crossings;

(iii) the seizure of weapons;

(iv) the seizure of drugs;

(v) the seizure of high valued property;

(vi) terrorism;

(vii) human trafficking;

(viii) drug trafficking; and

(ix) such additional matters as the Secretary considers appropriate.

(3) INFORMATION SHARING.—To ensure effective transmission of information between participating Federal, State, local, and Tribal agencies, for the purposes described in paragraph (2), coordination and communication shall include—

(A) Federal agencies sharing pertinent information with participating State, local, and Tribal agencies through the Centers; and

(B) Federal agencies notifying participating State, local, and Tribal agencies of operations occurring within the jurisdictions of those agencies.

(4) WORKFORCE CAPABILITIES.—The Centers shall—

(A) track and coordinate deployment of participating personnel; and

(B) coordinate training, as needed.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall consult with participating Federal agencies, and shall seek feedback from participating State, local, and Tribal agencies, to report to Congress—

(1) a description of the efforts undertaken to establish the Centers;

(2) an identification of the resources used for the operations of the Centers;

(3) a description of the key operations coordinated and supported by each Center;

(4) a description of any significant interoperability and communication gaps identified between participating Federal, State, local, and Tribal agencies within each Center;

(5) recommendations for improved coordination and communication between participating Federal agencies in developing and operating current and future Centers; and

(6) other data as the Secretary determines appropriate.

SA 45. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

A the end of the bill, add the following:

SEC. 4. INNOVATIVE BORDER TECHNOLOGIES.

(a) SHORT TITLE.—This section may be cited as the ''Emerging Innovative Border Technologies Act''.

(b) INNOVATIVE AND EMERGING BORDER TECHNOLOGY PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner for U.S. Customs and Border Protection (referred to in this section as ''CBP'') and the Under Secretary for Science and Technology of the Department of Homeland Security, in consultation with the Department's Chief Information Officer, Chief Procurement Officer, Privacy Officer, Civil Right and Civil Liberties Officer, General Counsel, and any other relevant offices and components of the Department of Homeland Security, shall submit a plan to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives for identifying, integrating, and deploying new, innovative, disruptive, or other emerging or advanced technologies that are safe and secure to enhance CBP capabilities to meet its mission needs along international borders or at ports of entry.

(2) CONTENTS.—The plan required under paragraph (1) shall include—

(A) information regarding how CBP utilizes the CBP Innovation Team authority under paragraph (3) and other mechanisms to carry out the purposes described in paragraph (3);

(B) an assessment of the contributions directly attributable to such utilization;

(C) information regarding—

(i) the composition of each CBP Innovation Team; and

(ii) how each CBP Innovation Team coordinates and integrates efforts with the CBP acquisition program office and other partners within CBP and the Department of Homeland Security;

(D) the identification of technologies used by other Federal departments or agencies not in use by CBP that could assist in enhancing mission needs along international borders or at ports of entry;

(E) an analysis of authorities available to CBP to procure technologies referred to in paragraph (1);

(F) an assessment of whether additional or alternative authorities are needed to carry out the purposes described in paragraph (1);

(G) an explanation of how CBP plans to scale existing programs related to emerging

or advanced technologies that are safe and secure into programs of record;

(H) a description of each planned security-related technology program, including objectives, goals, and timelines for each such program;

(I) an assessment of the potential privacy, civil rights, civil liberties, and safety impacts of these technologies on individuals, and potential mitigation measures;

(J) an assessment of CBP legacy border technology programs that could be phased out and replaced with technologies referred to in paragraph (1), including cost estimates relating to such phase out and replacement;

(K) information relating to how CBP is coordinating with the Department of Homeland Security's Science and Technology Directorate—

(i) to research and develop new, innovative, disruptive, or other emerging or advanced technologies that are safe and secure to carry out the purposes described in paragraph (1);

(ii) to identify new, innovative, disruptive, or other emerging or advanced technologies that are safe and secure and that are in development or have been deployed by the private and public sectors and may satisfy the mission needs of CBP, with or without adaptation;

(iii) to incentivize the private sector to develop technologies, including privacy enhancing technologies, that may help CBP meet mission needs to enhance, or address capability gaps in, border security operations; and

(iv) to identify and assess ways to increase opportunities for communication and collaboration with the private sector, small, and disadvantaged businesses, intra-governmental entities, university centers of excellence, and Federal laboratories to leverage emerging technology and research within the public and private sectors;

(L) information relating to CBP's coordination with the Department of Homeland Security official responsible for artificial intelligence policy to ensure the plan complies with the Department's policies and measures promoting responsible use of artificial intelligence;

(M) information regarding metrics and key performance parameters for evaluating the effectiveness of efforts to identify, integrate, and deploy new, innovative, disruptive, or other emerging or advanced technologies that are safe and secure to carry out the purposes described in paragraph (1);

(N) the identification of recent technological advancements relating to—

(i) manned aircraft sensor, communication, and common operating picture technology;

(ii) unmanned aerial systems and related technology, including counter-unmanned aerial system technology;

(iii) surveillance technology, including—

(I) mobile surveillance vehicles;

(II) associated electronics, including cameras, sensor technology, and radar;

(III) tower-based surveillance technology;

(IV) advanced unattended surveillance sensors; and

(V) deployable, lighter-than-air, ground surveillance equipment;

(iv) nonintrusive inspection technology, including non-X-ray devices utilizing muon tomography and other advanced detection technology;

(v) tunnel detection technology; and

(vi) communications equipment, including—

(I) radios;

(II) long-term evolution broadband; and

(III) miniature satellites;

(O) information relating to how CBP is coordinating with the Department of Homeland Security's Chief Information Officer, Chief Technology Officer, Privacy Officer, Civil Rights and Civil Liberties Officer, General Counsel, and other relevant offices and components of the Department in researching, developing, acquiring, or scaling new, innovative, disruptive, or other emerging or advanced technologies that are safe and secure; and

(P) any other information the Secretary determines to be relevant.

(3) CBP INNOVATION TEAM AUTHORITY.—

(A) IN GENERAL.—The Commissioner for CBP is authorized to maintain 1 or more CBP Innovation Teams to research and adapt commercial technologies that are new, innovative, disruptive, privacy enhancing, or otherwise emerging or advanced and may be used by CBP—

(i) to enhance mission needs along international borders and at ports of entry; and

(ii) to assess potential outcomes, including any negative consequences, of the introduction of emerging or advanced technologies with respect to which documented capability gaps in border security operations are yet to be determined.

(B) FUNCTIONS.—Each CBP Innovation Team shall—

(i) operate consistent with the Department of Homeland Security's and CBP's—

(I) procurement and acquisition management policy; and

(II) policies pertaining to responsible use of artificial intelligence; and

(ii) consult with the Officer for Civil Rights and Civil Liberties and the Privacy Officer of the Department of Homeland Security to ensure programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner.

(C) OPERATING PROCEDURES, PLANNING, STRATEGIC GOALS.—The Commissioner for CBP shall require each CBP Innovation Team maintained pursuant to subparagraph (A) to establish, in coordination with other appropriate offices of the Department of Homeland Security—

(i) operating procedures, which shall include—

(I) specificity regarding roles and responsibilities within each such team and with respect to Department of Homeland Security and non-Federal partners; and

(II) protocols for entering into agreements to rapidly transition such technologies to existing or new programs of record to carry out the purposes described in paragraph (1);

(ii) planning and strategic goals for each such team that includes projected costs, time frames, metrics, and key performance parameters relating to the achievement of identified strategic goals, including a metric to measure the rate at which technologies described in paragraph (1) are transitioned to existing or new programs of record in accordance with clause (i); and

(iii) operating procedures that ensure each such team is in compliance with all applicable laws, rules, and regulations and with the Department of Homeland Security's policies pertaining to procurement and acquisition management, privacy, civil rights and civil liberties, and the responsible use of artificial intelligence, including risk assessments and ongoing monitoring to ensure accuracy and reliability.

(D) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Commissioner for CBP 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 information relating to the activities of CBP Innovation Teams, including—

(i) copies of operating procedures and protocols required under subparagraph (B)(i) and planning and strategic goals required under subparagraph (B)(ii);

(ii) descriptions of the technologies piloted by each such team during the immediately preceding fiscal year, including—

(I) information regarding which such technologies are determined to have been successful; and

(II) the identification of documented capability gaps that are being addressed; and

(iii) information regarding the status of efforts to rapidly transition technologies determined successful to existing or new programs of record.

(4) COST-BENEFIT.—Before initiating the large-scale deployment of any new technology contained in the plan required under paragraph (1), the Secretary of Homeland Security shall consider the costs and benefits to the Government to ensure that the deployment of such technology will provide quantifiable improvements to border security.

SA 46. Mr. BUDD submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 4. PROTECTING LAW ENFORCEMENT.

(a) SHORT TITLES.—This section may be cited as the ''Protect Our Law enforcement with Immigration Control and Enforcement Act of 2025'' or the ''POLICE Act of 2025''.

(b) ASSAULT OF LAW ENFORCEMENT OFFICER.—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) ASSAULT OF LAW ENFORCEMENT OFFICER.—

''(i) IN GENERAL.—Any alien who has been convicted of, who admits having committed, or who admits committing acts which constitute the essential elements of, any offense involving assault of a law enforcement officer is deportable.

''(ii) CIRCUMSTANCES.—The circumstances referred to in clause (i) are that the law enforcement officer was assaulted—

''(I) while he or she was engaged in the performance of his or her official duties;

''(II) because of the performance of his or her official duties; or

''(III) because of his or her status as a law enforcement officer.

''(iii) DEFINITIONS.—In this subparagraph—

''(I) the term 'assault' has the meaning given that term in the jurisdiction where the act occurred; and

''(II) the term 'law enforcement officer' is a person authorized by law—

''(aa) to engage in or supervise the prevention, detection, investigation, or prosecution, or the incarceration of any person for any criminal violation of law;

''(bb) to apprehend, arrest, or prosecute an individual for any criminal violation of law; or

''(cc) to be a firefighter or other first responder.''.

(c) REPORT ON ALIENS DEPORTED FOR ASSAULTING A LAW ENFORCEMENT OFFICER.—The Secretary of Homeland Security shall submit to Congress and make publicly available on the website of the Department of Homeland Security an annual report identifying the number of aliens who were deported during the previous fiscal year pursuant to section 237(a)(2)(G) of the Immigration and Nationality Act, as added by subsection (b).

SA 47. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 15, strike ''is charged with, is arrested for,''.

SA 48. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. PROTECTING SENSITIVE LOCATIONS.

(a) SHORT TITLE.—This section may be cited as the ''Protecting Sensitive Locations Act''.

(b) POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES AT SENSITIVE LOCATIONS.—Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

''(i)(1) In this subsection:

''(A) The term 'appropriate committees of Congress' means—

''(i) the Committee on Appropriations of the Senate;

''(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(iii) the Committee on the Judiciary of the Senate;

''(iv) the Committee on Appropriations of the House of Representatives;

''(v) the Committee on Homeland Security of the House of Representatives; and

''(vi) the Committee on the Judiciary of the House of Representatives.

''(B) The term 'early childhood education program' has the meaning given the term under section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

''(C) The term 'enforcement action'—

''(i) means an apprehension, arrest, interview, request for identification, search, or surveillance for the purposes of immigration enforcement; and

''(ii) includes an enforcement action at, or focused on, a sensitive location that is part of a joint case led by another law enforcement agency.

''(D) The term 'exigent circumstances' means a situation involving—

''(i) the imminent risk of death, violence, or physical harm to any person or property, including a situation implicating terrorism or the national security of the United States;

''(ii) the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or other individual presenting an imminent danger; or

''(iii) the imminent risk of destruction of evidence that is material to an ongoing criminal case.

''(E) The term 'prior approval' means—

''(i) in the case of officers and agents of U.S. Immigration and Customs Enforcement, prior written approval to carry out an enforcement action involving a specific individual or individuals authorized by—

''(I) the Assistant Director of Operations, Homeland Security Investigations;

''(II) the Executive Associate Director of Homeland Security Investigations;

''(III) the Assistant Director for Field Operations, Enforcement and Removal Operations; or

''(IV) the Executive Associate Director for Field Operations, Enforcement and Removal Operations;

''(ii) in the case of officers and agents of U.S. Customs and Border Protection, prior written approval to carry out an enforcement action involving a specific individual or individuals authorized by—

''(I) a Chief Patrol Agent;

''(II) the Director of Field Operations;

''(III) the Director of Air and Marine Operations; or

''(IV) the Internal Affairs Special Agent in Charge; and

''(iii) in the case of other Federal, State, or local law enforcement officers, to carry out an enforcement action involving a specific individual or individuals authorized by—

''(I) the head of the Federal agency carrying out the enforcement action; or

''(II) the head of the State or local law enforcement agency carrying out the enforcement action.

''(F) The term 'sensitive location' includes all of the physical space located within 1,000 feet of—

''(i) any medical treatment or health care facility, including any hospital, health care practitioner's office, accredited health clinic, alcohol or drug treatment center, emergent or urgent care facility, or community health center;

''(ii) public and private schools (including preschools, primary schools, secondary schools, and postsecondary schools (including colleges and universities), sites of early childhood education program facility, sites of after school programs, other institutions of learning (including vocational or trade schools), or other site at which individuals who are unemployed or underemployed may apply for or receive workforce training;

''(iii) any scholastic or education-related activity or event, including field trips and interscholastic events;

''(iv) any school bus or school bus stop during periods when school children are present on the bus or at the stop;

''(v) a location at which emergency service providers distribute food or provide shelter;

''(vi) any organization that—

''(I) assists children, pregnant women, victims of crime or abuse, or individuals with significant mental or physical disabilities; or

''(II) provides—

''(aa) disaster or emergency social services and assistance; or

''(bb) services for individuals experiencing homelessness, including food banks and shelters;

''(vii) any church, synagogue, mosque, or other place of worship, including buildings rented for the purpose of religious services, retreats, counseling, workshops, instruction, and education;

''(viii) any Federal, State, or local courthouse, including the office of an individual's legal counsel or representative, and a probation, parole, or supervised release office;

''(ix) the site of a funeral, wedding, or other religious ceremony or observance;

''(x) any public demonstration, such as a march, rally, or parade;

''(xi) any domestic violence shelter, rape crisis center, supervised visitation center, family justice center, or victim services provider;

''(xii) any congressional district office;

''(xiii) any public assistance office, including Federal, State, and municipal locations at which individuals may apply for or receive unemployment compensation or report violations of labor and employment laws;

''(xiv) any office of the Social Security Administration;

''(xv) any indoor or outdoor premises of a State Department of Motor Vehicles;

''(xvi) any public library; or

''(xvii) any other location specified by the Secretary of Homeland Security for purposes of this subsection.

''(2)(A) An enforcement action may not take place at, or be focused on, a sensitive location unless—

''(i) the action involves exigent circumstances; or

''(ii) prior approval for the enforcement action was obtained from the appropriate official.

''(B) If an enforcement action is initiated pursuant to subparagraph (A) and the exigent circumstances permitting the enforcement action cease, the enforcement action shall be discontinued until such exigent circumstances reemerge.

''(C) If an enforcement action is carried out in violation of this subsection—

''(i) no information resulting from the enforcement action may be entered into the record or received into evidence in a removal proceeding resulting from the enforcement action; and

''(ii) the alien who is the subject of such removal proceeding may file a motion for the immediate termination of the removal proceeding.

''(3)(A) This subsection shall apply to any enforcement action by officers or agents of the Department of Homeland Security, including—

''(i) officers or agents of U.S. Immigration and Customs Enforcement;

''(ii) officers or agents of U.S. Customs and Border Protection; and

''(iii) any individual designated to perform immigration enforcement functions pursuant to subsection (g).

''(B) While carrying out an enforcement action at a sensitive location, officers and agents referred to in subparagraph (A) shall make every effort—

''(i) to limit the time spent at the sensitive location;

''(ii) to limit the enforcement action at the sensitive location to the person or persons for whom prior approval was obtained; and

''(iii) to conduct themselves as discreetly as possible, consistent with officer and public safety.

''(C) If, while carrying out an enforcement action that is not initiated at or focused on a sensitive location, officers or agents are led to a sensitive location, and no exigent circumstance and prior approval with respect to the sensitive location exists, such officers or agents shall—

''(i) cease before taking any further enforcement action;

''(ii) conduct themselves in a discreet manner;

''(iii) maintain surveillance; and

''(iv) immediately consult their supervisor in order to determine whether such enforcement action should be discontinued.

''(D) The limitations under this paragraph shall not apply to the transportation of an individual apprehended at or near a land or sea border to a hospital or health care provider for the purpose of providing medical care to such individual.

''(4)(A) Each official specified in subparagraph (B) shall ensure that the employees under his or her supervision receive annual training on compliance with—

''(i) the requirements under this subsection in enforcement actions at or focused on sensitive locations and enforcement actions that lead officers or agents to a sensitive location; and

''(ii) the requirements under section 239 of this Act and section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

''(B) The officials specified in this subparagraph are—

''(i) the Chief Counsel of U.S. Immigration and Customs Enforcement;

''(ii) the Field Office Directors of U.S. Immigration and Customs Enforcement;

''(iii) each Special Agent in Charge of U.S. Immigration and Customs Enforcement;

''(iv) each Chief Patrol Agent of U.S. Customs and Border Protection;

''(v) the Director of Field Operations of U.S. Customs and Border Protection;

''(vi) the Director of Air and Marine Operations of U.S. Customs and Border Protection;

''(vii) the Internal Affairs Special Agent in Charge of U.S. Customs and Border Protection; and

''(viii) the chief law enforcement officer of each State or local law enforcement agency that enters into a written agreement with the Department of Homeland Security pursuant to subsection (g).

''(5) The Secretary of Homeland Security shall modify the Notice to Appear form (I–862)—

''(A) to provide the subjects of an enforcement action with information, written in plain language, summarizing the restrictions against enforcement actions at sensitive locations set forth in this subsection and the remedies available to the alien if such action violates such restrictions;

''(B) so that the information described in subparagraph (A) is accessible to individuals with limited English proficiency; and

''(C) so that subjects of an enforcement action are not permitted to verify that the officers or agents that carried out such action complied with the restrictions set forth in this subsection.

''(6)(A) The Director of U.S. Immigration and Customs Enforcement and the Commissioner of U.S. Customs and Border Protection shall each submit an annual report to the appropriate committees of Congress that includes the information set forth in subparagraph (B) with respect to the respective agency.

''(B) Each report submitted under subparagraph (A) shall include, with respect to the submitting agency during the reporting period—

''(i) the number of enforcement actions that were carried out at, or focused on, a sensitive location;

''(ii) the number of enforcement actions in which officers or agents were subsequently led to a sensitive location; and

''(iii) for each enforcement action described in clause (i) or (ii)—

''(I) the date on which it occurred;

''(II) the specific site, city, county, and State in which it occurred;

''(III) the components of the agency and the names of the agents involved in the enforcement action;

''(IV) whether the enforcement action took place with prior approval or if the enforcement action was the result of exigent circumstances, and—

''(aa) if prior approval was granted, documentation confirming conditions of approval; or

''(bb) if under exigent circumstances, a description of those circumstances;

''(V) a description of the enforcement action, including the nature of the criminal activity of its intended target;

''(VI) the number of individuals, if any, arrested or taken into custody;

''(VII) the number of collateral arrests, if any, and the reasons for each such arrest;

''(VIII) a certification whether the location administrator was contacted before, during, or after the enforcement action; and

''(IX) the percentage of all of the staff members and supervisors reporting to the officials listed in paragraph (4)(B) who completed the training required under paragraph (4)(A).

''(7) Nothing in the subsection may be construed—

''(A) to affect the authority of Federal, State, or local law enforcement agencies—

''(i) to enforce generally applicable Federal or State criminal laws unrelated to immigration; or

''(ii) to protect residents from imminent threats to public safety; or

''(B) to limit or override the protections provided in—

''(i) section 239; or

''(ii) section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).''.

SA 49. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 5, to require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.

Section 707(p) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(p)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $300,000,000 for each of fiscal years 2025 through 2029.''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have one request for a committee to meet during today's session of the Senate. It has the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet in open session during the session of the Senate on Tuesday, January 14, 2025, at 9:30 a.m., to conduct a confirmation hearing.

ORDERS FOR WEDNESDAY, JANUARY 15, 2025

Mr. THUNE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Wednesday, January 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 1, S. 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. THUNE. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Wednesday, January 15, 2025, at 12 noon.