

114TH CONGRESS  
1ST SESSION

# H. R. 191

To repeal executive immigration overreach, to clarify that the proper constitutional authority for immigration policy belongs to the legislative branch, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2015

Mr. ADERHOLT (for himself, Mr. BARLETTA, Mr. SMITH of Texas, Mr. CULBERSON, Mrs. BLACKBURN, Mr. DUNCAN of South Carolina, Mr. CRAWFORD, Mr. COLLINS of Georgia, and Mr. BYRNE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Foreign Affairs, Energy and Commerce, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To repeal executive immigration overreach, to clarify that the proper constitutional authority for immigration policy belongs to the legislative branch, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as “The  
5 Repeal Executive Amnesty Act of 2015”.

1 (b) TABLE OF CONTENTS.—The table of contents is  
 2 as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Severability.

#### TITLE I—PAROLE AUTHORITY

- Sec. 101. Parole reform.  
 Sec. 102. Adjustment of status limited to aliens admitted to the United States.  
 Sec. 103. Presence in the United States pursuant to parole added to priority date.  
 Sec. 104. Admission and lawful presence required for employment authorization.

#### TITLE II—LIMITATION ON EXECUTIVE OVERREACH

- Sec. 201. Denial of funds for implementation of unauthorized actions.  
 Sec. 202. ICE Law Enforcement Availability Pay (LEAP) eligibility.

#### TITLE III—UNACCOMPANIED ALIEN CHILDREN

- Sec. 301. Repatriation of unaccompanied alien children.  
 Sec. 302. Special immigrant juvenile status for immigrants unable to reunite with either parent.  
 Sec. 303. Modifications to preferential availability for asylum for unaccompanied alien minors.  
 Sec. 304. Unaccompanied alien child defined.

#### TITLE IV—ELIGIBILITY CRITERIA FOR ALIENS TO RECEIVE CERTAIN BENEFITS

- Sec. 401. Aliens without lawful status ineligible to receive social security and medicare benefits.  
 Sec. 402. Applying citizenship and immigration status eligibility criteria for Federal programs to Affordable Care Act benefits.  
 Sec. 403. Aliens paroled into the United States ineligible for Federal public benefits.

#### TITLE V—STATE AND LOCAL ENFORCEMENT OF THE IMMIGRATION LAWS

- Sec. 501. Definitions.  
 Sec. 502. Immigration law enforcement by States and localities.  
 Sec. 503. Immunity.  
 Sec. 504. Federal custody of inadmissible and deportable aliens in the United States apprehended by State or local law enforcement.  
 Sec. 505. State Criminal Alien Assistance Program (SCAAP).  
 Sec. 506. Limitation on State receipt of Federal funding.  
 Sec. 507. ICE detainees.  
 Sec. 508. Preservation of the Secure Communities program and removal of deportable aliens identified under the interoperable law enforcement and intelligence electronic data system.

#### TITLE VI—ASYLUM REFORM AND BORDER PROTECTION

- Sec. 601. Clarification of intent regarding taxpayer-provided counsel.

Sec. 602. Credible fear interviews.

Sec. 603. Recording expedited removal and credible fear interviews.

Sec. 604. Safe third country.

#### TITLE VII—MISCELLANEOUS

Sec. 701. Suspension of effectiveness of certain laws.

Sec. 702. Temporary protected status reform.

### 1 **SEC. 2. SEVERABILITY.**

2       If any provision of this Act, or the application of such  
3 provision to any person or circumstance, is held invalid,  
4 the remainder of this Act, and the application of such pro-  
5 vision to other persons not similarly situated or to other  
6 circumstances, shall not be affected by such invalidation.

## 7 **TITLE I—PAROLE AUTHORITY**

### 8 **SEC. 101. PAROLE REFORM.**

9       (a) IN GENERAL.—Paragraph (5) of section 212(d)  
10 (8 U.S.C. 1182(d)) is amended to read as follows:

11               “(5) HUMANITARIAN AND PUBLIC INTEREST  
12 PAROLE.—

13               “(A) IN GENERAL.—Subject to the provi-  
14 sions of this paragraph and section 214(f)(2),  
15 the Secretary of Homeland Security, in the sole  
16 discretion of the Secretary of Homeland Secu-  
17 rity, may on a case-by-case basis parole an alien  
18 into the United States temporarily, under such  
19 conditions as the Secretary of Homeland Secu-  
20 rity may prescribe, only—

1           “(i) for an urgent humanitarian rea-  
2           son (as described under subparagraph  
3           (B)); or

4           “(ii) for a reason deemed strictly in  
5           the public interest (as described under sub-  
6           paragraph (C)).

7           “(B) HUMANITARIAN PAROLE.—The Sec-  
8           retary of Homeland Security may parole an  
9           alien based on an urgent humanitarian reason  
10          described in this subparagraph only if—

11          “(i) the alien has a medical emergency  
12          and the alien cannot obtain necessary  
13          treatment in the foreign state in which the  
14          alien is residing or the medical emergency  
15          is life-threatening and there is insufficient  
16          time for the alien to be admitted through  
17          the normal visa process;

18          “(ii) the alien is needed in the United  
19          States in order to donate an organ or  
20          other tissue for transplant into a close  
21          family member; or

22          “(iii) the alien has a close family  
23          member in the United States whose death  
24          is imminent and the alien could not arrive  
25          in the United States in time to see such

1 family member alive if the alien were to be  
2 admitted through the normal visa process.

3 “(C) PUBLIC INTEREST PAROLE.—The  
4 Secretary of Homeland Security may parole an  
5 alien based on a reason deemed strictly in the  
6 public interest described in this subparagraph  
7 only if the alien has assisted the United States  
8 Government in a matter, such as a criminal in-  
9 vestigation, espionage, or other similar law en-  
10 forcement activity, and either the alien’s pres-  
11 ence in the United States is required by the  
12 Government or the alien’s life would be threat-  
13 ened if the alien were not permitted to come to  
14 the United States.

15 “(D) LIMITATIONS ON THE USE OF PA-  
16 ROLE AUTHORITY.—

17 “(i) ALIENS INELIGIBLE FOR REF-  
18 UGEE STATUS.—The Secretary of Home-  
19 land Security may not use the parole au-  
20 thority under this paragraph to permit to  
21 come to the United States aliens who have  
22 applied for and have been found to be in-  
23 eligible for refugee status or any alien to  
24 whom the provisions of this paragraph do  
25 not apply.

1           “(ii) ALIENS PRESENT IN THE  
2 UNITED STATES INELIGIBLE FOR PA-  
3 ROLE.—The Secretary of Homeland Secu-  
4 rity may not parole into the United States  
5 an alien who—

6           “(I) is physically present in the  
7 United States; and

8           “(II)(aa) has not been admitted  
9 to the United States; or

10          “(bb) was lawfully admitted to  
11 the United States as a nonimmigrant  
12 and remained in the United States  
13 unlawfully after the period of author-  
14 ized stay ended.

15          “(iii) LIMITATION ON WORK AUTHOR-  
16 IZATION AND ADJUSTMENT OF STATUS.—  
17 In the case of an alien who is present in  
18 the United States pursuant to a grant of  
19 parole under this paragraph, the Secretary  
20 of Homeland Security may not—

21          “(I) grant employment authoriza-  
22 tion to the alien; or

23          “(II) admit the alien to the  
24 United States as a nonimmigrant or

1 as an alien admitted for lawful perma-  
2 nent residence.

3 “(E) PAROLE NOT AN ADMISSION.—Parole  
4 of an alien under this paragraph shall not be  
5 considered an admission of the alien into the  
6 United States. When the purposes of the parole  
7 of an alien have been served, as determined by  
8 the Secretary of Homeland Security, the alien  
9 shall immediately return or be returned to the  
10 custody from which the alien was paroled and  
11 the alien shall be considered for admission to  
12 the United States on the same basis as other  
13 similarly situated applicants for admission.

14 “(F) REPORT TO CONGRESS.—Not later  
15 than 90 days after the end of each fiscal year,  
16 the Secretary of Homeland Security shall sub-  
17 mit a report to the Committees on the Judici-  
18 ary of the House of Representatives and the  
19 Senate describing the number and categories of  
20 aliens paroled into the United States under this  
21 paragraph. Each such report shall contain in-  
22 formation and data concerning the number and  
23 categories of aliens paroled, the duration of pa-  
24 role, and the current status of aliens paroled  
25 during the preceding fiscal year.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on the first day of the first  
3 month beginning more than 60 days after the date of the  
4 enactment of this Act.

5 **SEC. 102. ADJUSTMENT OF STATUS LIMITED TO ALIENS AD-**  
6 **MITTED TO THE UNITED STATES.**

7 Section 245 of the Immigration and Nationality Act  
8 (8 U.S.C. 1255) is amended in subsection (a) by striking  
9 “or paroled”.

10 **SEC. 103. PRESENCE IN THE UNITED STATES PURSUANT TO**  
11 **PAROLE ADDED TO PRIORITY DATE.**

12 Section 203(e) of the Immigration and Nationality  
13 Act (8 U.S.C. 1153(e)(3)) is amended—

14 (1) in paragraph (3), by inserting before the pe-  
15 riod at the end the following; “, in accordance with  
16 the requirement under paragraph (4)”;

17 (2) by adding at the end the following:

18 “(4) In the case of an applicant for a visa  
19 under this section who is present in the United  
20 States pursuant to a grant of parole under section  
21 212(d)(5) for a period of time after making such ap-  
22 plication, the time period during which the applicant  
23 is present in the United States pursuant to such a  
24 grant of parole shall be added to the applicant’s pri-  
25 ority date.”.



1 **SEC. 104. ADMISSION AND LAWFUL PRESENCE REQUIRED**  
2 **FOR EMPLOYMENT AUTHORIZATION.**

3 Section 274A(h)(3) of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1324a(h)(3)) is amended—

5 (1) by inserting before “authorized to be so em-  
6 ployed by this Act” the following: “an alien other-  
7 wise admitted to the United States and present in  
8 the United States with a lawful immigration status,  
9 who is”; and

10 (2) by striking at the end the following: “or by  
11 the Attorney General”.

12 **TITLE II—LIMITATION ON**  
13 **EXECUTIVE OVERREACH**

14 **SEC. 201. DENIAL OF FUNDS FOR IMPLEMENTATION OF UN-**  
15 **AUTHORIZED ACTIONS.**

16 Notwithstanding any other provision of law, no funds  
17 or fees made available to the Secretary of Homeland Secu-  
18 rity, or to the head of any other Federal agency, may be  
19 used to implement, administer, enforce, or carry out (in-  
20 cluding through the issuance of any regulations) any of  
21 the policy changes set forth in the following memoranda:

22 (1) The memorandum from the Director of  
23 U.S. Immigration and Customs Enforcement enti-  
24 tled “Civil Immigration Enforcement: Priorities for  
25 the Apprehension, Detention, and Removal of  
26 Aliens” (March 2, 2011).

1           (2) The memorandum from the Director of  
2 U.S. Immigration and Customs Enforcement enti-  
3 tled “Exercising Prosecutorial Discretion Consistent  
4 with the Civil Immigration Enforcement Priorities of  
5 the Agency for the Apprehension, Detention, and  
6 Removal of Aliens” (June 17, 2011).

7           (3) The memorandum from the Director of  
8 U.S. Immigration and Customs Enforcement enti-  
9 tled “Prosecutorial Discretion: Certain Victims, Wit-  
10 nesses, and Plaintiffs” (June 17, 2011).

11           (4) The U.S. Citizenship and Immigration Serv-  
12 ices policy memorandum entitled “Revised Guidance  
13 for the Referral of Cases and Issuance of Notices to  
14 Appear (NTAs) in Cases Involving Inadmissible and  
15 Removable Aliens” (November 17, 2011).

16           (5) The memorandum from the Principal Legal  
17 Advisor of U.S. Immigration and Customs Enforce-  
18 ment entitled “Case-by-Case Review of Incoming  
19 and Certain Pending Cases” (November 17, 2011).

20           (6) The recommendations included in the report  
21 from the Director of U.S. Immigration and Customs  
22 Enforcement entitled “ICE Response to the Task  
23 Force on Secure Communities Findings and Rec-  
24 ommendations” (April 27, 2012).

1           (7) The memorandum from the Secretary of  
2 Homeland Security entitled “Exercising Prosecu-  
3 torial Discretion with Respect to Individuals Who  
4 Came to the United States as Children” (June 15,  
5 2012).

6           (8) The memorandum from the Director of  
7 U.S. Immigration and Customs Enforcement enti-  
8 tled “Civil Immigration Enforcement: Guidance on  
9 the Use of Detainers in the Federal, State, Local,  
10 and Tribal Criminal Justice Systems” (December  
11 21, 2012).

12           (9) The U.S. Citizenship and Immigration Serv-  
13 ices policy memorandum entitled “Adjudication of  
14 Adjustment of Status Applications for Individuals  
15 Admitted to the United States Under the Visa Waiv-  
16 er Program” (November 14, 2013).

17           (10) The memorandum from the Secretary of  
18 Homeland Security entitled “Southern Border and  
19 Approaches Campaign” (November 20, 2014).

20           (11) The memorandum from the Secretary of  
21 Homeland Security entitled “Policies for the Appre-  
22 hension, Detention and Removal of Undocumented  
23 Immigrants” (November 20, 2014).

1           (12) The memorandum from the Secretary of  
2           Homeland Security entitled “Secure Communities”  
3           (November 20, 2014).

4           (13) The memorandum from the Secretary of  
5           Homeland Security entitled “Exercising Prosecu-  
6           torial Discretion with Respect to Individuals Who  
7           Came to the United States as Children and with Re-  
8           spect to Certain Individuals Who Are the Parents of  
9           U.S. Citizens or Permanent Residents” (November  
10          20, 2014).

11          (14) The memorandum from the Secretary of  
12          Homeland Security entitled “Expansion of the Pro-  
13          visional Waiver Program” (November 20, 2014).

14          (15) The memorandum from the Secretary of  
15          Homeland Security entitled “Policies Supporting  
16          U.S. High-Skilled Businesses and Workers” (No-  
17          vember 20, 2014).

18          (16) The memorandum from the Secretary of  
19          Homeland Security entitled “Families of U.S.  
20          Armed Forces Members and Enlistees” (November  
21          20, 2014).

22          (17) The memorandum from the Secretary of  
23          Homeland Security entitled “Directive to Provide  
24          Consistency Regarding Advance Parole” (November  
25          20, 2014).

1           (18) The memorandum from the Secretary of  
2           Homeland Security entitled “Policies to Promote  
3           and Increase Access to U.S. Citizenship” (November  
4           20, 2014).

5           (19) The memorandum from the President enti-  
6           tled “Modernizing and Streamlining the U.S. Immig-  
7           grant Visa System for the 21st Century” (November  
8           21, 2014).

9           (20) The memorandum from the President enti-  
10          tled “Creating Welcoming Communities and Fully  
11          Integrating Immigrants and Refugees” (November  
12          21, 2014).

13 **SEC. 202. ICE LAW ENFORCEMENT AVAILABILITY PAY**  
14 **(LEAP) ELIGIBILITY.**

15          (a) AVAILABILITY PAY FOR LAW ENFORCEMENT.—  
16          Section 5545a of title 5, United States Code, is amended  
17          by adding at the end the following:

18          “(l) APPLICATION TO CERTAIN OFFICERS AND EM-  
19          PLOYEES OF THE DEPARTMENT OF HOMELAND SECUR-  
20          ITY.—Subsections (a) through (h) of this section shall  
21          apply to a law enforcement officer of the Office of En-  
22          forcement and Removal Operations of Immigration and  
23          Customs Enforcement.”.

1 (b) ANNUITY CALCULATION FOR AVAILABILITY  
2 PAY.—Section 8331(3)(E) of title 5, United States Code,  
3 is amended—

4 (1) in clause (i), by striking “or” at the end;

5 (2) in clause (ii), by adding “or” at the end;

6 and

7 (3) by adding after clause (ii) the following:

8 “(iii) received by a law enforcement  
9 officer of the Office of Enforcement and  
10 Removal Operations of Immigration and  
11 Customs Enforcement, subject to all re-  
12 strictions and earning limitations imposed  
13 on criminal investigators under section  
14 5545a;”.

15 (c) APPLICABILITY.—The amendments made by this  
16 section shall be effective as of the first day of the first  
17 applicable pay period beginning 90 days after the date of  
18 enactment of this Act.

19 **TITLE III—UNACCOMPANIED**  
20 **ALIEN CHILDREN**

21 **SEC. 301. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-**  
22 **DREN.**

23 (a) IN GENERAL.—Section 235 of the William Wil-  
24 berforce Trafficking Victims Protection Reauthorization  
25 Act of 2008 (8 U.S.C. 1232) is amended—

- 1 (1) in subsection (a)—
- 2 (A) in paragraph (2)—
- 3 (i) by amending the heading to read
- 4 as follows: “RULES FOR UNACCOMPANIED
- 5 ALIEN CHILDREN.”;
- 6 (ii) in subparagraph (A);
- 7 (I) in the matter preceding clause
- 8 (i), by striking “who is a national or
- 9 habitual resident of a country that is
- 10 contiguous with the United States”;
- 11 (II) in clause (i), by inserting
- 12 “and” at the end;
- 13 (III) in clause (ii), by striking “;
- 14 and” and inserting a period; and
- 15 (IV) by striking clause (iii);
- 16 (iii) in subparagraph (B)—
- 17 (I) in the matter preceding clause
- 18 (i), by striking “(8 U.S.C. 1101 et
- 19 seq.) may—” and inserting “(8
- 20 U.S.C. 1101 et seq.)—”;
- 21 (II) in clause (i), by inserting be-
- 22 fore “permit such child to withdraw”
- 23 the following: “may”; and

1 (III) in clause (ii), by inserting  
2 before “return such child” the fol-  
3 lowing: “shall”; and

4 (iv) in subparagraph (C)—

5 (I) by amending the heading to  
6 read as follows: “AGREEMENTS WITH  
7 FOREIGN COUNTRIES.”; and

8 (II) in the matter preceding  
9 clause (i), by striking “The Secretary  
10 of State shall negotiate agreements  
11 between the United States and coun-  
12 tries contiguous to the United States”  
13 and inserting “The Secretary of State  
14 may negotiate agreements between the  
15 United States and any foreign country  
16 that the Secretary determines appro-  
17 priate”; and

18 (B) in paragraph (5)(D)—

19 (i) in the matter preceding clause (i),  
20 by striking “, except for an unaccompanied  
21 alien child from a contiguous country sub-  
22 ject to the exceptions under subsection  
23 (a)(2),” and inserting “who does not meet  
24 the criteria listed in paragraph (2)(A)”;  
25 and



1           (ii) in clause (i), by inserting before  
2           the semicolon at the end the following: “,  
3           which shall include a hearing before an im-  
4           migration judge not later than 14 days  
5           after being screened under paragraph (4)”;

6           (2) in subsection (b)—

7           (A) in paragraph (2)—

8           (i) in the matter preceding subpara-  
9           graph (A), by striking “48 hours” and in-  
10          serting “7 days”;

11          (ii) in subparagraph (A), by inserting  
12          before the semicolon the following: “be-  
13          lieved not to meet the criteria listed in sub-  
14          section (a)(2)(A)”;

15          (iii) in subparagraph (B), by inserting  
16          before the period the following: “and does  
17          not meet the criteria listed in subsection  
18          (a)(2)(A)”;

19          (B) in paragraph (3), by striking “an un-  
20          accompanied alien child in custody shall” and  
21          all that follows, and inserting the following: “an  
22          unaccompanied alien child in custody—

23                 “(A) in the case of a child who does not  
24                 meet the criteria listed in subsection (a)(2)(A),  
25                 shall transfer the custody of such child to the

1 Secretary of Health and Human Services not  
2 later than 30 days after determining that such  
3 child is an unaccompanied alien child who does  
4 not meet such criteria; or

5 “(B) in the case of child who meets the  
6 criteria listed in subsection (a)(2)(A), may  
7 transfer the custody of such child to the Sec-  
8 retary of Health and Human Services after de-  
9 termining that such child is an unaccompanied  
10 alien child who meets such criteria.”;

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

12 “(5) INFORMATION SHARING.—The Secretary  
13 of Health and Human Services shall share with the  
14 Secretary of Homeland Security any information re-  
15 quested on a child who has been determined to be  
16 an unaccompanied alien child and who is or has  
17 been in the custody of the Secretary of Health and  
18 Human Services, including the location of the child  
19 and any person to whom custody of the child has  
20 been transferred, for any legitimate law enforcement  
21 objective, including enforcement of the immigration  
22 laws.”; and

23 (4) in subsection (c)—

24 (A) in paragraph (3), by inserting at the  
25 end the following:

1           “(D) INFORMATION ABOUT INDIVIDUALS  
2 WITH WHOM CHILDREN ARE PLACED.—

3           “(i) INFORMATION TO BE PROVIDED  
4 TO HOMELAND SECURITY.—Before placing  
5 a child with an individual, the Secretary of  
6 Health and Human Services shall provide  
7 to the Secretary of Homeland Security, re-  
8 garding the individual with whom the child  
9 will be placed, the following information:

10                   “(I) The name of the individual.

11                   “(II) The social security number  
12 of the individual.

13                   “(III) The date of birth of the in-  
14 dividual.

15                   “(IV) The location of the individ-  
16 ual’s residence where the child will be  
17 placed.

18                   “(V) The immigration status of  
19 the individual, if known.

20                   “(VI) Contact information for  
21 the individual.

22           “(ii) SPECIAL RULE.—In the case of a  
23 child who was apprehended on or after  
24 June 15, 2012, and before the date of the  
25 enactment of the Repeal Executive Am-

1           nesty Act of 2015, who the Secretary of  
2           Health and Human Services placed with  
3           an individual, the Secretary shall provide  
4           the information listed in clause (i) to the  
5           Secretary of Homeland Security not later  
6           than 90 days after the date of the enact-  
7           ment of the Repeal Executive Amnesty Act  
8           of 2015.

9           “(iii) ACTIVITIES OF THE SECRETARY  
10          OF HOMELAND SECURITY.—Not later than  
11          30 days after receiving the information  
12          listed in clause (i), the Secretary of Home-  
13          land Security shall—

14                 “(I) in the case that the immi-  
15                 gration status of an individual with  
16                 whom a child is placed is unknown,  
17                 investigate the immigration status of  
18                 that individual; and

19                 “(II) upon determining that an  
20                 individual with whom a child is placed  
21                 is unlawfully present in the United  
22                 States, initiate removal proceedings  
23                 pursuant to chapter 4 of title II of the  
24                 Immigration and Nationality Act (8  
25                 U.S.C. 1221 et seq.)”; and

1 (B) in paragraph (5)—

2 (i) by inserting after “to the greatest  
3 extent practicable” the following: “(at no  
4 expense to the Government)”; and

5 (ii) by striking “have counsel to rep-  
6 resent them” and inserting “have access to  
7 counsel to represent them”.

8 (b) **EFFECTIVE DATE.**—The amendments made by  
9 this section shall apply to any unauthorized alien child ap-  
10 prehended on or after June 15, 2012.

11 **SEC. 302. SPECIAL IMMIGRANT JUVENILE STATUS FOR IM-**  
12 **MIGRANTS UNABLE TO REUNITE WITH EI-**  
13 **THER PARENT.**

14 Section 101(a)(27)(J)(i) of the Immigration and Na-  
15 tionality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by  
16 striking “1 or both of the immigrant’s parents” and in-  
17 serting “either of the immigrant’s parents”.

18 **SEC. 303. MODIFICATIONS TO PREFERENTIAL AVAIL-**  
19 **ABILITY FOR ASYLUM FOR UNACCOMPANIED**  
20 **ALIEN MINORS.**

21 Section 208 of the Immigration and Nationality Act  
22 (8 U.S.C. 1158) is amended—

23 (1) by striking subsection (a)(2)(E); and

24 (2) by striking subsection (b)(3)(C).

1 **SEC. 304. UNACCOMPANIED ALIEN CHILD DEFINED.**

2 Section 462(g)(2) of the Homeland Security Act of  
3 2002 (6 U.S.C. 279(g)(2)) is amended to read as follows:

4 “(2) The term ‘unaccompanied alien child’—

5 “(A) means an alien who—

6 “(i) has no lawful immigration status  
7 in the United States;

8 “(ii) has not attained 18 years of age;

9 and

10 “(iii) with respect to whom—

11 “(I) there is no parent or legal  
12 guardian in the United States;

13 “(II) no parent or legal guardian  
14 in the United States is available to  
15 provide care and physical custody; or

16 “(III) no sibling over 18 years of  
17 age, aunt, uncle, grandparent, or  
18 cousin over 18 years of age is avail-  
19 able to provide care and physical cus-  
20 tody; except that

21 “(B) such term shall cease to include an  
22 alien if at any time a parent, legal guardian,  
23 sibling over 18 years of age, aunt, uncle, grand-  
24 parent, or cousin over 18 years of age of the  
25 alien is found in the United States and is avail-  
26 able to provide care and physical custody (and

1 the Secretary of Homeland Security and the  
2 Secretary of Health and Human Services shall  
3 revoke accordingly any prior designation of the  
4 alien under this paragraph).”.

5 **TITLE IV—ELIGIBILITY CRITERIA FOR ALIENS TO RE-**  
6 **CEIVE CERTAIN BENEFITS**

8 **SEC. 401. ALIENS WITHOUT LAWFUL STATUS INELIGIBLE**  
9 **TO RECEIVE SOCIAL SECURITY AND MEDI-**  
10 **CARE BENEFITS.**

11 Section 401(b) of the Personal Responsibility and  
12 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
13 1611(b)) is amended—

14 (1) in paragraph (2), by adding at the end the  
15 following: “For purposes of this paragraph, the term  
16 ‘alien who is lawfully present in the United States’  
17 means an alien who has been admitted to the United  
18 States, and whose period of lawful admission has not  
19 expired, and does not include an alien who is present  
20 in the United States pursuant to a grant of parole  
21 under section 212(d)(5) of the Immigration and Na-  
22 tionality Act (8 U.S.C. 1182(d)(5)).”; and

23 (2) in paragraph (3), by adding at the end the  
24 following: “For purposes of this paragraph, the term

1 ‘alien who is lawfully present in the United States’  
2 has the meaning given such term in paragraph (2).”.

3 **SEC. 402. APPLYING CITIZENSHIP AND IMMIGRATION STA-**  
4 **TUS ELIGIBILITY CRITERIA FOR FEDERAL**  
5 **PROGRAMS TO AFFORDABLE CARE ACT BEN-**  
6 **EFITS.**

7 (a) APPLYING QUALIFIED ALIEN ELIGIBILITY CRI-  
8 TERIA TO ACA BENEFITS.—

9 (1) TEMPORARY HIGH RISK HEALTH INSUR-  
10 ANCE POOL PROGRAM.—Section 1101(d)(1) of the  
11 Patient Protection and Affordable Care Act (42  
12 U.S.C. 18001(d)(1)) is amended by striking “or is  
13 lawfully present” and all that follows through “sec-  
14 tion 1411)” and inserting “or is a qualified alien (as  
15 defined in section 431 of the Personal Responsibility  
16 and Work Opportunity Reconciliation Act of 1996 (8  
17 U.S.C. 1641)), as determined in accordance with  
18 section 1411”.

19 (2) ELIGIBILITY TO PARTICIPATE IN EX-  
20 CHANGES.—Section 1312(f)(3) of such Act (42  
21 U.S.C. 18032(f)(3)) is amended—

22 (A) in the paragraph heading, by inserting  
23 “CERTAIN” after “LIMITED TO”; and

24 (B) by striking “an alien lawfully present  
25 in the United States” and inserting “an alien



1           who is a qualified alien (as defined in section  
2           431 of the Personal Responsibility and Work  
3           Opportunity Reconciliation Act of 1996 (8  
4           U.S.C. 1641))”.

5           (3) STATE HEALTH PROGRAMS FOR LOW-IN-  
6           COME INDIVIDUALS NOT ELIGIBLE FOR MEDICAID.—  
7           Section 1331(e)(1)(B) of such Act (42 U.S.C.  
8           18051(e)(1)(B)) is amended by striking “lawfully  
9           present in the United States” and inserting “who is  
10          a qualified alien (as defined in section 431 of the  
11          Personal Responsibility and Work Opportunity Rec-  
12          onciliation Act of 1996 (8 U.S.C. 1641))”.

13          (4) TAX CREDIT PROVIDING PREMIUM ASSIST-  
14          ANCE FOR COVERAGE UNDER QUALIFIED HEALTH  
15          PLANS.—Section 36B of the Internal Revenue of  
16          1986 is amended—

17                 (A) in subsection (c)(1)(B)—

18                         (i) in the heading, by striking “INDI-  
19                         VIDUALS LAWFULLY PRESENT IN THE  
20                         UNITED STATES” and inserting “QUALI-  
21                         FIED ALIENS”; and

22                         (ii) in clause (ii), by striking “an alien  
23                         lawfully present in the United States” and  
24                         inserting “an alien who is a qualified alien  
25                         (as defined in section 431 of the Personal

1           Responsibility and Work Opportunity Rec-  
2           conciliation Act of 1996 (8 U.S.C. 1641))”;

3           and

4           (B) in subsection (e)(2), by striking “law-  
5           fully present in the United States” and insert-  
6           ing “who is a qualified alien (as defined in sec-  
7           tion 431 of the Personal Responsibility and  
8           Work Opportunity Reconciliation Act of 1996  
9           (8 U.S.C. 1641))”.

10          (5) REDUCED COST-SHARING FOR CERTAIN IN-  
11          DIVIDUALS UNDER QUALIFIED HEALTH PLANS.—  
12          Section 1402(e)(2) of the Patient Protection and Af-  
13          fordable Care Act (42 U.S.C. 18071(e)(2)) is  
14          amended by striking “lawfully present in the United  
15          States” and inserting “who is a qualified alien (as  
16          defined in section 431 of the Personal Responsibility  
17          and Work Opportunity Reconciliation Act of 1996 (8  
18          U.S.C. 1641))”.

19          (6) ELIGIBILITY DETERMINATIONS.—Section  
20          1411 of the Patient Protection and Affordable Care  
21          Act (42 U.S.C. 18081) is amended—

22                 (A) in subsection (a)(1), by striking “an  
23                 alien lawfully present in the United States” and  
24                 inserting “a qualified alien (as defined in sec-  
25                 tion 431 of the Personal Responsibility and

1 Work Opportunity Reconciliation Act of 1996  
2 (8 U.S.C. 1641))”]; and

3 (B) in subsection (c)(2)(B)—

4 (i) in clause (i)(I), by striking “an  
5 alien lawfully present in the United  
6 States” and inserting “a qualified alien (as  
7 defined in section 431 of the Personal Re-  
8 sponsibility and Work Opportunity Rec-  
9 onciliation Act of 1996 (8 U.S.C. 1641))”];  
10 and

11 (ii) in clause (ii)(II), by striking “an  
12 alien lawfully present in the United  
13 States” and inserting “a qualified alien (as  
14 defined in section 431 of the Personal Re-  
15 sponsibility and Work Opportunity Rec-  
16 onciliation Act of 1996 (8 U.S.C. 1641))”.

17 (7) ADVANCE DETERMINATION AND PAYMENT  
18 OF PREMIUM TAX CREDITS AND COST-SHARING RE-  
19 DUCTIONS.—Section 1412(d) of the Patient Protec-  
20 tion and Affordable Care Act (42 U.S.C. 18082(d))  
21 is amended—

22 (A) in the heading, by striking “LAW-  
23 FULLY PRESENT” and inserting “CITIZENS,  
24 NATIONALS, OR QUALIFIED ALIENS”]; and

1 (B) by striking “not lawfully present in the  
2 United States” and inserting “not citizens or  
3 nationals of the United States or aliens who are  
4 qualified aliens (as defined in section 431 of the  
5 Personal Responsibility and Work Opportunity  
6 Reconciliation Act of 1996 (8 U.S.C. 1641))”.

7 (8) MINIMUM ESSENTIAL COVERAGE REQUIRE-  
8 MENT.—Section 5000A(d)(3) of the Internal Rev-  
9 enue Code of 1986 is amended—

10 (A) in the heading, by striking “LAWFULLY  
11 PRESENT” and inserting “CITIZENS, NATION-  
12 ALS, OR QUALIFIED ALIENS”; and

13 (B) by striking “an alien lawfully present  
14 in the United States” and inserting “a qualified  
15 alien (as defined in section 431 of the Personal  
16 Responsibility and Work Opportunity Reconcili-  
17 ation Act of 1996 (8 U.S.C. 1641))”.

18 (9) MEDICAID POPULATION.—Section  
19 1903(v)(1) of the Social Security Act is amended by  
20 striking “who is not lawfully admitted for permanent  
21 residence or otherwise permanently residing in the  
22 United States under color of law” and inserting  
23 “who is not a qualified alien (as defined in section  
24 431 of the Personal Responsibility and Work Oppor-  
25 tunity Reconciliation Act of 1996 (8 U.S.C. 1641))”.

1 (b) CLARIFICATION THAT CERTAIN ACA BENEFITS  
2 TREATED AS FEDERAL PUBLIC BENEFITS.—Section  
3 401(c) of the Personal Responsibility and Work Oppor-  
4 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)) is  
5 amended by adding at the end the following new para-  
6 graph:

7 “(3) In applying paragraph (1), the following  
8 assistance and benefits are treated as health benefits  
9 described in paragraph (1)(B):

10 “(A) Enrollment under the temporary high  
11 risk health insurance pool program under sec-  
12 tion 1101 of the Patient Protection and Afford-  
13 able Care Act (42 U.S.C. 18001).

14 “(B) Participation in an Exchange estab-  
15 lished under title I of the Patient Protection  
16 and Affordable Care Act.

17 “(C) Participation in the health program  
18 established under section 1331(a) of the Pa-  
19 tient Protection and Affordable Care Act (42  
20 U.S.C. 18051).

21 “(D) Allowance of a tax credit under sec-  
22 tion 36B of the Internal Revenue Code of 1986.

23 “(E) Reduction of cost-sharing under  
24 qualified health plans under section 1402 of the

1 Patient Protection and Affordable Care Act (42  
2 U.S.C. 18071).

3 “(F) Provision of advance payments under  
4 section 1412 of the Patient Protection and Af-  
5 fordable Care Act (42 U.S.C. 18082).”.

6 (c) CLARIFICATION THAT CERTAIN ACA BENEFITS  
7 TREATED AS FEDERAL MEANS-TESTED PUBLIC BENE-  
8 FITS.—Section 403(c) of the Personal Responsibility and  
9 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
10 1613(c)) is amended by adding at the end the following  
11 new paragraph:

12 “(3) In applying this section, assistance and  
13 benefits described in section 401(c)(3) are treated as  
14 Federal means-tested public benefits to which sub-  
15 section (a) applies.”.

16 (d) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Subject to paragraph (2),  
18 the amendments made by this section shall apply to  
19 coverage months beginning more than 120 days  
20 after the date of the enactment of this Act.

21 (2) TRANSITION FOR CURRENT ENROLLEES.—  
22 In the case of an individual who is being provided  
23 assistance or benefits described in paragraph (3) of  
24 section 401(c) of the Personal Responsibility and  
25 Work Opportunity Reconciliation Act of 1996 (8

1 U.S.C. 1611(c)), as added by subsection (b), as of  
2 the date of the enactment of this Act, the amend-  
3 ments made by this section (other than the amend-  
4 ments made by subsection (a)(8)) shall not apply  
5 with respect to such assistance or benefits provided  
6 to such individual for coverage months before Janu-  
7 ary of the year after the date of enactment of this  
8 Act.

9 **SEC. 403. ALIENS PAROLED INTO THE UNITED STATES IN-**  
10 **ELIGIBLE FOR FEDERAL PUBLIC BENEFITS.**

11 Section 431(b) of the Personal Responsibility and  
12 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
13 1641(b)) is amended by striking paragraph (4).

14 **TITLE V—STATE AND LOCAL EN-**  
15 **FORCEMENT OF THE IMMI-**  
16 **GRATION LAWS**

17 **SEC. 501. DEFINITIONS.**

18 (a) STATE DEFINED.—For the purposes of this title,  
19 the term “State” has the meaning given to such term in  
20 section 101(a)(36) of the Immigration and Nationality Act  
21 (8 U.S.C. 1101(a)(36)).

22 (b) SECRETARY DEFINED.—For the purpose of this  
23 title, the term “Secretary” means the Secretary of Home-  
24 land Security.

1 **SEC. 502. IMMIGRATION LAW ENFORCEMENT BY STATES**  
2 **AND LOCALITIES.**

3 Law enforcement personnel of a State, or of a polit-  
4 ical subdivision of a State, may investigate, identify, ap-  
5 prehend, arrest, detain, or transfer to Federal custody  
6 aliens for the purposes of enforcing the immigration laws  
7 of the United States to the same extent as Federal law  
8 enforcement personnel. Law enforcement personnel of a  
9 State, or of a political subdivision of a State, may also  
10 investigate, identify, apprehend, arrest, or detain aliens  
11 for the purposes of enforcing the immigration laws of a  
12 State or of a political subdivision of State. Law enforce-  
13 ment personnel of a State, or of a political subdivision of  
14 a State, may not remove aliens from the United States.

15 **SEC. 503. IMMUNITY.**

16 Notwithstanding any other provision of law, a law en-  
17 forcement officer of a State or local law enforcement agen-  
18 cy who is acting within the scope of the officer's official  
19 duties shall be immune, to the same extent as a Federal  
20 law enforcement officer, from personal liability arising out  
21 of the performance of any duty described in this title, in-  
22 cluding the authorities to investigate, identify, apprehend,  
23 arrest, detain, or transfer to Federal custody, an alien for  
24 the purposes of enforcing the immigration laws of the  
25 United States (as defined in section 101(a)(17) of the Im-  
26 migration and Nationality Act (8 U.S.C. 1101(a)(17))) or



1 the immigration laws of a State or a political subdivision  
2 of a State.

3 **SEC. 504. FEDERAL CUSTODY OF INADMISSIBLE AND DE-**  
4 **PORTABLE ALIENS IN THE UNITED STATES**  
5 **APPREHENDED BY STATE OR LOCAL LAW EN-**  
6 **FORCEMENT.**

7 (a) IN GENERAL.—Title II of the Immigration and  
8 Nationality Act (8 U.S.C. 1151 et seq.) is amended by  
9 inserting after section 240C the following:

10 “CUSTODY OF INADMISSIBLE AND DEPORTABLE ALIENS  
11 PRESENT IN THE UNITED STATES

12 “SEC. 240D.

13 “(a) TRANSFER OF CUSTODY BY STATE AND LOCAL  
14 OFFICIALS.—If a State, or a political subdivision of a  
15 State, exercising authority with respect to the apprehen-  
16 sion or arrest of an inadmissible or deportable alien sub-  
17 mits to the Secretary of Homeland Security a request that  
18 the alien be taken into Federal custody, notwithstanding  
19 any other provision of law, regulation, or policy the Sec-  
20 retary—

21 “(1) shall take the alien into custody not later  
22 than 48 hours after the request has been issued fol-  
23 lowing the conclusion of the State or local charging  
24 process or dismissal process, or if no State or local  
25 charging or dismissal process is required, the Sec-  
26 retary shall issue a detainer and take the alien into

1 custody not later than 48 hours after the alien is ap-  
2 prehended, in order to determine whether the alien  
3 should be detained, placed in removal proceedings,  
4 released, or removed; or

5 “(2) shall request that the relevant State or  
6 local law enforcement agency temporarily hold the  
7 alien in their custody or transport the alien for  
8 transfer to Federal custody.

9 “(b) POLICY ON DETENTION IN FEDERAL, CON-  
10 TRACT, STATE, OR LOCAL DETENTION FACILITIES.—In  
11 carrying out section 241(g)(1), the Attorney General or  
12 Secretary of Homeland Security shall ensure that an alien  
13 arrested under this title shall be held in custody, pending  
14 the alien’s examination under this section, in a Federal,  
15 contract, State, or local prison, jail, detention center, or  
16 other comparable facility. Notwithstanding any other pro-  
17 vision of law, regulation or policy, such facility is adequate  
18 for detention, if—

19 “(1) such a facility is the most suitably located  
20 Federal, contract, State, or local facility available for  
21 such purpose under the circumstances;

22 “(2) an appropriate arrangement for such use  
23 of the facility can be made; and

1           “(3) the facility satisfies the standards for the  
2           housing, care, and security of persons held in cus-  
3           tody by a United States Marshal.

4           “(c) REIMBURSEMENT.—The Secretary of Homeland  
5           Security shall reimburse a State, or a political subdivision  
6           of a State, for all reasonable expenses, as determined by  
7           the Secretary, incurred by the State, or political subdivi-  
8           sion, as a result of the incarceration and transportation  
9           of an alien who is inadmissible or deportable as described  
10          in subsections (a) and (b). Compensation provided for  
11          costs incurred under such subsections shall be the average  
12          cost of incarceration of a prisoner in the relevant State,  
13          as determined by the chief executive officer of a State,  
14          or of a political subdivision of a State, plus the cost of  
15          transporting the alien from the point of apprehension to  
16          the place of detention, and to the custody transfer point  
17          if the place of detention and place of custody are different.

18          “(d) SECURE FACILITIES.—The Secretary of Home-  
19          land Security shall ensure that aliens incarcerated pursu-  
20          ant to this title are held in facilities that provide an appro-  
21          priate level of security.

22          “(e) TRANSFER.—

23                 “(1) IN GENERAL.—In carrying out this sec-  
24                 tion, the Secretary of Homeland Security shall es-  
25                 tablish a regular circuit and schedule for the prompt

1 transfer of apprehended aliens from the custody of  
2 States, and political subdivisions of a State, to Fed-  
3 eral custody.

4 “(2) CONTRACTS.—The Secretary may enter  
5 into contracts, including appropriate private con-  
6 tracts, to implement this subsection.”.

7 (b) CLERICAL AMENDMENT.—The table of contents  
8 of such Act is amended by inserting after the item relating  
9 to section 240C the following new item:

“Sec. 240D. Custody of inadmissible and deportable aliens present in the  
United States.”.

10 **SEC. 505. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**  
11 **(SCAAP).**

12 Section 241(i) of the Immigration and Nationality  
13 Act (8 U.S.C. 1231(i)) is amended—

14 (1) in paragraph (3)(A), by inserting “charged  
15 with or” before “convicted”; and

16 (2) by amending paragraph (5) to read as fol-  
17 lows:

18 “(5) There are authorized to be appropriated to  
19 carry out this subsection such sums as may be nec-  
20 essary for fiscal year 2015 and each subsequent fis-  
21 cal year.”.

1 **SEC. 506. LIMITATION ON STATE RECEIPT OF FEDERAL**  
2 **FUNDING.**

3 (a) **IN GENERAL.**—A State or political subdivision of  
4 a State that has in place a law or policy described in sub-  
5 section (b) may not receive—

6 (1) grants made under subpart 1 of part E of  
7 title I of the Omnibus Crime Control and Safe  
8 Streets Act of 1968 (42 U.S.C. 3750 et seq.);

9 (2) grants made under part Q of title I of the  
10 Omnibus Crime Control and Safe Streets Act of  
11 1968 (42 U.S.C. 3796dd et seq.); or

12 (3) compensation under section 241(i) of the  
13 Immigration and Nationality Act (8 U.S.C. 1231(i)).

14 (b) **LAW OR POLICY DESCRIBED.**—A law or policy  
15 is described in this subsection if the law or policy—

16 (1) is in contravention of section 642(a) of the  
17 Illegal Immigration Reform and Immigrant Respon-  
18 sibility Act of 1996 (8 U.S.C. 1373(a));

19 (2) prohibits or restricts law enforcement offi-  
20 cers of that State or political subdivision from col-  
21 lecting information relating to an individual's immi-  
22 gration status; or

23 (3) prohibits or restricts compliance with, or  
24 the honoring of detainers issued by Immigration and  
25 Customs Enforcement.

1 **SEC. 507. ICE DETAINERS.**

2 Section 287(d) of the Immigration and Nationality  
3 Act (8 U.S.C. 1357(d)) is amended in the matter pre-  
4 ceding paragraph (1), by striking “relating to controlled  
5 substances”.

6 **SEC. 508. PRESERVATION OF THE SECURE COMMUNITIES**  
7 **PROGRAM AND REMOVAL OF DEPORTABLE**  
8 **ALIENS IDENTIFIED UNDER THE INTEROPER-**  
9 **ABLE LAW ENFORCEMENT AND INTEL-**  
10 **LIGENCE ELECTRONIC DATA SYSTEM.**

11 Section 202 of the Enhanced Border Security and  
12 Visa Entry Reform Act of 2002 (8 U.S.C. 1722) is amend-  
13 ed—

14 (1) in subsection (a)(2), by adding at the end  
15 the following: “Compliance with the requirements of  
16 this paragraph shall include, at a minimum, the op-  
17 eration of the Secure Communities program, as in  
18 effect on November 19, 2014.”; and

19 (2) by adding at the end the following:

20 “(c) **REQUIRED ACTION.**—Upon receiving notice  
21 under the interoperable law enforcement and intelligence  
22 electronic data system established under subsection (a)  
23 that a deportable alien is in the custody of Federal, State,  
24 or local law enforcement, the Secretary of Homeland Secu-  
25 rity shall, following the conclusion of the charging process,  
26 dismissal process, or completion of the alien’s sentence,

1 as appropriate, issue a detainer, take the alien into cus-  
2 tody, and initiate removal proceedings under section 238  
3 or 240 of the Immigration and Nationality Act (8 U.S.C.  
4 1228, 1229a), as appropriate.”.

## 5 **TITLE VI—ASYLUM REFORM AND** 6 **BORDER PROTECTION**

### 7 **SEC. 601. CLARIFICATION OF INTENT REGARDING TAX-** 8 **PAYER-PROVIDED COUNSEL.**

9 Section 292 of the Immigration and Nationality Act  
10 (8 U.S.C. 1362) is amended—

11 (1) by striking “(at no expense to the Govern-  
12 ment)”; and

13 (2) by adding at the end the following:  
14 “Notwithstanding any other provision of law, in no in-  
15 stance shall the Government bear any expense for counsel  
16 for any person in removal proceedings or in any appeal  
17 proceedings before the Attorney General from any such  
18 removal proceedings.”.

### 19 **SEC. 602. CREDIBLE FEAR INTERVIEWS.**

20 Section 235(b)(1)(B)(v) of the Immigration and Na-  
21 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by  
22 striking “208.” and inserting “208, and it is more prob-  
23 able than not that the statements made by the alien in  
24 support of the alien’s claim are true.”.

1 **SEC. 603. RECORDING EXPEDITED REMOVAL AND CRED-**  
2 **IBLE FEAR INTERVIEWS.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-  
4 rity shall establish quality assurance procedures and take  
5 steps to effectively ensure that questions by employees of  
6 the Department of Homeland Security exercising expe-  
7 dited removal authority under section 235(b) of the Immi-  
8 gration and Nationality Act (8 U.S.C. 1225(b)) are asked  
9 in a uniform manner, and that both these questions and  
10 the answers provided in response to them are recorded in  
11 a uniform fashion.

12 (b) FACTORS RELATING TO SWORN STATEMENTS.—  
13 Where practicable, any sworn or signed written statement  
14 taken of an alien as part of the record of a proceeding  
15 under section 235(b)(1)(A) of the Immigration and Na-  
16 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-  
17 panied by a recording of the interview which served as the  
18 basis for that sworn statement.

19 (c) INTERPRETERS.—The Secretary shall ensure that  
20 a competent interpreter, not affiliated with the govern-  
21 ment of the country from which the alien may claim asy-  
22 lum, is used when the interviewing officer does not speak  
23 a language understood by the alien and there is no other  
24 Federal, State, or local government employee available  
25 who is able to interpret effectively, accurately, and impar-  
26 tially.



1 (d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—  
2 Recordings of interviews of aliens subject to expedited re-  
3 moval shall be included in the record of proceeding and  
4 shall be considered as evidence in any further proceedings  
5 involving the alien.

6 (e) NO PRIVATE RIGHT OF ACTION.—Nothing in this  
7 section shall be construed to create any right, benefit,  
8 trust, or responsibility, whether substantive or procedural,  
9 enforceable in law or equity by a party against the United  
10 States, its departments, agencies, instrumentalities, enti-  
11 ties, officers, employees, or agents, or any person, nor does  
12 this section create any right of review in any administra-  
13 tive, judicial, or other proceeding.

14 **SEC. 604. SAFE THIRD COUNTRY.**

15 Section 208(a)(2)(A) of the Immigration and Nation-  
16 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

17 (1) by striking “Attorney General” and insert-  
18 ing “Secretary of Homeland Security”; and

19 (2) by striking “removed, pursuant to a bilat-  
20 eral or multilateral agreement, to” and inserting  
21 “removed to”.

1       **TITLE VII—MISCELLANEOUS**

2       **SEC. 701. SUSPENSION OF EFFECTIVENESS OF CERTAIN**  
3                       **LAWS.**

4           (a) WAIVER OF INADMISSIBILITY OF ALIENS UNLAW-  
5 FULLY PRESENT.—Section 212(a)(9)(B)(v) of the Immi-  
6 gration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(v))  
7 is suspended during the period beginning on the date of  
8 the enactment of this Act and ending on January 20,  
9 2017.

10          (b) DESIGNATION FOR TEMPORARY PROTECTED  
11 STATUS.—No foreign state may be designated or redesign-  
12 nated under section 244(b) of the Immigration and Na-  
13 tionality Act (8 U.S.C. 1254a(b)) during the period begin-  
14 ning on the date of the enactment of this Act and ending  
15 on January 20, 2017. The preceding sentence shall not  
16 be construed to affect any extension of a designation  
17 under paragraph (3)(C) of such section, if the designation  
18 was made prior to the date of the enactment of this Act.

19       **SEC. 702. TEMPORARY PROTECTED STATUS REFORM.**

20           Section 244 of the Immigration and Nationality Act  
21 (8 U.S.C. 1254a) is amended—

22                       (1) in subsection (a)—

23                               (A) in paragraph (3), by striking subpara-  
24                               graphs (B) and (C) and redesignating subpara-  
25                               graph (D) as subparagraph (B); and

1 (B) in paragraph (5), by striking “to deny  
2 temporary protected status to an alien based on  
3 the alien’s immigration status or”;

4 (2) in subsection (b)—

5 (A) in paragraph (3)—

6 (i) in subparagraph (A), by striking “,  
7 and any extended period of designation,”;

8 (ii) in subparagraph (B), by striking  
9 “or, if later, the expiration of the most re-  
10 cent previous extension under subpara-  
11 graph (C)”;

12 (iii) in subparagraph (C), by striking  
13 “is extended for” and all that follows, and  
14 inserting “may be extended for one addi-  
15 tional period of up to 18 months, in the  
16 discretion of the Attorney General.”;

17 (B) in paragraph (5)(B), by striking the  
18 second sentence;

19 (3) in subsection (c)(1)(A)—

20 (A) in clause (iii), by striking “and” at the  
21 end;

22 (B) in clause (iv), by striking the period at  
23 the end and inserting “; and”;

24 (C) by adding after clause (iv) the fol-  
25 lowing:

1                   “(v) the alien had lawful immigration  
2                   status in the United States on the effective  
3                   date of the most recent designation of that  
4                   state.”; and

5                   (4) in subsection (g), by striking “aliens who  
6                   are or may become otherwise deportable or have  
7                   been paroled into the United States” and inserting  
8                   “aliens who may become otherwise deportable”.

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