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REPORT
116–98

DREAM ACT OF 2019

MAY 30, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2820]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2820) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and entered the United States as children, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	13
Background and Need for the Legislation	14
Hearings	17
Committee Consideration	17
Committee Votes	17
Committee Oversight Findings	40
Committee Estimate of Budgetary Effects	40
New Budget Authority, Entitlement Authority, and Tax Expenditures	40
Congressional Budget Office Cost Estimate	40
Duplication of Federal Programs	43
Performance Goals and Objectives	43
Advisory on Earmarks	43
Section-by-Section Analysis	43
Dissenting Views	50

The amendment is as follows:

89–006

Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dream Act of 2019".

TITLE I—TREATMENT OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN

SEC. 101. 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 103(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 Act.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and 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 103(c)(2), an alien who is inadmissible or deportable from the United States (or is under a grant of Deferred Enforced Departure or has temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a)) if—

(A) the alien has been continuously physically present in the United States since the date that is 4 years before the date of the enactment of this Act;

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

(C) the alien—

(i) subject to section 203(d), 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 Act 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) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary may, subject to an exemption under section 203(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 PROCEDURE 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 cancellation of removal and 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 103(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 103(c)(2) to pay a fee that is commensurate with the cost of processing the application, subject to the exemption under section 203(c).

(3) BACKGROUND CHECKS.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section until the requirements of section 202 are satisfied.

(4) 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 103(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 Act (whether on a conditional basis or without the conditional basis as provided in section 103(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) 3 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 Act; 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 Act.

(3) AUTHORITY TO CONDUCT SECONDARY REVIEW.—

(A) IN GENERAL.—Notwithstanding an alien's eligibility for adjustment of status under this Act, and subject to the procedures described in this para-

graph, the Secretary of Homeland Security 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 103(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 of Homeland Security 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 of Homeland Security 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 of Homeland Security shall, upon a motion filed by the alien, reopen an application for adjustment of status under this Act and allow the applicant an opportunity to respond, consistent with clause (i)(II).

(G) JUDICIAL REVIEW.—An alien is entitled to judicial review of the Secretary's decision to provisionally deny an application under this paragraph in accordance with the procedures described in section 206(c).

(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;

(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; and

(D) the term "convicted" or "conviction" does not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.

(d) LIMITATION ON REMOVAL OF CERTAIN ALIEN MINORS.—An alien who is under 18 years of age 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 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 Act or under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 102. 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 Act 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 101(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. 103. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall remove the conditional basis of an alien's permanent resident status granted under this Act and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) is described in section 101(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 101(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 Act may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

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

(4) APPLICATION FEE.—The Secretary may, subject to an exemption under section 203(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 CHECK.—The Secretary may not remove the conditional basis of an alien's permanent resident status until the requirements of section 202 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 Act 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 cancel the removal of, and 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 101(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 Act.

(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 101(b)(3) 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 203(c), but shall not be required to pay the application fee under section 101(b)(2).

TITLE II—GENERAL PROVISIONS

SEC. 201. DEFINITIONS.

In this Act:

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

(2) APPROPRIATE UNITED STATES DISTRICT COURT.—The term "appropriate United States district court" mean 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.

SEC. 202. 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 Act, 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 Act, 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. 203. LIMITATION ON REMOVAL; APPLICATION AND FEE EXEMPTION; WAIVER OF GROUNDS FOR INADMISSIBILITY AND OTHER CONDITIONS ON ELIGIBLE INDIVIDUALS.

(a) LIMITATION ON REMOVAL.—An alien who appears to be prima facie eligible for relief under this Act shall be given a reasonable opportunity to apply for such relief and may not be removed until, subject to section 206(c), 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 Act. 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 Act if the applicant—

(1) is younger than 18 years of age;

(2) received total income, during the 12-month period immediately preceding the date on which the applicant files an application under this Act, 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) WAIVER OF GROUNDS OF INADMISSIBILITY.—With respect to any benefit under this Act, and in addition to the waivers under section 101(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.

(e) ADVANCE PAROLE.—During the period beginning on the date on which an alien applies for adjustment of status under this Act 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 section.

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

SEC. 204. 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 Act (whether on a conditional basis or without the conditional basis as provided in section 103(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 Act 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 Act 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 the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(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 101(b)(1)(A) 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 101 from outside the United States if they would have been eligible for relief under such section, but for their removal or departure.

SEC. 205. EXEMPTION FROM NUMERICAL LIMITATIONS.

Nothing in this Act 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 Act (whether on a conditional basis, or without the conditional basis as provided in section 103(c)(2)).

SEC. 206. 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 Act 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 Act in an appropriate United States district court.

(c) JUDICIAL REVIEW OF A PROVISIONAL DENIAL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if, after notice and the opportunity to respond under section 101(c)(3)(E), the Secretary provisionally denies an application for adjustment of status under this Act, 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.

(2) 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.

(3) APPOINTED COUNSEL.—Notwithstanding any other provision of law, an applicant seeking judicial review under paragraph (1) 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 212.

(d) STAY OF REMOVAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien seeking administrative or judicial review under this Act 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 Act.

(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 Act. Such removal shall not affect the alien's right to judicial review under this Act. The Secretary shall promptly return a removed alien if a decision to deny an application for adjustment of status under this Act, or to revoke such status, is reversed.

SEC. 207. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status under this Act (whether on a conditional basis, or without the conditional basis as provided in section 103(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 younger than 18 years of age 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 101(b)(1)(B), that an alien has been continuously physically present in the United States, as required under section 101(b)(1)(A), or that an alien has not abandoned residence in the United States, as required under section 103(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 101(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 101(b)(1)(D)(iv) or 103(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 section 203(c), 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 younger than 18 years of age.

(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 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—

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

(ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, 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 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, 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 103(a)(2)(C), the alien may submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—

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

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

(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 103(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 2 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 Act (whether on a conditional basis, or without the conditional basis as provided in section 103(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. 208. RULE MAKING.

(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 Act, which shall allow eligible individuals to immediately apply for relief under section 101 or 103(c)(2). 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 Act.

SEC. 209. 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 Act 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 Act (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 Act 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 Act;

(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. 210. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) ESTABLISHMENT.—The Secretary of Homeland Security 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 Act 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 Act (whether on a conditional basis, or without the conditional basis as provided in section 103(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 Act (whether on a conditional basis, or without the conditional basis as provided in section 103(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 Act (whether on a conditional basis, or without the conditional basis as provided in section 103(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 2020 through 2030 to carry out this section.

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

SEC. 211. PROVISIONS AFFECTING ELIGIBILITY FOR ADJUSTMENT OF STATUS.

An alien's eligibility to be lawfully admitted for permanent residence under this Act (whether on a conditional basis, or without the conditional basis as provided in section 103(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. 212. SUPPLEMENTARY SURCHARGE FOR APPOINTED COUNSEL.

(a) IN GENERAL.—Except as provided in section 202 and in cases where the applicant is exempt from paying a fee under section 203(c), in any case in which a fee is charged pursuant to this Act, 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 section 206(c)(3).

(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 to remain available until expended for purposes of providing appointed counsel as required under this Act.

(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 Act.

SEC. 213. 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 Act;

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

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

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

Purpose and Summary

H.R. 2820, the "Dream Act of 2019," will provide a path to lawful immigration status for thousands of deserving young men and women. It accomplishes this important goal by prohibiting the re-

moval of certain undocumented immigrants who entered the United States before the age of 18 and establishing a process for such individuals to apply for lawful permanent resident (LPR) status. Derived from Title I of H.R. 6, the "American Dream and Promise Act," H.R. 2820 requires the Secretary of Homeland Security or the Attorney General to grant a ten-year period of conditional LPR status to individuals who meet the bill's eligibility criteria, which include various physical-presence, residency, and educational requirements. Approved individuals can later apply to remove the conditions on their LPR status once they meet additional requirements related to educational achievement, military service, or employment. Individuals who meet these additional requirements at the time of initial application can apply for unconditional LPR status at the outset. H.R. 2820 also sets forth detailed criminal and national security bars to relief and provides the Secretary of Homeland Security with discretion to deny applications filed by individuals who are determined to be threats to public safety. This legislation is supported by a broad coalition of organizations, including immigrants' rights organizations, faith-based organizations, labor unions, and civil rights organizations. In addition, more than 100 CEOs of prominent U.S. businesses warned that if Dreamers were not protected, this would "lead to businesses losing valuable talent, cause disruptions in the workforce, and . . . result in significant costs." [1]

Background and Need for the Legislation

I. DREAMERS

In 2001, the Development, Relief, and Education for Alien Minors (DREAM) Act was first introduced, thus giving rise to the term "Dreamers," which is now broadly used to refer to undocumented immigrants who were brought to the United States as children and have embraced this country as their own.[2] Since then, numerous bipartisan versions of the Dream Act have been introduced, all of which would have provided a pathway to LPR status for eligible individuals. Despite bipartisan support and House passage of a version of the bill in 2010, none of these measures have become law.

As Dreamers approach adulthood, they are forced—often for the first time—to personally confront the consequences of their undocumented status.[3] They discover that they are unable to work legally, travel abroad, obtain driver's licenses in most states, or obtain federal financial assistance for post-secondary education. If brought to the attention of the U.S. Department of Homeland Security (DHS), Dreamers can be removed to countries that they barely remember and to which they have little or no personal connection.

Because of their undocumented status, most Dreamers have not travelled outside the United States since they entered. Having

[1] Letter from coalition of U.S. business leaders and CEOs to Senate Majority Leader Mitch McConnell, Senate Minority Leader Chuck Schumer, Speaker of the House Paul Ryan, and House Minority Leader Nancy Pelosi (Jan. 10, 2018), https://www.verizon.com/about/sites/default/files/1-10-8-DACA-CEO-Letter.pdf; *see also* Ryan Grenoble, *100 Top CEOs Urge DACA Action in Open Letter to Congress,* HUFFPOST (Jan. 10, 2018), https://www.huffingtonpost.com/entry/top-ceos-open-letter-congress-daca_us_5a567f17e4b08a1f624b07da.

[2] Development, Relief, and Education for Alien Minors Act, or the DREAM Act, S. 1291, 107th Cong. § 2 (2001).

[3] *See generally* S. Rep. No. 108–224 (2004).

spent their formative years here, their removal can have far-reaching impacts on Dreamers' lives, as well as their families and their communities. The removal of a Dreamer can deeply affect classmates, teachers, clergy, and friends who have watched them grow up. Employers of Dreamers are also affected, as they lose access to key members of their workforce. Notwithstanding these compelling equities, our current immigration system provides no realistic means for most Dreamers to regularize their immigration status.

II. DEFERRED ACTION FOR CHILDHOOD ARRIVALS

To provide temporary relief to a subset of the Dreamer population, former-Secretary of Homeland Security Janet Napolitano announced the Deferred Action for Childhood Arrivals (DACA) initiative on June 15, 2012.[4] An exercise of prosecutorial discretion, DACA provides temporary relief from removal, as well as work authorization, to certain undocumented immigrants brought to the United States before the age of 16.[5] DACA enabled more than 800,000 eligible young adults to work lawfully, attend school, and contribute to the United States without the constant threat of removal.[6] DACA, however, does not provide permanent immigration status, and it must be renewed every two years.[7]

On September 5, 2017, President Trump announced the termination of DACA.[8] Then-Acting Secretary of Homeland Security Elaine Duke concurrently rescinded the 2012 memorandum that created DACA.[9] These actions prompted multiple federal court lawsuits that challenged the Administration's decision as arbitrary and capricious and that ultimately resulted in nationwide injunctions.[10] As a result of these injunctions, DHS resumed accepting requests from DACA recipients to renew their work authorization, but the Department is not accepting new DACA requests.[11] The Administration is currently seeking review of these cases by the U.S. Supreme Court.

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[4] Janet Napolitano, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children*, Dep't of Homeland Security (June 15, 2012), https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf.

[5] *See* U.S. Citizenship and Immigration Services, *Consideration of Deferred Action for Childhood Arrivals*, Dep't of Homeland Security (citing residency, education and the absence of a serious criminal history as eligibility requirements), https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca.

[6] *See* U.S. Citizenship and Immigration Services, *Number of Form I–821D, Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Intake and Case Status, Fiscal Year 2012–2018*, Dep't of Homeland Security (Sep. 30, 2018), https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performance_data_fy2018_qtr4.pdf.

[7] U.S. Citizenship and Immigration Services, *DACA FAQs*, Dep't of Homeland Security https://www.uscis.gov/archive/frequently-asked-questions#miscellaneous.

[8] Michael D. Shear & Julie Hirschfeld David, *Trump Moves to End DACA and Calls on Congress to Act*, N.Y. TIMES (Sep. 5, 2017), https://www.nytimes.com/2017/09/05/us/politics/trump-daca-dreamers-immigration.html.

[9] Elaine Duke, *Memorandum of Rescission of Deferred Action for Childhood Arrivals (DACA)*, Dep't of Homeland Security (Sep. 5, 2017), https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca.

[10] Regents of the University of California v. Dep't of Homeland Security, No. 3:17-cv-05211 (N.D. Cal. Jan. 9, 2018); Batalla Vidal v. Nielsen, No. 1:16-cv-04756 (E.D.N.Y. Feb. 13, 2018); *see also* Casa de Maryland v. Dep't of Homeland Security, No. 8:17-cv-02942 (D. Md. Mar. 5, 2018), *aff'd in part, rev'd in part, vacated in part, dismissed in part*, Casa de Maryland v. Dep't of Homeland Security, No. 18–1521 (4th Cir. May 17, 2019).

[11] *See* U.S. Citizenship and Immigration Services, *Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction*, Dep't of Homeland Security (Feb. 14, 2018), https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction.

III. ECONOMIC BENEFITS OF PROVIDING PERMANENT RELIEF TO DREAMERS

Studies consistently show that the U.S. economy will benefit from providing undocumented youth with a way to earn lawful status, including by stabilizing their lives and allowing them to further contribute to the United States. DACA recipients are already employed in a wide variety of industries, including hospitality, food service, education, and health care.[12] A path to lawful status will empower these individuals to seek and obtain better paying jobs, resulting in both increased tax revenues at the federal, state, and local levels, and expanded economic activity through increased purchases of homes, automobiles, and other goods.

The Center for American Progress estimates that at least $22.7 billion per year will be added to the U.S. Gross Domestic Product (GDP) if the Dream Act or similar legislation is passed.[13] Even assuming lower annual GDP gains of $10.9 to $18.4 billion, growth of this magnitude translates into increased federal tax revenue of $2 to $3.3 billion per year.[14]

State economies will also directly benefit through passage of the Dream Act. California and Texas—which have the largest numbers of Dreamers—would realize an estimated increase in GDP of $6 billion and $3.4 billion, respectively.[15] Even states with smaller Dreamer populations will experience economic gains. With 54,000 Dreamers, Arizona would see annual state GDP gains between $585 million and $2 billion, while Colorado, with 34,000 Dreamers, would gain between $438 million and $1.4 billion annually.[16] Moreover, states such as Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin rely heavily on immigrants to create new businesses and fill STEM positions.[17] Combined, these states are home to more than 46,000 DACA recipients, more than 40,000 of whom are employed. Losing this crucial sector of the workforce would lead to GDP losses of more than $2.7 billion for this region.[18]

The private sector is also invested in protecting the futures of Dreamers. Last year, more than 100 CEOs sent a letter to House and Senate offices warning of the significant losses their industries would suffer if DACA is terminated. Failure to protect Dreamers, they wrote, would "lead to businesses losing valuable talent, cause disruptions in the workforce, and . . . result in significant costs."[19]

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[12] Jie Zong et al., *A Profile of Current DACA Recipients by Education, Industry, and Occupation*, Migration Policy Institute (Nov. 2017), https://www.migrationpolicy.org/research/profile-current-daca-recipients-education-industry-and-occupation.

[13] Francesc Ortega, Ryan Edwards, & Philip E. Wolgin, *The Economic Benefits of Passing the Dream Act*, Center for American Progress (Sep. 18, 2017), https://www.americanprogress.org/issues/immigration/reports/2017/09/18/439134/economic-benefits-passing-dream-act/.

[14] Francesc Ortega & Amy Hsin, *How the Dream Act Can Actually Lower the Deficit*, THE HILL (Feb. 14, 2018), https://thehill.com/opinion/immigration/373824-how-the-dream-act-can-actually-lower-the-deficit.

[15] Ryan D. Edwards et al., *The State-by-State Economic Benefits of Passing the Dream Act*, Center for American Progress (Oct. 26, 2017), https://www.americanprogress.org/issues/immigration/news/2017/10/26/441298/the-state-by-state-economic-benefits-of-passing-the-dream-act/.

[16] *Id.*

[17] John C. Austin, *Losing Dreamers Would be a Loss for Heartland Economy*, Brookings Institute: The Avenue (Jan. 31, 2018), https://www.brookings.edu/blog/the-avenue/2018/01/31/losing-dreamers-would-be-a-loss-for-heartland-economy/.

[18] *Id.*

[19] Letter from coalition of U.S. business leaders and CEOs, to Senate Majority Leader Mitch McConnell, Senate Minority Leader Chuck Schumer, Speaker of the House Paul Ryan, and House Minority Leader Nancy Pelosi (Jan. 10, 2018), https://www.verizon.com/about/sites/default/files/1-10-8-DACA-CEO-Letter.pdf; *see also* Ryan Grenoble, *100 Top CEOs Urge DACA Ac-*

Hearings

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearing was used to develop H.R. 6 and H.R. 2820: "Protecting Dreamers and TPS Recipients," held before the Judiciary Committee on March 6, 2019. The Committee heard testimony from: Jin Park, a Korean national DACA recipient, Harvard graduate, and Rhodes Scholar who came to the United States at the age of seven; Yazmin Irazoqui Ruiz, a Mexican national DACA recipient and *summa cum laude* graduate of the University of New Mexico who came to the United States at the age of three and is currently attending medical school; Yatta Kiazolu, a Liberian national Deferred Enforced Departure (DED) holder who has lived in the United States for 22 years and is currently enrolled in a PhD program at the University of California, Los Angeles; Jose Palma, a Salvadoran national Temporary Protected Status (TPS) recipient who is married to another TPS recipient, has four U.S. citizen children, and serves as the National Coordinator of the National TPS Alliance; Donald Graham, former owner of *The Washington Post* and co-founder of TheDream.US, which provides scholarships to thousands of highly motivated Dreamers and TPS recipients; Catholic Bishop Mario Dorsonville, Auxiliary Bishop of the Archdiocese of Washington, a naturalized immigrant from Colombia and the incoming Migration Chairman of the U.S. Conference of Catholic Bishops; Hilario Yanez, a DACA recipient and a graduate from the University of Houston; and Andrew R. Arthur, a former immigration judge and a Resident Fellow at the Center for Immigration Studies.

Witnesses shared their personal stories and highlighted the need for a legislative solution by exploring how Dreamers benefit our country and how they could contribute even more to our nation if provided a means to become full, participating members of our society as lawful permanent residents. Witnesses also noted the personal and community-based impacts resulting from the Administration's decision to terminate DACA.

Committee Consideration

On May 22, 2019, the Committee met in open session and ordered the bill, H.R. 2820, favorably reported with an amendment in the nature of a substitute, by a rollcall vote of 19 to 10, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following rollcall votes occurred during the Committee's consideration of H.R. 2820:

1. An amendment by Mr. Chabot to amend section 101 that would make an individual ineligible to adjust his or her status if such individual has either: (1) a single conviction for driving while intoxicated causing serious bodily injury or the death of another

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tion in Open Letter to Congress, HUFFPOST (Jan. 10, 2018), https://www.huffingtonpost.com/entry/top-ceos-open-letter-congress-daca_us_5a567f17e4b08a1f624b07da.

person; or (2) two or more convictions for driving while intoxicated, was defeated by a rollcall vote of 10 to 20.

Roll Call No. 1 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives
116th Congress

Amendment # 2 ( ) to ANS to HR 2020 offered by Rep. Chabot

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)			
Cedric Richmond (LA-02)		✓	
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)			
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)			
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)			
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	10	20	

2. An amendment by Mr. Gohmert to amend section 101 that would make an individual ineligible to adjust his or her status if he or she is or has been a member of a criminal street gang, or has participated in the activities of a criminal street gang knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang, was defeated by a rollcall vote of 10 to 17.

Roll Call No. 2 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives
116th Congress

Amendment # 3 ( ) to AMS t. HR 2500 offered by Rep. Gohmert

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)			
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)			
Greg Stanton (AZ-09)			
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)			
Steve Chabot (OH-01)			
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	10	17	

3. An amendment by Mr. Biggs to amend the confidentiality provisions in section 209 to allow application information to be used for enforcement of the Act or for any criminal proceeding was defeated by a rollcall vote of 10 to 18.

Roll Call No. 3 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives

116th Congress

Amendment # 5 ( ) to ANS t. HR 2500 offered by Rep. Biggs

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)			
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)			
Cedric Richmond (LA-02)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)			
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)	✓		
Steve Chabot (OH-01)			
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)			
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	10	18	

4. An amendment by Mr. McClintock to replace the term "shall" with "may" in various places within sections 101 and 103, to provide greater discretion to the Secretary of Homeland Security to deny applications submitted under the Act, was defeated by a roll-call vote of 12 to 16.

Roll Call No. 4 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives

116th Congress

Amendment # 6 ( ) to AMS to HR 3380 offered by Rep. McClintock

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)			
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)			
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)			
	AYES	NOS	PRES
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)			
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	12	16	

5. An amendment by Mrs. Lesko to amend section 101 that would make an individual ineligible to adjust his or her status if he or she engaged in immigration-related fraud or made a material misrepresentation, as defined under section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. § 1182(a)(6)(C)), was defeated by a rollcall vote of 11 to 16.

Roll Call No. 5 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives

116th Congress

Amendment # 7 ( ) to AMS to HR 2500 offered by Rep. Lesko

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)			
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)			
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)			
	AYES	NOS	PRES
Doug Collins (GA-27)			
James F. Sensenbrenner (WI-05)			
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)	✓		
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	11	16	

6. An amendment by Mr. Gaetz to amend section 101 that would make an individual ineligible to adjust his or her status if he or she was convicted of a misdemeanor offense involving the purchase, sale, offering for sale, exchanging, using, owning, possessing, or carrying, or attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry any weapon, part, or accessory which is a firearm or destructive device was defeated by a rollcall vote of 13 to 16.

Roll Call No. 6 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives

116th Congress

Amendment # 8 ( ) to ANS to HR 2500 offered by Rep. Gaetz

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)			
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)			
Karen Bass (CA-37)			
Cedric Richmond (LA-02)		✓	
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)			
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)			
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)	✓		
Martha Roby (AL-02)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	13	16	

7. An amendment by Mr. Cline to amend section 207 to replace the term "may" with "shall" in reference to the Secretary of Homeland Security's authority to prohibit or restrict the use of a document or class of documents, if the Secretary determines that such documents are unreliable or are being fraudulently used to an unacceptable degree, was defeated by a rollcall vote of 6 to 15.

Roll Call No. 7 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives

116th Congress

Amendment # 9 ( ) to AND to HR 2500 offered by Rep. Cline

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)			
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)			
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)			
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)			
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)			
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)			
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)			
Steve Chabot (OH-01)			
Louie Gohmert (TX-01)			
Jim Jordan (OH-04)			
Ken Buck (CO-04)			
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)			
Guy Reschenthaler (PA-14)			
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	6	15	

8. An amendment by Mr. Biggs to amend section 101 that would make an individual ineligible to adjust his or her status if such individual had no lawful immigration status as of the date of the Act's enactment was defeated by a rollcall vote of 8 to 16.

Roll Call No. 9 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives
116th Congress

Amendment # 10 ( ) to AMS to HR 2000 offered by Rep. Biggs

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)			
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)		✓	
Karen Bass (CA-37)			
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)			
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)			
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)			
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)			
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	8	16	

9. An amendment by Mr. Steube to provide that the parents of individuals granted permanent resident status under the Act shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act was defeated by a rollcall vote of 8 to 17.

Roll Call No. 6 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives
116th Congress

Amendment # 11 ( ) to AMS to HR 3000 offered by Rep. Steube

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)			
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)			
Karen Bass (CA-37)			
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES
Doug Collins (GA-27)			
James F. Sensenbrenner (WI-05)			
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)			
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	8	17	

10. An amendment by Mr. Biggs to section 101 to provide that an individual is eligible to adjust his or her status under the Act if he or she was younger than 16 years of age on the date on which such individual entered the United States, but only if such date was before June 15, 2007, and he or she has continuously resided in the United States since such entry was defeated by a rollcall vote of 10 to 18.

Roll Call No. 10 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives

116th Congress

Amendment # 10 ( ) to H.R. 2500 offered by Rep. Biggs

☐ PASSED

☑ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-02)			
Karen Bass (CA-37)			
Cedric Richmond (LA-02)			
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)			
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)			
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Debbie Mucarsel-Powell (FL-26)		✓	
Veronica Escobar (TX-16)		✓	
	AYES	NOS	PRES
Doug Collins (GA-27)	✓		
James F. Sensenbrenner (WI-05)			
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Jim Jordan (OH-04)			
Ken Buck (CO-04)	✓		
John Ratcliffe (TX-04)			
Martha Roby (AL-02)			
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Debbie Lesko (AZ-08)	✓		
Guy Reschenthaler (PA-14)	✓		
Ben Cline (VA-06)	✓		
Kelly Armstrong (ND-AL)			
Greg Steube (FL-17)	✓		
	AYES	NOS	PRES.
TOTAL	10	18	

11. Motion to report H.R. 2820, as amended, favorably was agreed to by a rollcall vote of 19 to 10.

Roll Call No. 11 Date: 5/22/19

COMMITTEE ON THE JUDICIARY

House of Representatives
116th Congress

Final Passage on H.R 2520 as amended

☑ PASSED

☐ FAILED

	AYES	NOS	PRES.	
Jerrold Nadler (NY-10)	✓			
Zoe Lofgren (CA-19)	✓			
Sheila Jackson Lee (TX-18)	✓			
Steve Cohen (TN-09)	✓			
Hank Johnson (GA-04)	✓			
Ted Deutch (FL-02)				
Karen Bass (CA-37)				
Cedric Richmond (LA-02)				
Hakeem Jeffries (NY-08)				
David Cicilline (RI-01)	✓			
Eric Swalwell (CA-15)				
Ted Lieu (CA-33)	✓			
Jamie Raskin (MD-08)	✓			
Pramila Jayapal (WA-07)	✓			
Val Demings (FL-10)	✓			
Lou Correa (CA-46)	✓			
Mary Gay Scanlon (PA-05)	✓			
Sylvia Garcia (TX-29)	✓			
Joseph Neguse (CO-02)	✓			
Lucy McBath (GA-06)	✓			
Greg Stanton (AZ-09)	✓			
Madeleine Dean (PA-04)	✓			
Debbie Mucarsel-Powell (FL-26)	✓			
Veronica Escobar (TX-16)	✓			
	AYES	NOS	PRES.	
Doug Collins (GA-27)		✓		
James F. Sensenbrenner (WI-05)				
Steve Chabot (OH-01)		✓		
Louie Gohmert (TX-01)		✓		
Jim Jordan (OH-04)				
Ken Buck (CO-04)		✓		
John Ratcliffe (TX-04)				
Martha Roby (AL-02)				
Matt Gaetz (FL-01)				
Mike Johnson (LA-04)				
Andy Biggs (AZ-05)		✓		
Tom McClintock (CA-04)		✓		
Debbie Lesko (AZ-08)		✓		
Guy Reschenthaler (PA-14)		✓		
Ben Cline (VA-06)		✓		
Kelly Armstrong (ND-AL)				
Greg Steube (FL-17)		✓		
	AYES	NOS	PRES.	
TOTAL	19	10		

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

Committee Estimate of Budgetary Effects

In compliance with clause 3(d) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of the bill, H.R. 2820, as reported. The Committee agrees with the estimate prepared by the Congressional Budget Office, which is included below.

New Budget Authority, Entitlement Authority, and Tax Expenditures

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2820, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 30, 2019.

Re H.R. 2820, the Dream Act of 2019.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office and staff of the Joint Committee on Taxation (JCT) have completed an estimate of the direct spending and revenue effects of H.R. 2820, the Dream Act of 2019, as ordered reported by the House Committee on the Judiciary on May 22, 2019. On net, CBO and JCT estimate enacting the legislation would increase budget deficits by $26.3 billion over the 2020–2029 period; on-budget deficits would increase by $31.0 billion, and off-budget deficits would decrease by $4.8 billion over that period. Because enacting the bill would affect direct spending and revenues, pay-as-you-go procedures apply.[1] The pay-

[1] A relatively small number of people would be eligible for LPR status under both H.R. 2820 (the Dream Act) and H.R. 2821 (the American Promise Act), both of which were ordered reported by the House Committee on the Judiciary on May 22, 2019. Consequently, if the provisions of the two bills were enacted as a single bill, the budgetary effects for that combined bill

as-you-go effects are equal to the change in on-budget deficits (see Table 1).

H.R. 2820 would allow inadmissible or deportable aliens who arrived in the United States before the age of 18 and have been continuously present for at least four years to receive lawful permanent resident (LPR) status under certain conditions. If they meet further qualifications—related to education, employment, uniformed service, disability, caregiving, or hardship to themselves or their relatives—the bill would permit them to remove the conditional basis of their LPR status, making them eligible to become citizens.

CBO estimates that H.R. 2820 would provide lawful immigration status and work authorization to more than 2 million people who otherwise would be physically present in the United States without such legal authority.[2,3] Enacting the bill would affect direct spending because LPR status confers eligibility for federal benefits—health insurance subsidies and benefits under Medicaid and also under the Supplemental Nutrition Assistance Program, among others—provided that those applicants meet the other eligibility requirements for those programs.[4]

Enacting H.R. 2820 also would affect federal revenues because the increase in the number of workers with employment authorization would affect payroll taxes and individual and corporate income taxes. Some newly authorized workers also would become eligible for refundable tax credits (included in the spending total below). In addition, some of the fees established under the bill would be classified as revenues in the budget.

CBO and JCT estimate that enacting H.R. 2820 would increase direct spending by $28.8 billion over the 2020–2029 period. Over that same period, CBO and JCT estimate that the bill would increase revenues, on net, by $2.5 billion—a decline in on-budget revenues of $2.9 billion and an increase in off-budget revenues of $5.5 billion.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Rafferty, who can be reached at 226–2840.

Sincerely,

KEITH HALL,
Director.

Enclosure

cc: Honorable Doug Collins
Ranking Member

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would be smaller than the sum of the budgetary effects of the two bills. CBO has not estimated the budgetary effects of a combined bill.

[2] H.R. 2820 would not require as a condition for eligibility for LPR status that an alien be inadmissible or deportable as of the date of enactment or any other specific date. Thus, some aliens who are currently in lawful immigration status could subsequently lose that status, become inadmissible or deportable, and therefore gain eligibility for LPR status under H.R. 2820. CBO has not estimated the number of people that could be so affected, nor the budgetary effects resulting from their eligibility for LPR status.

[3] The Administration has proposed to terminate the Deferred Action for Childhood Arrivals program that currently provides lawful presence and work authorization to nearly 700,000 inadmissible or deportable aliens. That policy is currently subject to a nationwide injunction. Spending and revenues in CBO's baseline reflect the expectation that the injunction will eventually be lifted and the Administration will implement its proposed policy.

[4] The bill also would provide eligibility for health insurance subsidies to minor children who are not yet eligible to apply for conditional LPR status under the bill because they are not yet in secondary school.

TABLE 1—H.R. 2820, THE DREAM ACT OF 2019

	By fiscal year, millions of dollars—												
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2019–2024	2019–2029
CHANGES IN DIRECT SPENDING (OUTLAYS)													
On-Budget													
Health Insurance Subsidies [a]	0	230	615	1,135	1,515	1,715	1,700	1,510	1,340	1,320	1,410	5,210	12,490
Medicaid and CHIP	0	25	55	100	135	180	335	705	1,125	1,395	1,235	495	5,290
Refundable Tax Credits [b]	0	25	75	330	430	445	465	480	490	495	500	1,305	3,735
SNAP	0	15	50	60	60	55	115	330	555	665	710	240	2,615
Supplemental Security Income	0	5	15	30	35	145	195	220	255	315	275	230	1,490
DHS Fees and Spending	0	360	645	−60	15	105	90	60	−30	−20	5	1,065	1,170
High Education Assistance	0	15	85	155	130	95	85	85	95	95	95	480	935
Medicare	0	0	0	*	5	15	30	45	65	90	125	20	375
Subtotal	0	675	1,540	1,750	2,325	2,755	3,015	3,435	3,895	4,355	4,355	9,045	28,100
Off-Budget													
Social Security	0	*	10	20	30	45	65	85	115	145	180	105	695
Total	0	675	1,550	1,770	2,355	2,800	3,080	3,520	4,010	4,500	4,535	9,150	28,795
CHANGES IN REVENUES													
On-Budget													
Income and Medicare Taxes	0	−60	−300	−370	−325	−205	−80	−375	−370	−375	−380	−1,260	−2,840
Health Insurance Subsidies [a]	0	−20	−50	−85	−110	−125	−130	−160	−180	−195	−205	−390	−1,260
DHS Revenues	0	190	415	155	85	90	95	85	35	15	5	935	1,170
Subtotal	0	110	65	−300	−350	−240	−115	−450	−515	−555	−580	−715	−2,930
Off-Budget													
Social Security	0	20	85	575	675	700	695	680	675	680	690	2,055	5,475
Total	0	130	150	275	325	460	580	230	160	125	110	1,340	2,545
CHANGES IN DEFICITS (NEGATIVES INDICATE INCREASES IN DEFICITS)													
Total	0	−545	−1,400	−1,495	−2,030	−2,340	−2,500	−3,290	−3,850	−4,375	−4,425	−7,810	−26,250
On-Budget	0	−565	−1,475	−2,050	−2,675	−2,995	−3,130	−3,885	−4,410	−4,910	−4,935	−9,760	−31,030
Off-Budget	0	20	75	555	645	655	630	595	560	535	510	1,950	4,780

The change in direct spending would affect budget authority by similar amounts; CHIP = Children's Health Insurance Program; DHS = Department of Homeland Security; SNAP = Supplemental Nutrition Assistance Program; * = between −$500,000 and $500,000.

[a] Premium tax credits for health insurance purchased through the marketplaces established under the Affordable Care Act.

[b] Refundable tax credits include the outlay portion of the earned income and child tax credits.

Duplication of Federal Programs

No provision of H.R. 2820 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2820 would cancel removal proceedings and prohibit the removal of certain undocumented immigrants who entered the United States before age 18, and provide a process for such individuals to apply for lawful permanent resident status.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2820 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the "Dream Act of 2019".

Title I. Treatment of Certain Long-Term Residents Who Entered the United States as Children.

Sec. 101. Permanent Resident Status on a Conditional Basis for Certain Long-Term Residents who Entered the United States as Children. Section 101(a) states that lawful permanent resident (LPR) status obtained under this section is deemed conditional ("conditional permanent residence" or "conditional LPR status") subject to the provisions of the Act.

Section 101(b) sets forth the eligibility requirements for conditional LPR status. Applicants under section 101(b) must currently lack lawful immigration status or be under a grant of Temporary Protected Status (TPS) or Deferred Enforced Departure (DED). In addition, applicants must:

(1) have been continuously present for at least four years before the date of enactment;

(2) have entered the United States before the age of 18 and have continuously resided in the United States since such entry;

(3) not be inadmissible on specified grounds described in section 212(a) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)), including for health-related reasons, alien smuggling, student visa abuse, ineligibility for citizenship, polygamy, international child abduction, unlawful voting, or renouncing U.S. citizenship to avoid taxation;

(4) not have 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;

(5) not be barred on criminal and national security grounds described in section 101(c); and

(6) meet certain educational criteria, including being admitted to an institution of higher education or post-secondary school; having obtained a high school diploma, GED (or equivalent), or a technical credential at the secondary level; or being enrolled in high school, other secondary school, or a program to obtain a GED (or equivalent) or a post-secondary credential.

Section 101(b)(2)(A) provides the Secretary with discretion to charge a fee of no more than $495 to applicants applying for conditional permanent residence.

Section 101(b)(2)(B) requires the Secretary to establish a streamlined procedure for DACA recipients to apply for LPR status under the Act, whether or not on a conditional basis. The Secretary may not charge a fee to DACA recipients applying for conditional LPR status, but the Secretary may charge a reasonable fee to DACA recipients applying for LPR status without the conditional basis.

Section 101(b)(3) requires all applicants to pass background checks before an application for conditional permanent residence can be granted.

Section 101(b)(4) requires all applicants to establish that they have registered under the Military Selective Service Act if they are subject to the Act.

Section 101(c) sets forth the criminal and national security bars to eligibility. Section 101(c)(1) provides that an individual is ineligible for adjustment of status under the Act if the applicant—

(1) is inadmissible under the general criminal and national security bars, described in paragraphs (2) and (3) of sections 212(a) of the INA, that apply to other applicants for admission;

(2) has been convicted of any federal or state felony offense (an offense punishable by a term of imprisonment of more than one year), excluding state offenses involving immigration status;

(3) has been convicted of three or more federal or state misdemeanor offenses (offenses punishable by a term of imprisonment of more than five days but not more than one year) not occurring on the same date or arising out of the same act, omission, or scheme of misconduct (excluding state offenses involving immigration status, minor traffic offenses, offenses involving civil disobedience without violence, simple possession of cannabis or cannabis-related paraphernalia, and any offense involving cannabis or cannabis-related paraphernalia that is no longer prosecutable in the state in which the conviction was entered);

(4) has been convicted of a crime of domestic violence (unless the crime is related to the applicant having been: a victim of domestic violence, sexual assault, or related offenses; battered or subjected to extreme cruelty; or a victim of criminal activity).

Section 101(c)(2) provides the Secretary with discretionary authority to waive certain misdemeanor offenses. Section 101(c)(2)(A)

provides for a waiver—for humanitarian purposes, family unity, or if otherwise in the public interest—for certain grounds of inadmissibility, unless the conviction forming the basis for inadmissibility would make the applicant ineligible under the other felony or misdemeanor bars in the bill. Section 101(c)(2)(B) allows the Secretary, based on the same criteria, to waive consideration of: (1) one misdemeanor offense if the applicant has not been convicted of any offense in five years; or (2) two misdemeanor offenses if the applicant has not been convicted of any offense in ten years.

Section 101(c)(3) provides the Secretary with the non-delegable authority to conduct a secondary review of applications and provisionally deny an applicant if there is clear and convincing evidence that the applicant presents a significant threat to public safety or has actively participated in a criminal gang. Specifically, the Secretary can provisionally deny an applicant who presents a significant threat to public safety based on either: (1) a conviction punishable by a term of imprisonment of more than 30 days (excluding certain misdemeanors related to marijuana, immigration-related offenses, minor traffic offenses, and civil disobedience not involving violence); or (2) a juvenile delinquency adjudication resulting in placement in a secure facility. In making such a determination, the Secretary must consider the recency of the conviction or adjudication, the length of any sentence or placement, the nature and seriousness of the conviction or adjudication, and any mitigating factors pertaining to the individual's role in the commission of the offense. The Secretary may also provisionally deny an applicant who, within the past five years, voluntarily and willfully participated in criminal offenses committed by a criminal street gang with the intent to promote or further such offenses.

Section 101(c)(3)(E) provides that identification in a gang database does not establish gang participation.

Section 101(c)(3)(F) requires the Secretary to provide two notices of the intent to provisionally deny an application. The Secretary must send such notices by certified mail, as well as electronic mail, or other electronic communication, if requested by the applicant. The applicant shall be provided at least 90 days to respond. Upon a motion by the applicant showing good cause, including failure to receive the required notice, the Secretary shall reopen the application.

Section 101(c)(3)(G) provides for judicial review of a provisional denial.

Section 101(c)(4) defines the terms "felony offense," "misdemeanor offense," "crime of domestic violence," and "convicted" or "conviction."

Section 101(d) requires the Attorney General, upon request, to stay the removal of an individual who is not older than 18 and meets the requirements of section 101(b)(1) except for the education requirements, to give such individual a reasonable opportunity to meet such requirements.

Section 101(e) allows an individual to withdraw his or her application without prejudice.

Sec. 102. Terms of Permanent Resident Status on a Conditional Basis. Section 102(a) provides that conditional LPR status under the Act is valid for ten years unless extended or revoked by the Secretary.

Section 102(b) requires the Secretary to provide notice to an approved applicant regarding the Act's requirements, including the requirements that must be met to have the conditional basis of LPR status removed.

Section 102(c) allows the Secretary to revoke conditional LPR status if the applicant engages in conduct that makes the applicant ineligible for such status, but the Secretary must provide notice of the proposed revocation and the opportunity for a hearing to contest such revocation. Section 102(d) states that if conditional LPR status expires or is revoked, the individual is returned to the immigration status he or she previously held.

Sec. 103. Removal of Conditional Basis of Permanent Resident Status. Section 103(a)(1) sets forth the criteria for removing the conditional basis of LPR status granted under section 101. Specifically, the Secretary must remove such conditions for an applicant who:

(1) has not engaged in conduct that would render the applicant ineligible for status under the criminal or national security bars in section 101(b)(1)(C);

(2) has not abandoned residence in the United States; and

(3) has: (a) obtained a degree from a U.S. institution of higher education; (b) completed two years in good standing in a bachelor's or higher degree program, or in a post-secondary area career and technical education program; (c) served in the Uniformed Services for two years, and if discharged, received an honorable discharge; or (d) earned income for at least three years (reduced by the period of time the applicant is enrolled in a post-secondary education program), and at least 75 percent of the time that the alien had valid employment authorization.

Section 103(a)(2) authorizes a waiver of these education/military/work requirements if the applicant can demonstrate compelling circumstances based on a disability, being a full-time caregiver, or the extreme hardship that would result from removal to U.S. citizen or LPR immediate relatives.

Section 103(a)(3) requires the applicant to pass the English and civics test required for naturalization purposes, unless the applicant has a disability.

Section 103(a)(4) allows the Secretary to charge a reasonable fee for processing applications to remove the conditional basis on LPR status.

Section 103(a)(5) prohibits the Secretary from removing the conditional basis on LPR status until background checks are completed.

Section 103(b) clarifies that for purposes of naturalization, an applicant granted conditional LPR status is considered a lawful permanent resident, but that an individual cannot apply for naturalization while he or she remains on conditional status.

Section 103(c) states that an individual may adjust to full LPR status without first applying for conditional status if the applicant meets the eligibility requirements for removal of the conditions at the time of initial application. Such an individual must submit to a single background check and is required to pay only one application fee to adjust to permanent resident status.

Title II. General Provisions.

Sec. 201. Definitions. Section 201 defines the following terms: "Appropriate United States District Court"; "Area Career and Technical Education School"; "DACA"; "Disability"; "Federal Poverty Line"; "High School"; "Secondary School"; "Immigration Laws"; "Institution of Higher Education"; "Recognized Postsecondary Credential"; "Secretary"; and "Uniformed Services".

Sec. 202. Submission of Biometric and Biographic Data; Background Checks. Section 202 requires all applicants to provide biometric and biographic data, and prohibits approval of an application unless security and criminal background checks are completed to the Secretary of Homeland Security's satisfaction.

Sec. 203. Limitation on Removal; Application and Fee Exemption; Waiver of Grounds for Inadmissibility and Other Conditions on Eligible Individuals. Section 203(a) prohibits the removal of an individual who appears to be prima facie eligible for relief under the Act until a final decision establishing ineligibility for relief is rendered.

Section 203(b) allows an individual who has been ordered removed or granted voluntary departure to apply for status without having to file a motion to reopen or other pleading with the immigration court. If the application is approved, the Secretary must cancel the order of removal or voluntary departure. If the Secretary renders a final decision to deny the application, the removal or voluntary departure order shall remain in effect.

Section 203(c) provides for a fee exemption for applicants who: (1) are younger than age 18; (2) receive an income level at less than 150 percent of the poverty line; (3) are in foster care or lack familial support; or (4) cannot care for themselves due to a serious, chronic disability.

Section 203(d) provides the Secretary with discretionary authority to waive the following grounds of inadmissibility under INA section 212(a) for humanitarian purposes, family unity, or because a waiver is otherwise in the public interest: health-related grounds, alien smuggling, student visa abuse, or unlawful voting.

Section 203(e) allows applicants for adjustment of status under the Act to apply for advance parole (advance permission to return to the United States after travel abroad).

Section 203(f) allows individuals to apply for work authorization if their removal is stayed, if they may not be placed in removal proceedings, or if they have an application pending under the Act.

Sec. 204. Determination of Continuous Presence and Residence. Section 204(a) states that any period of continuous physical presence or continuous residence does not terminate when an individual is served with a notice to appear.

Section 204(b) states that an individual will have failed to maintain continuous physical presence if the individual departed the United States for any period exceeding 90 days or 180 days in the aggregate. An individual will have failed to maintain continuous residence if the individual departed the United States for any period exceeding 180 days, unless the individual can demonstrate that he or she did not in fact abandon residence. Travel authorized by the Secretary is excluded from consideration, and time spent outside the United States that exceeds these limitations may be excused for extenuating circumstances.

Section 204(c) allows the Secretary to waive—for humanitarian purposes, family unity, or if otherwise in the public interest—the physical presence requirement for purposes of conditional permanent residence for an individual who was removed or departed the United States on or after January 20, 2017, and was continuously physically present in the United States for four years prior to the removal or departure. This section requires the Secretary to consult with the Department of State and establish a procedure for individuals to apply for relief from outside the United States if they would have been eligible for conditional permanent residence but for their removal or departure.

Sec. 205. Exemption from Numerical Limitations. Section 205 states that there is no numerical limitation on the number of people who may be granted permanent resident status under the Act.

Sec. 206. Availability of Administrative and Judicial Review. Section 206(a) directs the Secretary to create, within 30 days of the date of enactment, an administrative review procedure for individuals whose applications are denied or whose status is revoked. Section 206(b) provides for judicial review in federal district court for applicants who are denied or have had their status revoked.

Section 206(c) provides for judicial review of applications that are provisionally denied under the Secretary's non-delegable discretionary authority. Such applicants have 60 days to seek review in a federal district court. The provisional denial is subject to de novo review based solely on the administrative record unless the applicant chooses to supplement the record. If the applicant supplements the record, the Secretary shall have the opportunity to respond with additional evidence. Applicants seeking review under this subsection have the right to counsel and shall be appointed counsel at their request. Appointed counsel is funded through the collection of fees associated with applications under the Act.

Section 206(d) states that applicants seeking administrative or judicial review under the Act may not be removed until a final decision on the application for relief is rendered, except that an individual may be removed on criminal or national security grounds pending judicial review. An individual removed who prevails on judicial review shall be promptly returned to the United States.

Sec. 207. Documentation Requirements. Section 207 sets forth the types of documentation that applicants may submit as proof of eligibility for relief under the Act in the following categories: Documents Establishing Identity; Documents Establishing Entry, Continuous Physical Presence, and Lack of Abandonment of Residence; Documents Establishing Admission to an Institution of Higher Education; Documents Establishing Receipt of a Degree From an Institution of Higher Education; Documents Establishing Receipt of High School Diploma, General Educational Development Credential, or a Recognized Equivalent; Documents Establishing Enrollment in an Educational Program; Documents Establishing Exemption From Application Fees; Documents Establishing Qualification for Hardship Exemption; Documents Establishing Service in the Uniformed Services; and Documents Establishing Earned Income.

Section 207(k) allows the Secretary to prohibit or restrict the use of documents that are deemed unreliable for purposes of establishing identity, as well as other documents if the Secretary deter-

mines that relief under the Act is being obtained fraudulently to an unacceptable degree.

Sec. 208. Rulemaking. Section 208 requires the Secretary to publish interim regulations not later than 90 days after enactment. Final regulations must be published 180 days after the interim regulations are published.

Sec. 209. Confidentiality of Information. Section 209 prohibits the Secretary from: (1) disclosing or using application information (including information provided during administrative or judicial review) or in DACA requests for immigration enforcement purposes; or (2) referring applicants to U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection, or any designee of such agency based solely on such information. Information may be shared with federal security and law enforcement agencies for assistance in the consideration of an application under the Act, to identify or prevent fraud, for national security purposes, or for the investigation or prosecution of any felony not related to immigration status. A fine of up to $10,000 shall be imposed upon any person who knowingly uses, publishes or permits information to be examined in violation of this section.

Sec. 210. Grant Program to Assist Eligible Applicants. Section 210 authorizes appropriations and directs the Secretary to establish a program to award competitive grants to nonprofit organizations to provide services to eligible applicants, including for the following purposes: to provide information on eligibility, to screen prospective applicants for eligibility, to prepare and submit applications and supporting documentation, to provide information on the rights and responsibilities of U.S. citizenship, and to provide instruction to individuals in civics and English as a second language.

Sec. 211. Provisions Affecting Eligibility for Adjustment of Status. Section 211 states that eligibility for relief under the Act does not preclude an individual from seeking any other status for which the individual might be eligible.

Sec. 212. Supplementary Surcharge for Appointed Counsel. Except where an individual is eligible for a fee exemption, and excluding biometrics collection, a $25 surcharge is imposed an all applications for deposit into an "Immigration Counsel Account" to provide appointed counsel under the Act. This section also requires the Secretary to submit a report to Congress on the status of the account every two years.

Sec. 213. Annual Report on Provisional Denial Authority. Section 213 requires the Secretary to submit annual reports to Congress with data and statistics on provisional denials issued pursuant to section 101(c)(3).

Dissenting Views

H.R. 2820, The "DREAM Act of 2019"

H.R. 2820 [1] provides green cards (and thus a special path to citizenship) to millions of aliens currently living in the U.S. illegally—whether they are recipients of deferred action under President Obama's Deferred Action for Childhood Arrivals (DACA) Program or not. To be eligible for DACA, an individual had to prove they entered the U.S. before the age of 16, on or before June 15, 2007, were physically present in the U.S. from that date until June 15, 2012, had no lawful immigration status on that date, and were under 31 years of age as of June 15, 2012. H.R. 2820 is much broader than that, covering any individual who entered the U.S. under the age of 18—not 16—and who is present for four years prior to the date of enactment.[2] H.R. 2820 would therefore provide green cards to the unaccompanied alien children who entered the United States during the surges of 2013 and 2014, who were likely incentivized to illegally enter in the first place due to the establishment of DACA In addition, the bill contains no upper age limit, so even an alien who entered the U.S. illegally 30 or 40 years ago could be granted a green card.

As written, H.R. 2820 places the interests of those who violated U.S. immigration law above the interests of those who waited, or have been waiting, in many cases for many years, to enter this country legally.

As written, H.R. 2820 contains no enforcement provisions, and is simply a vehicle designed to give green cards to the greatest number of people possible. Meanwhile, our country is witnessing a security and humanitarian crisis on the border, as each successive month we are seeing unprecedented numbers of family units and unaccompanied alien children encountered by Customs and Border Protection personnel. The sheer volume of people coming is overwhelming border infrastructure.

Yet in the midst of a true crisis, H.R. 2820 does nothing whatsoever to address the resource needs of our law enforcement personnel on the border, nor will it do anything to address the root causes of the legal loopholes in U.S. immigration law that act as pull factors and have created a *de facto* system of catch-and-release. In fact, by providing such a wide-ranging amnesty with no enforcement measures, H.R. 2820 will only incentivize further illegal immigration and is sure to exacerbate the crisis on the border.

H.R. 2820, as written, would put criminal aliens on the fast track to a green card. Under H.R. 2820, an alien is eligible for conditional resident status—a prerequisite to obtaining permanent resident status—if they are not inadmissible under the criminal grounds of removability contained at section 212(a)(2) of the Immigration and Nationality Act ("INA"),[3] and provided they have not been convicted of one felony or three misdemeanors.[4]

Worryingly, these criminal exclusions contain loopholes for aliens convicted of only one or two serious misdemeanors. For example,

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[1] Amendment in the Nature of a Substitute to H.R. 2820, 116th Cong. (Dream Act of 2019).
[2] *Id.* at § 101(a)(1).
[3] *Id.* at § 101(c)(1)(A).
[4] *Id.* at § 101(c)(1)(B).

an alien convicted of only one or two misdemeanor firearms offenses would be eligible for benefits under H.R. 2820 without having to obtain any waiver, as section 212(a)(2) of the INA contains no inadmissibility ground premised on a firearms conviction. Republicans offered an amendment at the markup to exclude aliens convicted of a single misdemeanor firearm conviction, but this was rejected by Democrats.

Moreover, an alien convicted of multiple driving under the influence of alcohol or drugs (DUI) misdemeanor offenses would still be eligible for benefits under H.R. 2820 without having to apply for any waiver. Drunk driving is an extremely dangerous crime that kills thousands of people in the United States every year and injures hundreds of thousands.[5] The average drunk driver has driven drunk over 80 times before their first arrest for DUI.[6] Such dangerous conduct should not be rewarded with a green card. Republicans offered an amendment at the markup to exclude aliens convicted of a single misdemeanor DUI offense if the alien's conduct caused injury to another person, or two misdemeanor DUI offenses regardless of injury, but this was rejected by Democrats.

A broad waiver provision permits criminal inadmissibility to be waived merely "[f]or humanitarian purposes, family unity, or if otherwise in the public interest . . ."[7] The waiver applies to certain 212(a)(2) grounds of inadmissibility, including crimes involving moral turpitude, controlled substance convictions, controlled substance trafficking, and prostitution and commercialized vice.[8] Importantly, the waiver pertains to the applicable grounds of inadmissibility,[9] not a single conviction, meaning an alien can have two convictions qualifying as crimes involving moral turpitude or controlled substance offenses and still be eligible for benefits under H.R. 2820 with a waiver.

Additionally, up to two misdemeanors may be waived "[f]or humanitarian purposes, family unity, or if otherwise in the public interest . . ."[10] merely if the alien has not been *convicted* of an offense in the preceding 5-year period for one, or 10-year period for another, regardless of how many arrests the alien has obtained in the interim. Thus, an alien can be convicted of four misdemeanors with another charge pending pre-conviction and *still* be eligible for benefits under H.R. 2820.

At the markup, Democrats indicated such aliens might be deemed public safety risks and excluded from benefits, but that is simply not the case because of the severe limitations the bill places on the Secretary's ability to "provisionally deny" benefits to aliens deemed to be public safety risks. The provisional denial provision is unworkable as written.[11] First, the provision can only be used if the alien has a conviction or has been adjudicated delinquent,

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[5] National Highway Traffic Safety Administration. "Traffic Safety Facts 2017. Alcohol-Impaired Driving." Available at https://crashstats.nhtsa.doLgov/Api/PublicNiewPublication/812630.
[6] Mothers Against Drunk Driving Statistics, available at https://www.madd.org/statistics/.
[7] Id at § 101(c)(2)(A).
[8] INA § 212(a)(2)(A), (C), and (D).
[9] Amendment in the Nature of a Substitute to H.R. 2820, 116th Cong (Dream Act of 2019) at § 101(c)(2)(A).
[10] *Id.* at § 101(c)(2)(A).
[11] *Id.* at § 101(c)(3).

and that conviction has to be related to the risk to public safety.[12] The Secretary's hands are tied in the case of aliens arrested of heinous crimes who otherwise qualify for benefits under H.R. 2820; they must be granted as the Secretary has no discretion to deny in those cases.[13] Second, the Secretary of Homeland Security may not delegate the authority to provisionally deny an application,[14] meaning the Secretary him/herself—not an adjudicator, not a supervisor, not even the head of a component agency—would have to review any application that potentially indicated a public safety risk to exercise the authority to "provisionally deny". The Secretary of Homeland Security has an enormous amount of responsibility, including supervision of over 240,000 employees in multiple component agencies.[15] Immigration benefits are only one of these responsibilities, as the mission of the Department of Homeland Security also includes border security, disaster preparedness and response, election security, critical infrastructure, cybersecurity, and protecting civil rights and liberties.[16] Third, even if the Secretary is able to deny an application, the denial is only *provisional* while the alien is entitled to an extensive review procedure,[17] including the ability to take the Secretary to federal court.[18] In federal court, the alien is provided with a free attorney[19]—paid for by a surcharge on other applications—to challenge the Secretary's determination in a *de novo* review.[20] Simply put, this provisional denial is fundamentally flawed and as written could only be used in the most limited of circumstances.

Democrats at the markup also stated that H.R. 2820 prevents gang members from obtaining green cards but, again, the provisional denial authority for gang members is so limited it will only be used in a handful of cases. In addition to the Secretary being unable to delegate the authority to provisionally deny an application for a gang member,[21] and in addition to the extensive review process,[22] federal court review,[23] and free attorney[24] to challenge the Secretary's decision, the bill explicitly states that "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* [gang participation]."[25] And according to the Democrats' own markup memo, the bill "prohibits the use of gang databases to establish gang participation." Republicans offered an amendment at the markup to make

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[12] *Id.* at § 101(c)(3)(B)(I) and (II).
[13] *Id.* at § 101(b)(1) " . . . the Secretary or the Attorney General *shall* cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis . . ." (emphasis added).
[14] *Id.* at § 101(c)(3)(A) " . . . the Secretary of Homeland Security may, *as a matter of non-delegable discretion,* provisionally deny. . ." (emphasis added).
[15] https://www.dhs.gov/about-dhs.
[16] *Id.*
[17] Amendment in the Nature of a Substitute to H.R. 2820, 116th Cong (Dream Act of 2019) at § 101(c)(3)(F).
[18] *Id.* at §§ 101(c)(3)(G), 206(c).
[19] *Id.* at 206(c).
[20] *Id.*
[21] *Id.* at § 101(c)(3)(A).
[22] *Id.* at § 101(c)(3)(F).
[23] *Id.* at § 101(c)(3)(G).
[24] *Id.* at § 206(c).
[25] *Id.* at § 101(c)(3)(E) "EVIDENTIARY LIMITATION".

gang members and participants ineligible for benefits via H.R. 2820, bypassing the "provisional denial" provision completely, and explicitly authorizing adjudicators to consider any and all evidence of gang membership or participation No Democrats voted for the amendment and the amendment failed.

H.R. 2820 also purports to exclude individuals convicted of domestic violence offenses,[26] however, domestic violence is defined as a "crime of violence," meaning the underlying offense "has as an element the use, attempted use, or threatened use of physical force against a person"[27] This excludes simple assaults, which can form the predicate offense of domestic violence in several states.[28] Where simple assault is also not a crime involving moral turpitude,[29] an alien convicted of a domestic violence offense in a state where such conduct is predicated on a simple assault will be eligible for benefits under H.R. 2820, so long as they only have one or two misdemeanor convictions. Thus, H.R. 2820 does not exclude all aliens convicted of domestic violence.

H.R. 2820 does not incorporate the definition of "conviction" already contained in the Immigration and Nationality Act.[30] H.R. 2820 ignores convictions that were "expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent."[31] Expungement can occur in some states merely because of the passage of time. The definition in H.R. 2820 also means aliens in states where governors expunge a conviction to get around immigration law would get a green card, notwithstanding their criminal history. This is especially unacceptable as the definition of "conviction" contained in the INA—which does include expunged convictions—applies to every other alien applying for an immigration benefit, including permanent residence. Once again, this bill places illegal immigrants in a better place than legal immigrants There should not be a double standard for convicted criminals, and the definition in the INA should apply.

H.R. 2820 will also incentivize the filing of fraudulent applications H.R. 2820 permits various categories of low-reliability evidence to be submitted in support of an application, including mere affidavits.[32] H.R 2820 also contains an expansive confidentiality provision[33] that prevents information contained in an application from being used for law enforcement purposes. Similar confidentiality provisions in the 1986 Special Agricultural Worker amnesty program incentivized widespread fraud in the program and have hampered law enforcement efforts. Moreover, aliens found to be ineligible and removable are prohibited from being referred to U.S. Immigration and Customs Enforcement for lawful enforcement ac-

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[26] *Id.* at § 101(c)(1)(B)(iii).
[27] *Id.* at 101(c)(4)(C).
[28] *See, e.g., Matter of Velasquez*, 25 I&N Dec 278 (BIA 2010) ("The misdemeanor offense of assault and battery against a family or household member in violation of section 18.2–57 2(A) of the Virginia Code Annotated is not categorically a crime of violence . . . and therefore not categorically a crime of domestic violence . . . ").
[29] *See Matter of Wu*, 27 I&N Dec. 8, 10 (BIA 2017) ("It is well established that simple assault or battery . . . Is not considered to involve moral turpitude") *citing Matter of Fualaau*, 21 I&N Dec. 475, 477 (BIA 1996).
[30] INA § 101(a)(48)(A).
[31] Amendment in the Nature of a Substitute to H.R. 2820, 116th Cong. (Dream Act of 2019) at § 101(c)(4)(D).
[32] *Id.* at § 207.
[33] *Id.* at § 209.

tions.[34] H.R. 2820 also contains a provision expressly permitting an alien to withdraw their application at any time, merely by making a request, which the Secretary has no discretion to ignore.[35] The withdrawal "shall not prejudice any future application filed by the applicant for any immigration benefit under this Act or under the Immigration and Nationality Act . . ."[36] meaning an alien can file a fraudulent application, and once they are caught simply request to withdraw their application with no consequences—criminal or immigration-related. Since there are no consequences for filing a fraudulent application, H.R. 2820 incentivizes filing fraudulent applications on the chance that an alien could be granted a green card. Republicans offered an amendment to replace the confidentiality provision in H.R. 2820 with the confidentiality provisions applicable to applications for Temporary Protected Status (TPS),[37] which would allow information from applications to be shared for law enforcement purposes, but would have protected information from third party requestors. Hundreds of thousands, if not over a million, aliens have applied for TPS over the years notwithstanding the confidentiality requirements, indicating such a provision would not prevent eligible applicants from applying for benefits under H.R. 2820. However, Democrats uniformly opposed this amendment as well, and the amendment failed.

Despite the fact that proponents of DREAM Act legislation have long claimed such legislation provides a path to citizenship for immigrants brought here as children by their parents though no fault of their own, nothing in the bill requires the applicant to show he or she even entered the United States with a parent. In addition, for those aliens who were in fact brought to the country by their parents—who, of course, knowingly violated U.S. immigration law—H.R. 2820 actually rewards those parents by not precluding them from getting a green card—and eventually U S. citizenship—based on the green card the child is granted under the bill.

These issues above only illustrate some of the major problems with H.R. 2820. This bill is clearly designed as a political maneuver that has no chance of being taken up by the Senate or signed by the President. If the Democrat majority actually cared about granting lawful status to the DACA population or some other population, they would have worked with Republicans to ensure that we address the crisis on our border, and would have included enforcement measures in the bill. As written, the bill once again reveals the Democrat majority places the interests of illegal immigrants above those of lawful immigrants who must follow the normal process. If Democrats actually cared about ensuring the integrity of our immigration system, reducing fraud, and ensuring criminals do not exploit loopholes in their bill, they would have accepted Republican amendments on firearms convictions, DUIs, gang members, and replacing the confidentiality provisions, among others.

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[34] *Id.* at § 209(b).
[35] *Id.* at § 101(e).
[36] *Id.*
[37] 8 C.F.R. § 244 16.

We urge our colleagues to reject this bill.

DOUG COLLINS,
Ranking Member.
MARTHA ROBY.
ANDY BIGGS.
GUY RESCHENTHALER.
W. GREGORY STEUBE.
STEVE CHABOT.
MATT GAETZ.
TOM MCCLINTOCK.
BEN CLINE.

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