

116TH CONGRESS
1ST SESSION

S. 108

To provide deferred action for certain individuals brought to the United States and to establish a border security trust fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2019

Mr. PORTMAN (for himself and Mr. MORAN) introduced the following bill;
which was read twice and referred to the Committee on Appropriations

A BILL

To provide deferred action for certain individuals brought to the United States and to establish a border security trust fund, and for other purposes.

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

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) **ELIGIBLE INDIVIDUAL.**—The term “eligible
6 individual” means an individual who meets the eligi-
7 bility criteria described in section 2(b).

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

1 **SEC. 2. DEFERRED ACTION FOR CERTAIN CHILDHOOD AR-**
2 **RIVALS.**

3 (a) PROGRAM AUTHORIZED.—The Secretary shall es-
4 tablish a program through which an eligible individual
5 may apply for deferred action status.

6 (b) ELIGIBILITY CRITERIA.—An individual shall be
7 eligible for deferred action status under the program es-
8 tablished under subsection (a) if the individual—

9 (1) on June 15, 2012, was under the age of 31
10 years;

11 (2) entered the United States—

12 (A) on a date on which the alien was under
13 the age of 16 years; and

14 (B) without inspection or lawful status be-
15 fore June 15, 2012;

16 (3) has continuously resided in the United
17 States since June 15, 2007;

18 (4) was physically present in the United
19 States—

20 (A) on June 15, 2012; and

21 (B) on the date on which the Secretary
22 makes a determination with respect to the eligi-
23 bility of the individual for deferred action sta-
24 tus;

25 (5)(A) is in school;

26 (B) has—

1 (i) graduated from high school; or

2 (ii) obtained—

3 (I) a certificate of completion from a
4 high school; or

5 (II) a general education development
6 certificate; or

7 (C) is—

8 (i) a member of the Armed Forces (as de-
9 fined in section 101(a) of title 10, United
10 States Code), including a member of the Na-
11 tional Guard or Reserves; or

12 (ii) a veteran, as defined in section 101 of
13 title 38, United States Code, except that an in-
14 dividual discharged other than honorably is ex-
15 cluded;

16 (6) has not been convicted of—

17 (A) a felony;

18 (B) a significant misdemeanor; or

19 (C) 3 or more misdemeanor offenses;

20 (7) does not pose a threat to national security
21 or public safety; and

22 (8) was granted deferred action status before
23 the date of the enactment of this Act.

24 (c) PERIOD OF DEFERRED ACTION STATUS.—

1 (1) IN GENERAL.—Subject to paragraph (2),
 2 deferred action status granted under this section
 3 shall be valid for a period of 2 years beginning on
 4 the date on which the Secretary grants deferred ac-
 5 tion status to the eligible individual.

6 (2) RENEWAL.—

7 (A) IN GENERAL.—On application to the
 8 Secretary, deferred action status granted under
 9 this section may be renewed for additional 2-
 10 year periods.

11 (B) RENEWAL APPLICATION.—Not more
 12 than 120 days before the date on which the de-
 13 ferred action status of an eligible individual ex-
 14 pires, the eligible individual may submit to the
 15 Secretary an application for renewal of deferred
 16 action status.

17 **SEC. 3. BORDER SECURITY TRUST FUND.**

18 (a) ESTABLISHMENT.—There is established in the
 19 Treasury of the United States a trust fund to be known
 20 as the Border Security Trust Fund (in this section re-
 21 ferred to as the “Trust Fund”), consisting of amounts ap-
 22 propriated to the Trust Fund under subsection (b) and
 23 any amounts that may be credited to the Trust Fund
 24 under subsection (c).

1 (b) APPROPRIATION.—There is appropriated to the
 2 Trust Fund \$25,000,000,000, to remain available until
 3 expended.

4 (c) INVESTMENT OF AMOUNTS.—

5 (1) IN GENERAL.—The Secretary of the Treas-
 6 ury shall invest such portion of the Trust Fund as
 7 is not required to meet current withdrawals in inter-
 8 est-bearing obligations of the United States or in ob-
 9 ligations guaranteed as to both principal and inter-
 10 est by the United States.

11 (2) INTEREST AND PROCEEDS.—The interest
 12 on, and the proceeds from the sale or redemption of,
 13 any obligations held in the Trust Fund shall be
 14 credited to and form a part of the Trust Fund.

15 (d) AVAILABILITY OF AMOUNTS.—Amounts in the
 16 Trust Fund shall be available to the Secretary without fur-
 17 ther appropriation, for—

18 (1) construction of not fewer than 700 miles of
 19 reinforced fencing, excluding vehicle barriers;

20 (2) installation of additional physical barriers;

21 (3) construction and maintenance of access and
 22 patrol roads;

23 (4) lighting;

24 (5) an interlocking surveillance camera system;

25 (6) remote sensors; and

1 (7) the purchase from the Secretary of Defense
2 of surplus aircraft and unmanned aircraft systems.

3 **SEC. 4. ANNUAL REPORT ON BORDER SECURITY.**

4 Not less frequently than once each fiscal year, the
5 Secretary shall submit annually to the Committee on
6 Homeland Security and Governmental Affairs of the Sen-
7 ate and the Committee on Homeland Security of the
8 House of Representatives a report that describes for the
9 applicable fiscal year—

10 (1) the status of the construction of fencing
11 and security improvements at United States borders;
12 and

13 (2) the estimated number of unlawful border
14 crossings.

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