

amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1316.** Mrs. GILLIBRAND (for herself and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 2111, strike “Except” and insert the following:

(a) **ELIGIBILITY FOR LEGAL ASSISTANCE.**—Section 504(a)(11) of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-53) may not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance related to an application for registered provisional immigrant (referred to in this subsection as “RPI”) status under section 245B of the Immigration and Nationality Act, legal assistance to an individual who has been granted RPI status, or legal assistance related to an application for adjustment of status under section 245C or 245D of that Act.

(b) **RIGHT OR BENEFIT.**—Except

**SA 1317.** Ms. HIRONO submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1300, between lines 11 and 12, insert the following:

#### **SEC. 2554. TAXPAYER ELIGIBILITY FOR FEDERAL PROGRAMS.**

(a) **IN GENERAL.**—Any individual who—

- (1) is lawfully present in the United States;
- (2) is employed; and

(3) has satisfied any applicable Federal tax liability (as defined in section 245B(c)(2)(B) of the Immigration and Nationality Act), shall not be ineligible for any federally-funded program or tax credit allowed under the Internal Revenue Code of 1986 solely on the basis of the individual’s immigration status.

(b) **SATISFACTION OF REQUIREMENTS.**—An individual may demonstrate compliance with the requirements described in subsection (a) by submitting appropriate documentation, in accordance with regulations promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Treasury. For purposes of paragraph (2) of subsection (a), such regulations shall allow for brief periods of unemployment lasting not more than 60 days.

(c) **APPLICATION TO SPOUSE OR DEPENDENT.**—Subsection (a) shall apply to the spouse of an individual described in that subsection and to any dependent (as defined in section 152 of the Internal Revenue Code of 1986) of the individual without regard to paragraph (2) of that subsection.

(d) **APPLICATION OF HEALTH INSURANCE REQUIREMENTS.**—Notwithstanding any provision of this Act or any amendment made by this Act, for purposes of sections 36B(e) and 5000A(d)(3) of the Internal Revenue Code of 1986 and section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)), an individual described in subsection (a) or (c) of this section shall be treated as lawfully present in the United States.

(e) **NONAPPLICATION.**—This section shall apply notwithstanding any provision of this Act or any amendment made by this Act.

**SA 1318.** Mr. WYDEN (for himself, Mrs. BOXER, Mr. SCHATZ, Mr. WHITEHOUSE, Mr. HEINRICH, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 855, strike lines 13 through 19.

Beginning on page 858, strike line 11 and all that follows through page 859, line 22.

On page 864, strike lines 8 through 10 and insert the following:

#### **SEC. 5. COMPREHENSIVE SOUTHERN BORDER SECURITY STRATEGY.**

Beginning on page 870, strike line 3 and all that follows through page 871, line 22.

On page 877, beginning on line 1, strike “technology” and all that follows through line 6, and insert “technology;”.

Beginning on page 908, strike line 8 and all that follows through page 911, line 3.

Beginning on page 1039, strike line 22 and all that follows through page 1040, line 2.

**SA 1319.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . PLACEMENT OF SERVICE CENTERS OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES.**

The Director of U.S. Citizenship and Immigration Services, in reviewing the future space and staffing needs for service centers of U.S. Citizenship and Immigration Services, shall develop, to the extent practicable, an effective facility model that encourages each service center to centralize its operations into a single headquarters campus in the original geographic location of the center.

**SA 1320.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 896, strike line 11 and all that follow through page 942, line 17, and insert the following:

#### **TITLE I—BORDER SECURITY**

##### **SEC. 1101. BORDER SECURITY REQUIREMENTS.**

(a) **IN GENERAL.**—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall—

(1) triple the number of U.S. Border Patrol agents stationed along the international border between the United States and Mexico;

(2) quadruple the equipment and other assets stationed along such border, including cameras, sensors, drones, and helicopters, to enable continuous monitoring of the border;

(3) complete all of the fencing required under the Secure Fence Act of 2006 (Public Law 109-367);

(4) develop, in cooperation with the Department of Defense and all Federal law enforcement agencies, a policy ensuring real-time sharing of information among all Federal law enforcement agencies regarding—

(A) smuggling routes for humans and contraband;

(B) patterns in illegal border crossings;

(C) new techniques or methods used in cross-border illegal activity; and

(D) all other information pertinent to border security;

(5) complete and fully implement the United States Visitor and Immigrant Status Indicator Technology (US-VISIT), including the biometric entry-exist portion; and

(6) establish operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (Public Law 109-367)) over 100 percent of the international border between the United States and Mexico.

(b) **TRIGGERS.**—The Secretary may not commence processing applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by section 2101, or blue card status under section 2111 until the Secretary has substantially complied with all of the requirements set forth in subsection (a).

(c) **BUDGETARY EFFECTS OF NONCOMPLIANCE.**—

(1) **INITIAL REDUCTIONS.**—If, on the date that is 3 years after the date of the enactment of this Act, the Secretary has failed to substantially comply with all of the requirements set forth in subsection (a)—

(A) the amount appropriated to the Department for the following fiscal year shall be automatically reduced by 20 percent;

(B) an amount equal to the reduction under subparagraph (A) shall be made available, in block grants, to the States of Arizona, California, New Mexico, and Texas for securing the international border between the United States and Mexico; and

(C) the salary of all political appointees at the Department shall be reduced by 20 percent.

(2) **SUBSEQUENT YEARS.**—If, on the date that is 4, 5, 6, or 7 years after the date of the enactment of this Act, the Secretary has failed to substantially comply with all of the requirements set forth in subsection (a)—

(A) the reductions and block grants authorized under subparagraphs (A) and (B) of paragraph (1) shall increase by an additional 5 percent of the amount appropriated to the Department before the reduction authorized under paragraph (1)(A); and

(B) the salary of all political appointees at the Department shall be reduced by an additional 5 percent.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), there are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal year 2014 through 2018.

(2) **OFFSET.**—

(A) **IN GENERAL.**—Any amounts appropriated pursuant to paragraph (1) shall be offset by an equal reduction in the amounts appropriated for other purposes.

(B) **RESCISSION.**—If the reductions required under subparagraph (A) are not made during the 180-day period beginning on the date of the enactment of this Act, there shall be rescinded, from all unobligated amounts appropriated for any Federal agency (other than the Department of Defense), on a proportionate basis, an amount equal to the amount appropriated pursuant to paragraph (1).

**SA 1321.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . INELIGIBILITY FOR MEANS-BASED BENEFITS OF ALIENS ENTERING OR REMAINING IN UNITED STATES WHILE NOT IN LAWFUL STATUS.**

Notwithstanding any provision of this Act or any other provision of law, no alien who

has entered or remained in the United States while not in lawful status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall be eligible for any Federal, State, or local government means-tested benefit, nor shall such alien be eligible for any benefit under the Patient Protection and Affordable Care Act (Pub. L. 111-148), regardless of the alien's legal status at the time of application for such benefit.

**SA 1322.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1076, strike line 20 and insert the following:

**SEC. 2215. IMMIGRANT CATEGORIES INELIGIBLE FOR UNITED STATES CITIZENSHIP.**

Notwithstanding any other provision of law, aliens granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act, as added by section 2101, including aliens described in section 245D(b)(1) of such Act, and aliens granted blue card status under section 2211 are permanently ineligible to become naturalized citizens of the United States, except for aliens granted asylum pursuant to section 208 of such Act (8 U.S.C. 1158).

**SEC. 2216. AUTHORIZATION OF APPROPRIATIONS.**

**SA 1323.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1076, strike line 20 and insert the following:

**SEC. 2215. INELIGIBILITY FOR MEANS-BASED BENEFITS OF ALIENS ENTERING OR REMAINING IN UNITED STATES WHILE NOT IN LAWFUL STATUS.**

Notwithstanding any provision of this Act or any other provision of law, any alien who, after entering or remaining in the United States while not in lawful status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), was granted legal status under section 245B of the Immigration and Nationality Act, as added by section 2101, including aliens described in section 245D(b)(1) of such Act, or blue card status under section 2211, regardless of the alien's legal status at the time the alien applies for a benefit described in paragraph (1) or (2), shall not be eligible for—

(1) any Federal, State, or local government means-tested benefit; or

(2) any benefit under the Patient Protection and Affordable Care Act (Pub. L. 111-148).

**SEC. 2216. IMMIGRANT CATEGORIES INELIGIBLE FOR UNITED STATES CITIZENSHIP.**

Notwithstanding any other provision of law, aliens granted registered provisional immigrant status under section 245B of the Immigration and Nationality Act, as added by section 2101, including aliens described in section 245D(b)(1) of such Act, and aliens granted blue card status under section 2211 are permanently ineligible to become naturalized citizens of the United States, except for aliens granted asylum pursuant to section 208 of such Act (8 U.S.C. 1158).

**SEC. 2217. AUTHORIZATION OF APPROPRIATIONS.**

**SA 1324.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform

and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1166, strike line 3 and all that follows through “(d)” on page 1217, line 8, and insert the following:

**SEC. 2303. ELIMINATION OF ARBITRARY LIMITATION OF FOREIGN NATIONALITIES.**

(a) REPEAL.—Section 202 (8 U.S.C. 1152) is repealed.

(b) CONFORMING AMENDMENT.—Section 203(b) (8 U.S.C. 1153(b)) is amended by striking paragraph (6).

**SEC. 2304. ELIMINATION OF DIVERSITY VISA LOTTERY.**

(a) REPEAL.—Section 203(c) (8 U.S.C. 1153(c)) is repealed.

(b) CONFORMING AMENDMENTS.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) in section 201—

(A) in subsection (a), by striking paragraph (3); and

(B) by striking subsection (e); and

(2) in section 204(a)(1), by striking subparagraph (I).

**SEC. 2305. FAMILY-SPONSORED IMMIGRANTS.**

(a) NUMERICAL LIMITATIONS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

“(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The maximum worldwide level of family-sponsored immigrants for each fiscal year shall be 337,500.”

(b) VISA ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

“(a) VISA ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but not children) of a citizen of the United States or an alien lawfully admitted for permanent residence shall be allocated all of the visas made available under section 201(c).”

(c) EXPANSION OF IMMEDIATE RELATIVE DEFINITION.—Section 201(b)(2)(A) (8 U.S.C. 1151(b)(2)(A)) is amended to read as follows:

“(A)(i) Immediate relatives.

“(ii) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is an immediate relative.

“(iii) In this subparagraph the term ‘immediate relatives’ means the children, spouse, and parents of a citizen of the United States or of a lawful permanent resident. If the immediate relative is a parent, the citizen or permanent resident shall be at least 21 years of age. If the alien was the spouse of a citizen of the United States or of a lawful permanent resident and was not legally separated from the citizen or permanent resident at the time of the citizen's or permanent resident's death, the alien (and each child of the alien) shall be considered, for purposes of this subparagraph, to remain an immediate relative after the date of the citizen's or permanent resident's death and until the date the spouse remarries if the spouse files a petition under section 204(a)(1)(A)(ii) not later than 2 years after such death. An alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) shall remain an immediate relative if the United States citizen or lawful permanent resident spouse or parent loses United States citizenship or lawful permanent resident status on account of the abuse.”

(d) CONFORMING AMENDMENTS.—The Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V), by striking “203(a)(2)(A)” each place it appears and inserting “203(a)”;

(2) in section 201(f)—

(A) in paragraph (2), by striking “203(a)(2)(A)” and inserting “203(a)”;

(B) by striking paragraph (3); and

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

(D) in paragraph (3), as redesignated, by striking “(1) through (3)” and inserting “(1) and (2)”; and

(3) in section 204—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking “paragraph (1), (3), or (4) of section 203(a)” and inserting “section 203(a)”;

(ii) in subparagraph (B)—

(I) in clause (i)(I), by striking “section 203(a)(2)” and inserting “section 203(a)”;

(II) in clause (ii), by striking “clause (iii) of section 203(a)(2)(A)” each place it appears and inserting “section 203(a)”;

(III) in clause (iii), by striking “section 203(a)(2)(A)” and inserting “section 203(a)”;

and

(iii) in subparagraph (D)(i)(I), by striking “paragraph (1), (2), or (3) of section 203(a)” and inserting “section 203(a)”;

(B) in subsection (a)(2)(A), in the undesignated matter after clause (ii), by striking “preference status under section 203(a)(2)” and inserting “status as an immediate relative under section 201(b)(2)(A)”;

(C) in subsection (k)(1), by striking “section 203(a)(2)(B)” and inserting “section 203(a)”.

**SEC. 2306. EMPLOYMENT-BASED IMMIGRANTS.**

(a) NUMERICAL LIMITATIONS.—Section 201(d) (8 U.S.C. 1151(c)) is amended to read as follows:

“(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The maximum worldwide level of employment-based immigrants for each fiscal year shall be 1,012,500.”

(b) VISA ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(a)) is amended to read as follows:

“(b) VISA ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for employment-based immigrants in a fiscal year shall be allocated visas as follows:

“(1) HIGHLY-SKILLED WORKERS.—Up to 607,500 visas shall be allocated each fiscal year to qualified immigrants described in this paragraph, with preference to be given to immigrants described in subparagraph (A).

“(A) ADVANCED DEGREES IN STEM FIELD.—An alien described in this paragraph holds an advanced degree in science, technology, engineering, or mathematics from an accredited institution of higher education in the United States.

“(B) ALIENS WITH EXTRAORDINARY ABILITY.—An alien described in this subparagraph—

“(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

“(ii) seeks to enter the United States to continue work in the area of extraordinary ability; and

“(iii) will substantially benefit the United States.

“(C) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien described in this subparagraph—

“(i) is recognized internationally as outstanding in a specific academic area;

“(ii) has at least 3 years of experience in teaching or research in the academic area; and

“(iii) seeks to enter the United States—

“(I) for a tenured position (or tenure-track position) within a university or institution of higher education to teach in the academic area;

“(II) for a comparable position with a university or institution of higher education to conduct research in the area; or

“(III) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

“(D) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien described in this subparagraph, in the 3 years preceding the time of the alien’s application for classification and admission into the United States under this subparagraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

“(E) SKILLED WORKERS, PROFESSIONALS, AND OTHER WORKERS.—An alien described in this subparagraph—

“(i) is capable, at the time of petitioning for classification under this paragraph, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

“(ii) holds a baccalaureate degree and is a member of the professions.

“(F) EMPLOYMENT CREATION.—An alien described in this subparagraph seeks to enter the United States for the purpose of engaging in a new commercial enterprise (including a limited partnership)—

“(i) in which such alien has invested (after the date of the enactment of the Immigration Act of 1990) or, is actively in the process of investing, capital in an amount not less than \$1,000,000; and

“(ii) which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence or other immigrants lawfully authorized to be employed in the United States (other than the immigrant and the immigrant’s spouse, sons, or daughters).

“(2) WORKERS IN DESIGNATED SHORTAGE OCCUPATIONS.—Up to 405,000 visas shall be allocated each fiscal year to qualified immigrants who—

“(A) are not described in paragraph (1); and

“(B) have at least 2 years experience in an occupation designated by the Bureau of Labor Statistics as experiencing a shortage of labor throughout the United States.”

(c) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by striking “(a), (b), or (c)” and inserting “(a) or (b)”; and

(2) by adding at the end the following: “The spouse, children, or parents of an alien receiving a visa under subsection 203(b) who are accompanying or following to join the alien shall be counted against the numerical limitations set forth in subsection (b).”

#### SEC. 2307. ONLINE PORTAL FOR LAWFUL PERMANENT RESIDENT APPLICATIONS.

(a) ESTABLISHMENT.—The Secretary shall establish an online portal through which individuals may submit applications for lawful permanent resident status.

(b) FEATURES.—The online portal established pursuant to subsection (a) shall provide—

(1) step-by-step instructions, in plain English, describing what information and supporting documentation is required to be submitted;

(2) an e-mail or text message to notify applicants of changes in the status of their application.

(c) USER FEE.—In addition to any other fees required of applicants for lawful permanent under any other provision of law, the

Secretary may charge individuals who apply for such status through the online portal established pursuant to subsection (a) a fee in an amount sufficient to pay for the costs of maintaining the online portal.

(d) TIME LIMITATION.—All petitions submitted through the online portal established pursuant to subsection (a) shall be adjudicated in 60 days or less.

(e)

**SA 1325.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1629, strike line 7 and all that follows through page 1714, line 19, and insert the following:

#### SEC. 4101. MARKET-BASED H-1B VISA LIMITS.

(a) IN GENERAL.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “(beginning with fiscal year 1992)”; and

(2) by amending subparagraph (A) to read as follows:

“(A) under section 101(a)(15)(H)(i)(b) may not exceed—

“(i) 65,000 in fiscal year 2013; and

“(ii) 325,000 in each subsequent fiscal year; and”;

#### SEC. 4102. WORK AUTHORIZATION FOR DEPENDENT SPOUSES OF H-1B NON-IMMIGRANTS.

Section 214(n) (8 U.S.C. 1184(n)) is amended—

(1) by amending the subsection heading to read as follows “EMPLOYMENT AUTHORIZATION FOR H-1B NONIMMIGRANTS AND THEIR SPOUSES”; and

(2) by adding at the end the following:

“(3) The spouse of an alien provided non-immigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept employment in the United States while his or her principal alien spouse lawfully maintains such status while in the United States.”

#### SEC. 4103. AUTHORIZATION OF DUAL INTENT.

(a) DEFINITION.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking “which he has no intention of abandoning” and inserting “which, if the alien is not pursuing a course of study at an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), the alien has no intention of abandoning”.

(b) PRESUMPTION OF STATUS; INTENTION TO ABANDON FOREIGN RESIDENCE.—Section 214 (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking “(L) or (V)” and inserting “(F), (L), or (V)”; and

(2) in subsection (h), by striking “(H)(i)(b) or (c)” and inserting “(F), (H)(i)(b), (H)(i)(c)”.

#### SEC. 4104. H-1B FEE INCREASE.

(a) IN GENERAL.—Section 214(c)(9) (8 U.S.C. 1184(c)(9)) is amended by striking subparagraphs (B) and (C) and inserting the following:

“(B) The amount of the fee imposed under subparagraph (A) shall be—

“(i) \$2,500 for each such petition by an employer with more than 25 full-time equivalent employees who are employed in the United States, including any affiliate or subsidiary of such employer; or

“(ii) \$1,250 for each such petition by any employer with not more than 25 full-time equivalent employees who are employed in the United States, including any affiliate or subsidiary of such employer.

“(C) Of the amounts collected under this paragraph—

“(i) 60 percent shall be deposited in the H-1B Nonimmigrant Petitioner Account in accordance with section 286(s); and

“(ii) 40 percent shall be deposited in the STEM Education and Training Account established under section 286(w).”

(b) STEM EDUCATION AND TRAINING ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

“(w) STEM EDUCATION AND TRAINING ACCOUNT.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘STEM Education and Training Account’ (referred to in this subsection as the ‘Account’).

“(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Account 40 percent of the fees collected under section 214(c)(9)(B).

“(3) USE OF FUNDS.—Amounts deposited in the Account may be used to enhance the economic competitiveness of the United States by—

“(A) establishing a block grant program for States to promote STEM education; and

“(B) carrying out programs to bridge STEM education with employment, such as work-study program.”

**SA 1326.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1166, strike line 3 and all that follows through “(d)” on page 1217, line 8, and insert the following:

#### SEC. 2303. ELIMINATION OF ARBITRARY LIMITATION OF FOREIGN NATIONALITIES.

(a) REPEAL.—Section 202 (8 U.S.C. 1152) is repealed.

(b) CONFORMING AMENDMENT.—Section 203(b) (8 U.S.C. 1153(b)) is amended by striking paragraph (6).

#### SEC. 2304. ELIMINATION OF DIVERSITY VISA LOTTERY.

(a) REPEAL.—Section 203(c) (8 U.S.C. 1153(c)) is repealed.

(b) CONFORMING AMENDMENTS.—Title II (8 U.S.C. 1151 et seq.) is amended—

(1) in section 201—

(A) in subsection (a), by striking paragraph (3); and

(B) by striking subsection (e); and

(2) in section 204(a)(1), by striking subparagraph (I).

#### SEC. 2305. FAMILY-SPONSORED IMMIGRANTS.

(a) NUMERICAL LIMITATIONS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

“(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The maximum worldwide level of family-sponsored immigrants for each fiscal year shall be 337,500.”

(b) VISA ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

“(a) VISA ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but not children) of a citizen of the United States or an alien lawfully admitted for permanent residence shall be allocated all of the visas made available under section 201(c).”

(c) EXPANSION OF IMMEDIATE RELATIVE DEFINITION.—Section 201(b)(2)(A) (8 U.S.C. 1151(b)(2)(A)) is amended to read as follows:

“(A)(i) Immediate relatives.

“(ii) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is an immediate relative.

“(iii) In this subparagraph the term ‘immediate relatives’ means the children, spouse,

and parents of a citizen of the United States or of a lawful permanent resident. If the immediate relative is a parent, the citizen or permanent resident shall be at least 21 years of age. If the alien was the spouse of a citizen of the United States or of a lawful permanent resident and was not legally separated from the citizen or permanent resident at the time of the citizen's or permanent resident's death, the alien (and each child of the alien) shall be considered, for purposes of this subparagraph, to remain an immediate relative after the date of the citizen's or permanent resident's death and until the date the spouse remarries if the spouse files a petition under section 204(a)(1)(A)(ii) not later than 2 years after such death. An alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) shall remain an immediate relative if the United States citizen or lawful permanent resident spouse or parent loses United States citizenship or lawful permanent resident status on account of the abuse."

(d) CONFORMING AMENDMENTS.—The Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V), by striking "203(a)(2)(A)" each place it appears and inserting "203(a)";

(2) in section 201(f)—

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

(B) by striking paragraph (3); and

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

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

(3) in section 204—

(A) in subsection (a)(1)—

(i) in subparagraph (A)(i), by striking "paragraph (1), (3), or (4) of section 203(a)" and inserting "section 203(a)"; and

(ii) in subparagraph (B)—

(I) in clause (i)(I), by striking "section 203(a)(2)" and inserting "section 203(a)"; and

(II) in clause (ii), by striking "clause (iii) of section 203(a)(2)(A)" each place it appears and inserting "section 203(a)"; and

(III) in clause (iii), by striking "section 203(a)(2)(A)" and inserting "section 203(a)"; and

(iii) in subparagraph (D)(i)(I), by striking "paragraph (1), (2), or (3) of section 203(a)" and inserting "section 203(a)";

(B) in subsection (a)(2)(A), in the undesignated matter after clause (ii), by striking "preference status under section 203(a)(2)" and inserting "status as an immediate relative under section 201(b)(2)(A)"; and

(C) in subsection (k)(1), by striking "section 203(a)(2)(B)" and inserting "section 203(a)".

**SEC. 2306. EMPLOYMENT-BASED IMMIGRANTS.**  
(a) NUMERICAL LIMITATIONS.—Section 201(d) (8 U.S.C. 1151(c)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The maximum worldwide level of employment-based immigrants for each fiscal year shall be 1,012,500."

(b) VISA ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) (8 U.S.C. 1153(a)) is amended to read as follows:

"(b) VISA ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for employment-based immigrants in a fiscal year shall be allocated visas as follows:

"(1) HIGHLY-SKILLED WORKERS.—Up to 607,500 visas shall be allocated each fiscal year to qualified immigrants described in this paragraph, with preference to be given to immigrants described in subparagraph (A).

"(A) ADVANCED DEGREES IN STEM FIELD.—An alien described in this paragraph holds an

advanced degree in science, technology, engineering, or mathematics from an accredited institution of higher education in the United States.

"(B) ALIENS WITH EXTRAORDINARY ABILITY.—An alien described in this subparagraph—

"(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

"(ii) seeks to enter the United States to continue work in the area of extraordinary ability; and

"(iii) will substantially benefit the United States.

"(C) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien described in this subparagraph—

"(i) is recognized internationally as outstanding in a specific academic area;

"(ii) has at least 3 years of experience in teaching or research in the academic area; and

"(iii) seeks to enter the United States—

"(I) for a tenured position (or tenure-track position) within a university or institution of higher education to teach in the academic area;

"(II) for a comparable position with a university or institution of higher education to conduct research in the area; or

"(III) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

"(D) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien described in this subparagraph, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this subparagraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

"(E) SKILLED WORKERS, PROFESSIONALS, AND OTHER WORKERS.—An alien described in this subparagraph—

"(i) is capable, at the time of petitioning for classification under this paragraph, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States; or

"(ii) holds a baccalaureate degree and is a member of the professions.

"(F) EMPLOYMENT CREATION.—An alien described in this subparagraph seeks to enter the United States for the purpose of engaging in a new commercial enterprise (including a limited partnership)—

"(i) in which such alien has invested (after the date of the enactment of the Immigration Act of 1990) or, is actively in the process of investing, capital in an amount not less than \$1,000,000; and

"(ii) which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence or other immigrants lawfully authorized to be employed in the United States (other than the immigrant and the immigrant's spouse, sons, or daughters).

"(2) WORKERS IN DESIGNATED SHORTAGE OCCUPATIONS.—Up to 405,000 visas shall be allocated each fiscal year to qualified immigrants who—

"(A) are not described in paragraph (1); and

"(B) have at least 2 years experience in an occupation designated by the Bureau of Labor Statistics as experiencing a shortage of labor throughout the United States."

(c) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by striking "(a), (b), or (c)" and inserting "(a) or (b)"; and

(2) by adding at the end the following: "The spouse, children, or parents of an alien receiving a visa under subsection 203(b) who are accompanying or following to join the alien shall be counted against the numerical limitations set forth in subsection (b)."

**SEC. 2307. ONLINE PORTAL FOR LAWFUL PERMANENT RESIDENT APPLICATIONS.**

(a) ESTABLISHMENT.—The Secretary shall establish an online portal through which individuals may submit applications for lawful permanent resident status.

(b) FEATURES.—The online portal established pursuant to subsection (a) shall provide—

(1) step-by-step instructions, in plain English, describing what information and supporting documentation is required to be submitted;

(2) an e-mail or text message to notify applicants of changes in the status of their application.

(c) USER FEE.—In addition to any other fees required of applicants for lawful permanent under any other provision of law, the Secretary may charge individuals who apply for such status through the online portal established pursuant to subsection (a) a fee in an amount sufficient to pay for the costs of maintaining the online portal.

(d) TIME LIMITATION.—All petitions submitted through the online portal established pursuant to subsection (a) shall be adjudicated in 60 days or less.

(e) Beginning on page 1629, strike line 7 and all that follows through page 1714, line 19, and insert the following:

**SEC. 4101. MARKET-BASED H-1B VISA LIMITS.**

(a) IN GENERAL.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(beginning with fiscal year 1992)"; and

(2) by amending subparagraph (A) to read as follows:

"(A) under section 101(a)(15)(H)(i)(b) may not exceed—

"(i) 65,000 in fiscal year 2013; and

"(ii) 325,000 in each subsequent fiscal year; and";

**SEC. 4102. WORK AUTHORIZATION FOR DEPENDENT SPOUSES OF H-1B NON-IMMIGRANTS.**

Section 214(n) (8 U.S.C. 1184(n)) is amended—

(1) by amending the subsection heading to read as follows "EMPLOYMENT AUTHORIZATION FOR H-1B NONIMMIGRANTS AND THEIR SPOUSES"; and

(2) by adding at the end the following:

"(3) The spouse of an alien provided non-immigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept employment in the United States while his or her principal alien spouse lawfully maintains such status while in the United States."

**SEC. 4103. AUTHORIZATION OF DUAL INTENT.**

(a) DEFINITION.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking "which he has no intention of abandoning" and inserting "which, if the alien is not pursuing a course of study at an accredited institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), the alien has no intention of abandoning".

(b) PRESUMPTION OF STATUS; INTENTION TO ABANDON FOREIGN RESIDENCE.—Section 214 (8 U.S.C. 1184) is amended—

(1) in subsection (b), by striking “(L) or (V)” and inserting “(F), (L), or (V)”; and

(2) in subsection (h), by striking “(H)(i)(b) or (c)” and inserting “(F), (H)(i)(b), (H)(i)(c)”.

#### SEC. 4104. H-1B FEE INCREASE.

(a) IN GENERAL.—Section 214(c)(9) (8 U.S.C. 1184(c)(9)) is amended by striking subparagraphs (B) and (C) and inserting the following:

“(B) The amount of the fee imposed under subparagraph (A) shall be—

“(i) \$2,500 for each such petition by an employer with more than 25 full-time equivalent employees who are employed in the United States, including any affiliate or subsidiary of such employer; or

“(ii) \$1,250 for each such petition by any employer with not more than 25 full-time equivalent employees who are employed in the United States, including any affiliate or subsidiary of such employer.

“(C) Of the amounts collected under this paragraph—

“(i) 60 percent shall be deposited in the H-1B Nonimmigrant Petitioner Account in accordance with section 286(s); and

“(ii) 40 percent shall be deposited in the STEM Education and Training Account established under section 286(w).”.

(b) STEM EDUCATION AND TRAINING ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

“(w) STEM EDUCATION AND TRAINING ACCOUNT.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘STEM Education and Training Account’ (referred to in this subsection as the ‘Account’).

“(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Account 40 percent of the fees collected under section 214(c)(9)(B).

“(3) USE OF FUNDS.—Amounts deposited in the Account may be used to enhance the economic competitiveness of the United States by—

“(A) establishing a block grant program for States to promote STEM education; and

“(B) carrying out programs to bridge STEM education with employment, such as work-study program.”.

**SA 1327.** Mr. BLUMENTHAL (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1004, between lines 4 and 5, insert the following:

“(F) SPECIAL RULE FOR CHILDREN.—Notwithstanding subparagraph (A), the Secretary may adjust the status of a registered provisional immigrant to the status of an alien lawfully admitted for permanent residence if the alien—

“(i) satisfies the requirements under clauses (i) and (ii) of subparagraph (A);

“(ii) is under 18 years of age on the date the alien submits an application for such adjustment; and

“(iii) is enrolled in school or has completed a general education development certificate on the date the alien submits an application for such adjustment.

**SA 1328.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . IMPROVED COLLECTION AND USE OF LABOR MARKET INFORMATION.

(a) IN GENERAL.—Section 1137 of the Social Security Act (42 U.S.C. 1320b-7) is amended—

(1) in subsection (a)—

“(A) in paragraph (2), by inserting “(including the occupational information under subsection (g))” after “paragraph (3) of this subsection”; and

(B) in paragraph (3), by striking “employers (as defined)” and inserting “subject to subsection (g), employers (as defined)”; and

(2) by adding at the end the following new subsection:

“(g)(1) Beginning January 1, 2016, each quarterly wage report required to be submitted by an employer under subsection (a)(3) shall include such occupational information with respect to each employee of the employer that permits the classification of such employees into occupational categories as found in the Standard Occupational Classification (SOC) system.

“(2) The State agency receiving the occupational information described in paragraph (1) shall make such information available to the Secretary of Labor pursuant to procedures established by the Secretary of Labor.

“(3)(A)(i) The Secretary of Labor shall make occupational information submitted under paragraph (2) available to other State and Federal agencies, including the United States Census Bureau, the Bureau of Labor Statistics, and other State and Federal research agencies.

“(ii) Disclosure of occupational information under clause (i) shall be subject to the agency having safeguards in place that meet the requirements under paragraph (4).

“(4) The Secretary of Labor shall establish and implement safeguards for the dissemination and, subject to paragraph (5), the use of occupational information received under this subsection.

“(5) Occupational information received under this subsection shall only be used to classify employees into occupational categories as found in the Standard Occupational Classification (SOC) system and to analyze and evaluate occupations in order to improve the labor market for workers and industries.

“(6) The Secretary of Labor shall establish procedures to verify the accuracy of information received under paragraph (2).”.

(b) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall establish an advisory committee to advise the Secretary on the implementation of subsection (g) of section 1137 of the Social Security Act, as added by subsection (a).

(2) MEMBERSHIP.—The advisory committee shall include—

(A) State government officials, representatives of small, medium, and large businesses, representatives of labor organizations, labor market analysts, privacy and data experts, and non-profit stakeholders; and

(B) such other individuals determined appropriate by the Secretary of Labor.

(3) MEETINGS.—The advisory committee shall meet no less than annually.

(4) TERMINATION.—The advisory committee shall terminate on the date that is 3 years after the date of the first meeting of the committee.

**SA 1329.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1743, strike lines 1 through 4, and insert the following:

#### SEC. 4408. J VISA ELIGIBILITY.

(a) SPEAKERS OF CERTAIN FOREIGN LANGUAGES.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

On page 1744, between lines 16 and 17, insert the following:

(c) SUMMER WORK TRAVEL PROGRAM EMPLOYMENT IN SEAFOOD PROCESSING.—Notwithstanding any other provision of law or regulation, including part 62 of title 22, Code of Federal Regulations or any proposed rule, the Secretary of State shall permit participants in the Summer Work Travel program described in section 62.32 of such title 22 who are admitted under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), as amended by subsection (a), to be employed in seafood processing positions in Alaska.

**SA 1330.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 945, between lines 20 and 21, insert the following:

“(III) an offense, unless the applicant demonstrates to the Secretary, by clear and convincing evidence, that he or she is innocent of the offense, that he or she is the victim of such offense, or that no offense occurred, that—

“(aa) is classified as a misdemeanor in the convicting jurisdiction; and

“(bb) involved—

“(AA) domestic violence (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or

“(BB) child abuse and neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

**SA 1331.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PREVENTING UNAUTHORIZED IMMIGRATION TRANSITING THROUGH MEXICO.

(a) IN GENERAL.—The Secretary of State, in conjunction with the Secretary of Homeland Security, shall develop and submit to Congress a strategy to address the unauthorized immigration of individuals who transit through Mexico.

(b) REQUIREMENTS.—The strategy developed under subsection (a) shall include specific steps—

(1) to enhance the training, resources, and professionalism of border and law enforcement officials in Mexico, Honduras, El Salvador, Guatemala, and other countries, as appropriate; and

(2) to educate nationals of the countries described in paragraph (1) about the perils of the journey to the United States, including how this Act will increase the likelihood of apprehension, increase criminal penalties associated with illegal entry, and make finding employment in the United States more difficult.

(c) IMPLEMENTATION OF STRATEGY.—In carrying out the strategy developed under subsection (a)—

(1) the Secretary of Homeland Security, in coordination with the Secretary of State, shall produce an educational campaign and disseminate information about the perils of the journey across Mexico, the likelihood of apprehension, and the difficulty of finding employment in the United States; and

(2) the Secretary of State, in conjunction with the Secretary of Homeland Security, shall offer—

(A) training to border and law enforcement officials to enable these officials to operate more effectively, by using, to the greatest extent practicable, Department of Homeland Security personnel to conduct the training; and

(B) technical assistance and equipment to border officials, including computers, document readers, and other forms of technology that may be needed.

(d) AVAILABILITY OF FUNDS.—The Secretary of Homeland Security may use such sums as are necessary from the Comprehensive Immigration Trust Fund established under section 6(a)(1) to carry out this section.

**SA 1332.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. CHANGES TO EXISTING VISA PROGRAMS.**

(a) **SHORT TITLE.**—This section may be cited as the “No New Pathway to Citizenship Act”.

(b) **REGISTERED PROVISIONAL IMMIGRANT STATUS SUSPENDED.**—Notwithstanding any other provision of law, the Secretary shall not process applications for registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act.

(c) **BLUE CARD STATUS SUSPENDED.**—Notwithstanding any other provision of law, the Secretary shall not process applications for blue card status pursuant to section 2211 of this Act.

(d) **ALL NUMERICAL CAPS TO EMPLOYMENT-BASED IMMIGRANT AND NONIMMIGRANT VISA CATEGORIES SUSPENDED.**—Notwithstanding any other provision of law, all numerical caps on the numbers of visas allowed to be issued in different categories of non-immigrant visas and employment-based immigrant visas pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, are null and void.

(e) **SUSPENSION OF GOVERNMENT MANDATED WAGES.**—Notwithstanding any other provision of law, all wage requirements and authority in the Immigration and Nationality Act, as amended by this Act, are null and void.

(f) **EMPLOYERS CERTIFY EMPLOYMENT NEEDS.**—Notwithstanding any other provision of law, in the Immigration and Nationality Act, as amended by this Act, employers shall be permitted to certify to the Federal Government a numerical need for employees and shall be allowed visa allocations to fill the numbers requested by the employer.

(g) **INDIVIDUALS ELIGIBLE FOR REGISTERED PROVISIONAL STATUS OR BLUE CARD STATUS ELIGIBLE FOR WORK VISA.**—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall be deemed eligible for the existing immigrant and non-immigrant visa programs.

(h) **NO BAR TO EXISTING ADJUSTMENT OF STATUS.**—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the sus-

pended blue card status pursuant to section 2211 of this Act shall be allowed to file paperwork to adjust status from nonimmigrant to immigrant or any work visa status.

(i) **TIME PERIOD FOR APPLICATION.**—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall be and are prima facie eligible for a work visa and may not be removed by the Secretary for a period of 1 year after the date of the enactment of this Act and shall be allowed to apply for an existing visa.

(j) **NO SPECIAL PREFERENCE FOR UNDOCUMENTED INDIVIDUALS PATHWAY TO CITIZENSHIP.**—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall not be granted special preference with regard to permanent resident status or United States citizenship.

(k) **APPLICANTS CAN STAY IN UNITED STATES WHILE APPLYING FOR VISA.**—Notwithstanding any other provision of law, all persons eligible for the suspended registered provisional immigrant status pursuant to section 245B of the Immigration and Nationality Act, as added by this Act, and all persons eligible for the suspended blue card status pursuant to section 2211 of this Act shall be allowed to apply for immigrant visas simultaneously without having to leave the country and subject to existing law, as amended by this Act, to petition for legal permanent resident status and citizenship if they qualify under this Act or the Immigration and Nationality Act, as amended.

(l) **RULE OF CONSTRUCTION.**—Section 245C(c)(2) of the Immigration and Nationality Act, as added by section 2102, shall apply to all persons eligible for the suspended registered provisional immigrant and suspended blue card status seeking to adjust status to that of an alien lawfully admitted for permanent residence.

(m) **CAP ON REFUGEES AND ASYLEES.**—Notwithstanding any other provision of law, the total cap on aliens admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and granted asylum under section 208 of such Act (8 U.S.C. 1158), as amended by this Act, shall be 50,000 per year.

(n) **REFUGEES AND ASYLEES ELIGIBLE FOR WELFARE FOR ONE YEAR.**—Notwithstanding any other provision of law, aliens admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or granted asylum under section 208 of such Act (8 U.S.C. 1158), as amended by this Act, shall not be eligible for any assistance, any Federal means tested welfare benefits, or the earned income tax credit under section 32 of the Internal Revenue Code of 1986, after the date that is 1 year after the date on which the alien is admitted to the United States under such section 207 or granted asylum under such section 208.

(o) **REFUGEES AND ASYLEES BARRIERS TO WORK.**—Notwithstanding any other provision of law, all Federal legal barriers to work for aliens admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and granted asylum under section 208 of such Act (8 U.S.C. 1158), as amended by this Act, shall be null and void.

**SA 1333.** Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_\_. PROHIBITION OF A NATIONAL IDENTIFICATION CARD OR A NATIONAL CITIZEN REGISTRY.**

(a) **SHORT TITLE.**—This section may be cited as the “Protect Our Privacy Act”.

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act, the amendments made by this Act, or any other provision of law may be construed as authorizing, directly or indirectly, the issuance, use, or establishment of a national identification card or system.

(c) **LIMITATIONS ON IDENTIFICATION OF UNITED STATES CITIZENS.**—

(1) **BIOMETRIC INFORMATION.**—United States citizens shall not be subject to any Federal or State law, mandate, or requirement that they provide photographs or biometric information without probable cause.

(2) **PHOTO TOOL.**—As used in section 274A of the Immigration and Nationality Act, as amended by section 3101, the term “photo tool” may not be construed to allow the Federal Government to require United States citizens to provide a photograph to the Federal Government, other than photographs for Federal employment identification documents and United States passports.

(3) **BIOMETRIC SOCIAL SECURITY CARDS.**—Notwithstanding section 3102, any other provision of this Act, the amendments made by this Act, or any other provision of law, the Federal Government may not require United States citizens to carry, or to be issued, a biometric social security card.

(4) **CITIZEN REGISTRY.**—Notwithstanding any provision of this Act, the amendments made by this Act, or any other law, the Federal Government is not authorized to create a de facto national registry of citizens.

**SA 1334.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3103 and inserting the following:

**SEC. 3103. EXTENSION OF IDENTITY THEFT OFFENSES.**

(a) **FRAUD AND RELATED ACTIVITIES RELATING TO IDENTIFICATION DOCUMENTS.**—Section 1028 of title 18, United States Code, is amended in subsection (a)(7), by striking “of another person” and inserting “that is not his or her own”.

(b) **AGGRAVATED IDENTITY THEFT.**—Section 1028A(a) of title 18, United States Code, is amended by striking “of another person” both places it appears and inserting “that is not his or her own”.

On page 1452, between lines 21 and 22, insert the following:

(8) \$300,000,000 to carry out title III and subtitles D and G of title IV and the amendments made by title III and such subtitles.

At the end of subtitle C of title III, add the following:

**SEC. 3307. WAIVER OF FEDERAL LAWS WITH RESPECT TO BORDER SECURITY ACTIONS ON DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF AGRICULTURE LANDS.**

(a) **PROHIBITION ON SECRETARIES OF THE INTERIOR AND AGRICULTURE.**—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on Federal land located within 100 miles of an international land border that is under



the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, to execute search and rescue operations and to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States.

(b) **AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.**—U.S. Customs and Border Protection shall have immediate access to Federal land within 100 miles of the international land border under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture for purposes of conducting the following activities on such land that prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States:

(1) Construction and maintenance of roads.  
(2) Construction and maintenance of barriers.  
(3) Use of vehicles to patrol, apprehend, or rescue.

(4) Installation, maintenance, and operation of communications and surveillance equipment and sensors.

(5) Deployment of temporary tactical infrastructure.

(c) **CLARIFICATION RELATING TO WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (including any termination date relating to the waiver referred to in this subsection), the waiver by the Secretary of Homeland Security on April 1, 2008, under section 102(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note; Public Law 104-208) of the laws described in paragraph (2) with respect to certain sections of the international border between the United States and Mexico and between the United States and Canada shall be considered to apply to all Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land borders of the United States for the activities of U.S. Customs and Border Protection described in subsection (c).

(2) **DESCRIPTION OF LAWS WAIVED.**—The laws referred to in paragraph (1) are limited to the Wilderness Act (16 U.S.C. 1131 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), Public Law 86-523 (16 U.S.C. 469 et seq.), the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), the National Park Service Organic Act (16 U.S.C. 1 et seq.), the General Authorities Act of 1970 (Public Law 91-383) (16 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95-625, 92 Stat. 3467), and the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101-628).

(d) **PROTECTION OF LEGAL USES.**—This section shall not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or public-use rec-

reational and backcountry airstrips on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) **EFFECT ON STATE AND PRIVATE LAND.**—This Act shall—

(1) have no force or effect on State or private lands; and

(2) not provide authority on or access to State or private lands.

(f) **TRIBAL SOVEREIGNTY.**—Nothing in this section supersedes, replaces, negates, or diminishes treaties or other agreements between the United States and Indian tribes.

(g) **REPORT.**—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 appropriate committees of Congress a report describing the extent to which implementation of this section has affected the operations of U.S. Customs and Border Protection in the year preceding the report.

Strike subtitle G of title III and insert the following:

#### **Subtitle G—Interior Enforcement**

##### **SEC. 3700. SHORT TITLE.**

This subtitle may be cited as the “Strengthen and Fortify Enforcement Act” or the “SAFE Act”.

#### **CHAPTER 1—IMMIGRATION LAW ENFORCEMENT BY STATES AND LOCALITIES**

##### **SEC. 3701. DEFINITION AND SEVERABILITY.**

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

(b) **SEVERABILITY.**—If any provision of this chapter, or the application of such provision to any person or circumstance, is held invalid, the remainder of this chapter, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

##### **SEC. 3702. IMMIGRATION LAW ENFORCEMENT BY STATES AND LOCALITIES.**

(a) **IN GENERAL.**—Subject to section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)), States, or political subdivisions of States, may enact, implement and enforce criminal penalties that penalize the same conduct that is prohibited in the criminal provisions of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))), as long as the criminal penalties do not exceed the relevant Federal criminal penalties. States, or political subdivisions of States, may enact, implement and enforce civil penalties that penalize the same conduct that is prohibited in the civil violations of immigration laws (as defined in such section 101(a)(17)), as long as the civil penalties do not exceed the relevant Federal civil penalties.

(b) **LAW ENFORCEMENT PERSONNEL.**—Law enforcement personnel of a State, or of a political subdivision of a State, may investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens for the purposes of enforcing the immigration laws of the United States to the same extent as Federal law enforcement personnel. Law enforcement personnel of a State, or of a political subdivision of a State, may also investigate, identify, apprehend, arrest, or detain aliens for the purposes of enforcing the immigration laws of a State or of a political subdivision of State, as long as those immigration laws are permissible under this section. Law enforcement personnel of a State, or of a political subdivision of a State, may not remove aliens from the United States.

##### **SEC. 3703. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.**

(a) **PROVISION OF INFORMATION TO THE NCIC.**—Not later than 180 days after the date of the enactment of this Act and periodically thereafter as updates may require, the Secretary shall provide the National Crime Information Center of the Department of Justice with all information that the Secretary may possess regarding any alien against whom a final order of removal has been issued, any alien who has entered into a voluntary departure agreement, any alien who has overstayed their authorized period of stay, and any alien whose visas has been revoked. The National Crime Information Center shall enter such information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available with respect to the alien.

(b) **INCLUSION OF INFORMATION IN THE NCIC DATABASE.**—

(1) **IN GENERAL.**—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4) acquire, collect, classify, and preserve records of violations by aliens of the immigration laws of the United States, regardless of whether any such alien has received notice of the violation or whether sufficient identifying information is available with respect to any such alien or whether any such alien has already been removed from the United States; and”.

(2) **EFFECTIVE DATE.**—The Attorney General and the Secretary shall ensure that the amendment made by paragraph (1) is implemented by not later than 6 months after the date of the enactment of this Act.

##### **SEC. 3704. TECHNOLOGY ACCESS.**

States shall have access to Federal programs or technology directed broadly at identifying inadmissible or deportable aliens.

##### **SEC. 3705. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ALIENS.**

(a) **PROVISION OF INFORMATION.**—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), each State, and each political subdivision of a State, shall provide the Secretary in a timely manner with the information specified in subsection (b) with respect to each alien apprehended in the jurisdiction of the State, or in the political subdivision of the State, who is believed to be inadmissible or deportable.

(b) **INFORMATION REQUIRED.**—The information referred to in subsection (a) is as follows:

(1) The alien's name.

(2) The alien's address or place of residence.

(3) A physical description of the alien.

(4) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(5) If applicable, the alien's driver's license number and the State of issuance of such license.

(6) If applicable, the type of any other identification document issued to the alien, any

designation number contained on the identification document, and the issuing entity for the identification document.

(7) If applicable, the license plate number, make, and model of any automobile registered to, or driven by, the alien.

(8) A photo of the alien, if available or readily obtainable.

(9) The alien's fingerprints, if available or readily obtainable.

(c) **ANNUAL REPORT ON REPORTING.**—The Secretary shall maintain and annually submit to the Congress a detailed report listing the States, or the political subdivisions of States, that have provided information under subsection (a) in the preceding year.

(d) **REIMBURSEMENT.**—The Secretary shall reimburse States, and political subdivisions of a State, for all reasonable costs, as determined by the Secretary, incurred by the State, or the political subdivision of a State, as a result of providing information under subsection (a).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) **CONSTRUCTION.**—Nothing in this section shall require law enforcement officials of a State, or of a political subdivision of a State, to provide the Secretary with information related to a victim of a crime or witness to a criminal offense.

(g) **EFFECTIVE DATE.**—This section shall take effect on the date that is 120 days after the date of the enactment of this Act and shall apply with respect to aliens apprehended on or after such date.

**SEC. 3706. FINANCIAL ASSISTANCE TO STATE AND LOCAL POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT OF IMMIGRATION LAWS.**

(a) **GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING AND PROCESSING CERTAIN ALIENS.**—From amounts made available to make grants under this section, the Secretary shall make grants to States, and to political subdivisions of States, for procurement of equipment, technology, facilities, and other products that facilitate and are directly related to investigating, apprehending, arresting, detaining, or transporting aliens who are inadmissible or deportable, including additional administrative costs incurred under this chapter.

(b) **ELIGIBILITY.**—To be eligible to receive a grant under this section, a State, or a political subdivision of a State, must have the authority to, and shall have a written policy and a practice to, assist in the enforcement of the immigration laws of the United States in the course of carrying out the routine law enforcement duties of such State or political subdivision of a State. Entities covered under this section may not have any policy or practice that prevents local law enforcement from inquiring about a suspect's immigration status.

(c) **FUNDING.**—There is authorized to be appropriated for grants under this section such sums as may be necessary for fiscal year 2014 and each subsequent fiscal year.

(d) **GAO AUDIT.**—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of funds distributed to States, and to political subdivisions of a State, under subsection (a).

**SEC. 3707. INCREASED FEDERAL DETENTION SPACE.**

(a) **CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.**—

(1) **IN GENERAL.**—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, detention facilities in the United States, for aliens detained pending removal from the United States or a decision regarding such removal.

Each facility shall have a number of beds necessary to effectuate this purposes of this chapter.

(2) **DETERMINATIONS.**—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Secretary.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking “may expend” and inserting “shall expend”.

**SEC. 3708. FEDERAL CUSTODY OF INADMISSIBLE AND DEPORTABLE ALIENS IN THE UNITED STATES APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.**

(a) **STATE APPREHENSION.**—

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

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

**“SEC. 240D. (a) TRANSFER OF CUSTODY BY STATE AND LOCAL OFFICIALS.**—If a State, or a political subdivision of the State, exercising authority with respect with respect to the apprehension or arrest of an inadmissible or deportable alien submits to the Secretary of Homeland Security a request that the alien be taken into Federal custody, notwithstanding any other provision of law, regulation, or policy the Secretary—

“(1) shall take the alien into custody not later than 48 hours after the detainer has been issued following the conclusion of the State or local charging process or dismissal process, or if no State or local charging or dismissal process is required, the Secretary should issue a detainer and take the alien into custody not later than 48 hours after the alien is apprehended; and

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

**“(b) POLICY ON DETENTION IN FEDERAL, CONTRACT, STATE, OR LOCAL DETENTION FACILITIES.**—In carrying out section 241(g)(1), the Attorney General or Secretary of Homeland Security shall ensure that an alien arrested under this title shall be held in custody, pending the alien's examination under this section, in a Federal, contract, State, or local prison, jail, detention center, or other comparable facility. Notwithstanding any other provision of law, regulation or policy, such facility is adequate for detention, if—

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

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

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

**“(c) REIMBURSEMENT.**—The Secretary of Homeland Security shall reimburse a State, and a political subdivision of a State, for all reasonable expenses, as determined by the Secretary, incurred by the State, or political subdivision, as a result of the incarceration and transportation of an alien who is inadmissible or deportable as described in subsections (a) and (b). Compensation provided for costs incurred under such subsections shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State, or of a political subdivision of a State, plus the cost of transporting the alien from

the point of apprehension to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

**“(d) SECURE FACILITIES.**—The Secretary of Homeland Security shall ensure that aliens incarcerated pursuant to this title are held in facilities that provide an appropriate level of security.

**“(e) TRANSFER.**—

**“(1) IN GENERAL.**—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transfer of apprehended aliens from the custody of States, and political subdivisions of a State, to Federal custody.

**“(2) CONTRACTS.**—The Secretary may enter into contracts, including appropriate private contracts, to implement this subsection.”.

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

“Sec. 240D. Custody of aliens unlawfully present in the United States.”.

(b) **GAO AUDIT.**—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of compensation to States, and to political subdivisions of a State, for the incarceration of inadmissible or deportable aliens under section 240D(a) of the Immigration and Nationality Act (as added by subsection (a)(1)).

(c) **EFFECTIVE DATE.**—Section 240D of the Immigration and Nationality Act, as added by subsection (a), shall take effect on the date of the enactment of this Act, except that subsection (e) of such section shall take effect on the date that is 120 day after the date of the enactment of this Act.

**SEC. 3709. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.**

(a) **ESTABLISHMENT OF TRAINING MANUAL AND POCKET GUIDE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish—

(1) a training manual for law enforcement personnel of a State, or of a political subdivision of a State, to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of inadmissible and deportable aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(2) an immigration enforcement pocket guide for law enforcement personnel of a State, or of a political subdivision of a State, to provide a quick reference for such personnel in the course of duty.

(b) **AVAILABILITY.**—The training manual and pocket guide established in accordance with subsection (a) shall be made available to all State and local law enforcement personnel.

(c) **APPLICABILITY.**—Nothing in this section shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide with them while on duty.

(d) **COSTS.**—The Secretary shall be responsible for any costs incurred in establishing the training manual and pocket guide.

(e) **TRAINING FLEXIBILITY.**—

(1) **IN GENERAL.**—The Secretary shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a



training course or courses. E-learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of this Act, shall be made available by the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel.

(2) **FEDERAL PERSONNEL TRAINING.**—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(3) **CLARIFICATION.**—Nothing in this chapter or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer to assist in the enforcement of Federal immigration laws.

(4) **PRIORITY.**—In carrying out this subsection, priority funding shall be given for existing web-based immigration enforcement training systems.

#### SEC. 3710. IMMUNITY.

Notwithstanding any other provision of law, a law enforcement officer of a State or local law enforcement agency who is acting within the scope of the officer's official duties shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the performance of any duty described in this chapter, including the authorities to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody, an alien for the purposes of enforcing the immigration laws of the United States (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) or the immigration laws of a State or a political subdivision of a State.

#### SEC. 3711. CRIMINAL ALIEN IDENTIFICATION PROGRAM.

(a) **CONTINUATION AND EXPANSION.**—

(1) **IN GENERAL.**—The Secretary shall continue to operate and implement a program that—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) **EXPANSION.**—The program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens (pursuant to the State Criminal Alien Assistance Program authorized under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) or other similar program) shall—

(A) cooperate with officials of the program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to officials of such program as a condition of receiving such funds.

(b) **AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.**—Law enforcement officers of a State, or of a political subdivision of a State, are authorized to—

(1) hold a criminal alien for a period of up to 14 days after the alien has completed the alien's sentence under State or local law in order to effectuate the transfer of the alien to Federal custody when the alien is inadmissible or deportable; or

(2) issue a detainer that would allow aliens who have served a prison sentence under State or local law to be detained by the State or local prison or jail until the Secretary can take the alien into custody.

(c) **TECHNOLOGY USAGE.**—Technology, such as video conferencing, shall be used to the

maximum extent practicable in order to make the program available in remote locations. Mobile access to Federal databases of aliens and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) **EFFECTIVE DATE.**—This section shall take effect of the date of the enactment of this Act, except that subsection (a)(2) shall take effect on the date that is 180 days after such date.

#### SEC. 3712. CLARIFICATION OF CONGRESSIONAL INTENT.

Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) in paragraph (1) by striking “may enter” and all that follows through the period at the end and inserting the following: “shall enter into a written agreement with a State, or any political subdivision of a State, upon request of the State or political subdivision, pursuant to which an officer or employee of the State or subdivision, who is determined by the Secretary to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to extent consistent with State and local law. No request from a bona fide State or political subdivision or bona fide law enforcement agency shall be denied absent a compelling reason. No limit on the number of agreements under this subsection may be imposed. The Secretary shall process requests for such agreements with all due haste, and in no case shall take not more than 90 days from the date the request is made until the agreement is consummated.”;

(2) by redesignating paragraph (2) as paragraph (5) and paragraphs (3) through (10) as paragraphs (7) through (14), respectively;

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

“(2) An agreement under this subsection shall accommodate a requesting State or political subdivision with respect to the enforcement model or combination of models, and shall accommodate a patrol model, task force model, jail model, any combination thereof, or any other reasonable model the State or political subdivision believes is best suited to the immigration enforcement needs of its jurisdiction.

“(3) No Federal program or technology directed broadly at identifying inadmissible or deportable aliens shall substitute for such agreements, including those establishing a jail model, and shall operate in addition to any agreement under this subsection.

“(4)(A) No agreement under this subsection shall be terminated absent a compelling reason.

“(B)(i) The Secretary shall provide a State or political subdivision written notice of intent to terminate at least 180 days prior to date of intended termination, and the notice shall fully explain the grounds for termination, along with providing evidence substantiating the Secretary's allegations.

“(ii) The State or political subdivision shall have the right to a hearing before an administrative law judge and, if the ruling is against the State or political subdivision, to appeal the ruling to the Federal Circuit Court of Appeals and, if the ruling is against the State or political subdivision, to the Supreme Court.

“(C) The agreement shall remain in full effect during the course of any and all legal proceedings.”; and

(4) by inserting after paragraph (5) (as redesignated) the following:

“(6) The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness and the Federal Law Enforcement Training Center, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. Distance learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of this Act, shall be made available by the COPS Office of the Department of Justice and the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel. Preference shall be given to private sector-based web-based immigration enforcement training programs for which the Federal Government has already provided support to develop.”.

#### SEC. 3713. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

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

(1) by striking “Attorney General” the first place such term appears and inserting “Secretary of Homeland Security”;

(2) by striking “Attorney General” each place such term appears thereafter and inserting “Secretary”;

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

(4) by amending paragraph (5) to read as follows:

“(5) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2014 and each subsequent fiscal year.”.

#### SEC. 3714. STATE VIOLATIONS OF ENFORCEMENT OF IMMIGRATION LAWS.

(a) **IN GENERAL.**—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(1) by striking “Immigration and Naturalization Service” in each place it appears and inserting “Department of Homeland Security”;

(2) in subsection (a), by striking “may” and inserting “shall”;

(3) in subsection (b)—

(A) by striking “no person or agency may” and inserting “a person or agency shall not”;

(B) by striking “doing any of the following with respect to information” and inserting “undertaking any of the following law enforcement activities”; and

(C) by striking paragraphs (1) through (3) and inserting the following:

“(1) Notifying the Federal Government regarding the presence of inadmissible and deportable aliens who are encountered by law enforcement personnel of a State or political subdivision of a State.

“(2) Complying with requests for information from Federal law enforcement.

“(3) Complying with detainers issued by the Department of Homeland Security.

“(4) Issuing policies in the form of a resolutions, ordinances, administrative actions, general or special orders, or departmental policies that violate Federal law or restrict a State or political subdivision of a State from complying with Federal law or coordinating with Federal law enforcement.”; and

(4) by adding at the end the following:

“(d) **COMPLIANCE.**—

“(1) **IN GENERAL.**—A State, or a political subdivision of a State, that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a

political subdivision of the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' routine law enforcement duties shall not be eligible to receive—

“(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) or the ‘Cops on the Beat’ program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.); or

“(B) any other law enforcement or Department of Homeland Security grant.

“(2) ANNUAL DETERMINATION.—The Secretary shall determine annually which State or political subdivision of a State are not in compliance with section and shall report such determinations to Congress on March 1 of each year.

“(3) REPORTS.—The Attorney General shall issue a report concerning the compliance of any particular State or political subdivision at the request of the House or Senate Judiciary Committee. Any jurisdiction that is found to be out of compliance shall be ineligible to receive Federal financial assistance as provided in paragraph (1) for a minimum period of 1 year, and shall only become eligible again after the Attorney General certifies that the jurisdiction is in compliance.

“(4) REALLOCATION.—Any funds that are not allocated to a State or to a political subdivision of a State, due to the failure of the State, or of the political subdivision of the State, to comply with subsection (c) shall be reallocated to States, or to political subdivisions of States, that comply with such subsection.

“(e) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States, or from political subdivisions of States, to report or arrest victims or witnesses of a criminal offense.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that subsection (d) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), as added by this section, shall take effect beginning one year after the date of the enactment of this Act.

#### SEC. 3715. CLARIFYING THE AUTHORITY OF ICE DETAINERS.

Except as otherwise provided by Federal law or rule of procedure, the Secretary shall execute all lawful writs, process, and orders issued under the authority of the United States, and shall command all necessary assistance to execute the Secretary's duties.

### CHAPTER 2—NATIONAL SECURITY

#### SEC. 3721. REMOVAL OF, AND DENIAL OF BENEFITS TO, TERRORIST ALIENS.

(a) ASYLUM.—Section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) by inserting “or the Secretary of Homeland Security” after “if the Attorney General”; and

(2) by amending clause (v) to read as follows:

“(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3), unless, in the case of an alien described in subparagraph (IV), (V), or (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the discretion of the Secretary or the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or”

(b) CANCELLATION OF REMOVAL.—Section 240A(c)(4) of such Act (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking “inadmissible under” and inserting “described in”; and

(2) by striking “deportable under” and inserting “described in”.

(c) VOLUNTARY DEPARTURE.—Section 240B(b)(1)(C) of such Act (8 U.S.C. 1229c(b)(1)(C)) is amended by striking “deportable under section 237(a)(2)(A)(iii) or section 237(a)(4);” and inserting “described in paragraph (2)(A)(iii) or (4) of section 237(a);”.

(d) RESTRICTION ON REMOVAL.—Section 241(b)(3)(B) of such Act (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) by inserting “or the Secretary of Homeland Security” after “Attorney General” wherever that term appears;

(2) in clause (iii), by striking “or” at the end;

(3) in clause (iv), by striking the period at the end and inserting “; or”;

(4) by inserting after clause (iv) the following:

“(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3), unless, in the case of an alien described in subparagraph (IV), (V), or (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in discretion of the Secretary or the Attorney General, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;”; and

(5) by striking the final sentence.

(e) RECORD OF ADMISSION.—

(1) IN GENERAL.—Section 249 of such Act (8 U.S.C. 1259) is amended to read as follows:

“RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JANUARY 1, 1972

“SEC. 249. The Secretary of Homeland Security, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

“(1) entered the United States before January 1, 1972;

“(2) has continuously resided in the United States since such entry;

“(3) has been a person of good moral character since such entry;

“(4) is not ineligible for citizenship;

“(5) is not described in paragraph (1)(A)(iv), (2), (3), (6)(C), (6)(E), or (8) of section 212(a); and

“(6) did not, at any time, without reasonable cause fail or refuse to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability. Such recordation shall be effective as of the date of approval of the application or as of the date of entry if such entry occurred prior to July 1, 1924.”

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by amending the item relating to section 249 to read as follows:

“Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to January 1, 1972.”

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and sections 208(b)(2)(A), 212(a), 240A, 240B, 241(b)(3), and 249 of the Immigration and Nationality Act, as so amended, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2) of this subsection, acts and conditions constituting a ground for exclusion, deportation, or re-

moval occurring or existing before, on, or after the date of the enactment of this Act.

#### SEC. 3722. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

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

“(2) one who the Secretary of Homeland Security or Attorney General determines to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information;”;

(3) in paragraph (9) (as redesignated), by inserting “, regardless whether the crime was classified as an aggravated felony at the time of conviction, except that the Secretary of Homeland Security or Attorney General may, in the unreviewable discretion of the Secretary or Attorney General, determine that this paragraph shall not apply in the case of a single aggravated felony conviction (other than murder, manslaughter, homicide, rape, or any sex offense when the victim of such sex offense was a minor) for which completion of the term of imprisonment or the sentence (whichever is later) occurred 10 or more years prior to the date of application” after “(as defined in subsection (a)(43))”; and

(4) by striking the first sentence the follows paragraph (10) (as redesignated) and inserting following: “The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good moral character. The Secretary or the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.”

(b) AGGRAVATED FELONS.—Section 509(b) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended to read as follows:

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 29, 1990, and shall apply to convictions occurring before, on or after such date.”

(c) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM ACT.—Section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is amended by striking “adding at the end” and inserting “inserting after paragraph (8)”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of enactment of this Act, shall apply to any act that occurred before, on, or after such date and shall apply to any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws pending on or filed after such date. The amendments made by subsection (c) shall take effect as if enacted in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458).

#### SEC. 3723. TERRORIST BAR TO NATURALIZATION.

(a) NATURALIZATION OF PERSONS ENDANGERING THE NATIONAL SECURITY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1426) is amended by adding at the end the following:

“(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—No person shall be naturalized who the Secretary of Homeland Security determines to have been at any time an alien

described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information.”.

(b) **CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.**—Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended by striking “other Act;” and inserting “other Act; and no application for naturalization shall be considered by the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant’s inadmissibility or deportability, or to determine whether the applicant’s lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced: *Provided*, That the findings of the Attorney General in terminating removal proceedings or in canceling the removal of an alien pursuant to the provisions of this Act, shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established his eligibility for naturalization as required by this title;”.

(c) **PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.**—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: “No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could (whether directly or indirectly) result in the petitioner’s denaturalization or the loss of the petitioner’s lawful permanent resident status.”.

(d) **CONDITIONAL PERMANENT RESIDENTS.**—Sections 216(e) and section 216A(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e) and 1186b(e)) are each amended by striking the period at the end and inserting “, if the alien has had the conditional basis removed pursuant to this section.”.

(e) **DISTRICT COURT JURISDICTION.**—Subsection 336(b) of the Immigration and Nationality Act, 8 U.S.C. 1447(b), is amended to read as follows:

“(b) If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period after the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section, as such terms are defined by the Secretary of Homeland Security pursuant to regulations, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary of Homeland Security for the Secretary’s determination on the application.”.

(f) **CONFORMING AMENDMENT.**—Section 310(c) of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended—

(1) by inserting “, not later than the date that is 120 days after the Secretary of Homeland Security’s final determination,” after “seek”; and

(2) by striking the second sentence and inserting the following: “The burden shall be upon the petitioner to show that the Secretary’s denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, whether, for purposes of an application for naturalization,

an alien is a person of good moral character, whether the alien understands and is attached to the principles of the Constitution of the United States, or whether an alien is well disposed to the good order and happiness of the United States.”.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed after, such date.

#### **SEC. 3724. DENATURALIZATION FOR TERRORISTS.**

(a) **IN GENERAL.**—Section 340 of the Immigration and Nationality Act is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

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

“(f)(1) If a person who has been naturalized participates in any act described in paragraph (2), the Attorney General is authorized to find that, as of the date of such naturalization, such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and upon such finding shall set aside the order admitting such person to citizenship and cancel the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

“(2) The acts described in this paragraph are the following:

“(A) Any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means.

“(B) Engaging in a terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B)).

“(C) Incitement of terrorist activity under circumstances indicating an intention to cause death or serious bodily harm.

“(D) Receiving military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in section 212(a)(3)(B)(vi)).”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur on or after such date.

#### **SEC. 3725. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.**

(a) **SPECIAL AGRICULTURAL WORKERS.**—Section 210(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(2) in subparagraph (A), by striking “Department of Justice,” and inserting “Department of Homeland Security.”;

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(4) by inserting after subparagraph (B) the following:

“(C) **AUTHORIZED DISCLOSURES.**—

“(i) **CENSUS PURPOSE.**—The Secretary of Homeland Security may provide, in his discretion, for the furnishing of information furnished under this section in the same

manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

“(ii) **NATIONAL SECURITY PURPOSE.**—The Secretary of Homeland Security may provide, in his discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.”; and

(5) in subparagraph (D), as redesignated, by striking “Service” and inserting “Department of Homeland Security”.

(b) **ADJUSTMENT OF STATUS UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.**—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)), is amended—

(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(2) in subparagraph (A), by striking “Department of Justice,” and inserting “Department of Homeland Security.”;

(3) by amending subparagraph (C) to read as follows:

“(C) **AUTHORIZED DISCLOSURES.**—

“(i) **CENSUS PURPOSE.**—The Secretary of Homeland Security may provide, in his discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

“(ii) **NATIONAL SECURITY PURPOSE.**—The Secretary of Homeland Security may provide, in his discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.”; and

(4) in subparagraph (D), striking “Service” and inserting “Department of Homeland Security”.

#### **SEC. 3726. BACKGROUND AND SECURITY CHECKS.**

(a) **REQUIREMENT TO COMPLETE BACKGROUND AND SECURITY CHECKS.**—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

“(h) Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of Public Law 107-173, sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, neither the Secretary of Homeland Security, the Attorney General, nor any court may—

“(1) grant, or order the grant of or adjudication of an application for adjustment of status to that of an alien lawfully admitted for permanent residence;

“(2) grant, or order the grant of or adjudication of an application for United States citizenship or any other status, relief, protection from removal, employment authorization, or other benefit under the immigration laws;

“(3) grant, or order the grant of or adjudication of, any immigrant or nonimmigrant petition; or

“(4) issue or order the issuance of any documentation evidencing or related to any such grant, until such background and security checks as the Secretary may in his discretion require have been completed or updated to the satisfaction of the Secretary.

“(i) Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of Public Law 107-173, sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, neither the Secretary of Homeland Security nor the Attorney General may be required to—

“(1) grant, or order the grant of or adjudication of an application for adjustment of status to that of an alien lawfully admitted for permanent residence,

“(2) grant, or order the grant of or adjudication of an application for United States citizenship or any other status, relief, protection from removal, employment authorization, or other benefit under the immigration laws,

“(3) grant, or order the grant of or adjudication of, any immigrant or nonimmigrant petition, or

“(4) issue or order the issuance of any documentation evidencing or related to any such grant, until any suspected or alleged materially false information, material misrepresentation or omission, concealment of a material fact, fraud or forgery, counterfeiting, or alteration, or falsification of a document, as determined by the Secretary, relating to the adjudication of an application or petition for any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this subsection has been investigated and resolved to the Secretary’s satisfaction.

“(j) Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to require any of the acts in subsection (h) or (i) to be completed by a certain time or award any relief for failure to complete or delay in completing such acts.”

(b) CONSTRUCTION.—

(1) IN GENERAL.—Chapter 4 of title III of the Immigration and Nationality Act (8 U.S.C. 1501 et seq.) is amended by adding at the end the following:

“CONSTRUCTION

“SEC. 362. (a) IN GENERAL.—Nothing in this Act or any other law, except as provided in subsection (d), shall be construed to require the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or a consular officer to grant any application, approve any petition, or grant or continue any relief, protection from removal, employment authorization, or any other status or benefit under the immigration laws by, to, or on behalf of—

“(1) any alien deemed by the Secretary to be described in section 212(a)(3) or section 237(a)(4); or

“(2) any alien with respect to whom a criminal or other proceeding or investigation is open or pending (including, but not limited to, issuance of an arrest warrant, detainer, or indictment), where such proceeding or investigation is deemed by the official described in subsection (a) to be material to the alien’s eligibility for the status or benefit sought.

“(b) DENIAL OR WITHHOLDING OF ADJUDICATION.—An official described in subsection (a) may, in the discretion of the official, deny (with respect to an alien described in paragraph (1) or (2) of subsection (a)) or withhold adjudication of pending resolution of the investigation or case (with respect to an alien described in subsection (a)(2) of this section) any application, petition, relief, protection from removal, employment authorization, status or benefit.

“(c) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a decision to deny or withhold adjudication pursuant to subsection (b) of this section.

“(d) WITHHOLDING OF REMOVAL AND TORTURE CONVENTION.—This section does not limit or modify the applicability of section 241(b)(3) or the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States Senate resolution of ratification of the Convention, as implemented by section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277) with respect to an alien otherwise eligible for protection under such provisions.”

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 361 the following:

“362. Construction.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for immigration benefits pending on or after such date.

**SEC. 3727. TECHNICAL AMENDMENTS RELATING TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**

(a) TRANSIT WITHOUT VISA PROGRAM.—Section 7209(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended by striking “the Secretary, in conjunction with the Secretary of Homeland Security,” and inserting “the Secretary of Homeland Security, in consultation with the Secretary of State.”

(b) TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.—Section 7201(c)(1) of such Act is amended by inserting “and the Department of State” after “used by the Department of Homeland Security”.

**CHAPTER 3—REMOVAL OF CRIMINAL ALIENS**

**SEC. 3731. DEFINITION OF AGGRAVATED FELONY AND CONVICTION.**

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking “The term ‘aggravated felony’ means—” and inserting “Notwithstanding any other provision of law, the term ‘aggravated felony’ applies to an offense described in this paragraph, whether in violation of Federal or State law, or in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—”;

(2) in subparagraph (A), by striking “murder, rape, or sexual abuse of a minor;” and inserting “murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), or any offense of a sexual nature involving a victim under the age of 18 years;”;

(3) in subparagraph (I), by striking “or 2252” and inserting “2252, or 2252A”.

(4) in subparagraph (F), by striking “at least one year;” and inserting “is at least one year, except that if the conviction records do not conclusively establish whether a crime constitutes a crime of violence, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence;”

(5) in subparagraph (N), by striking paragraph “(1)(A) or (2) of”;

(6) in subparagraph (O), by striking “section 275(a) or 276 committed by an alien who was previously deported on the basis of a

conviction for an offense described in another subparagraph of this paragraph” and inserting “section 275 or 276 for which the term of imprisonment is at least 1 year”;

(7) in subparagraph (U), by striking “an attempt or conspiracy to commit an offense described in this paragraph” and inserting “attempting or conspiring to commit an offense described in this paragraph, or aiding, abetting, counseling, procuring, commanding, inducing, or soliciting the commission of such an offense.”; and

(8) by striking the undesignated matter following subparagraph (U).

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) of such Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

“(C) Any reversal, vacatur, expungement, or modification to a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a determination of guilt or of a guilty plea (except in the case of a guilty plea that was made on or after March 31, 2010, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a determination of guilt or of a guilty plea (except in the case of a guilty plea that was made on or after March 31, 2010), except where the alien establishes a pardon consistent with section 237(a)(2)(A)(vi).”

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—The amendments made by subsection (a)—

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

(B) shall apply to any act or conviction that occurred before, on, or after such date.

(2) APPLICATION OF IIRIRA AMENDMENTS.—The amendments to section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

**SEC. 3732. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.**

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subparagraph (a)(2)(A)(i)—

(A) in subclause (I), by striking “or” at the end;

(B) in subclause (II), by adding “or” at the end; and

(C) by inserting after subclause (II) the following:

“(III) a violation of (or a conspiracy or attempt to violate) an offense described in section 408 of title 42, United States Code (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information);”

(2) by adding at the end of subsection (a)(2) the following:

“(J) PROCUREMENT OF CITIZENSHIP OR NATURALIZATION UNLAWFULLY.—Any alien convicted of, or who admits having committed,

or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code (relating to the procurement of citizenship or naturalization unlawfully) is inadmissible.

“(K) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

“(L) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

“(M) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS, CRIMES AGAINST CHILDREN.—

“(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term ‘crime of domestic violence’ means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual’s acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

“(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term ‘protection order’ means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding.

“(iii) WAIVER AUTHORIZED.—The waiver authority available under section 237(a)(7) with respect to section 237(a)(2)(E)(i) shall be available on a comparable basis with respect to this subparagraph.

“(iv) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence.”; and

(3) in subsection (h)—

(A) by striking “The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)” and inserting “The Attorney General or the Secretary of Homeland Security may, in the discretion of the Attorney General or the Secretary, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (K), and (M) of subsection (a)(2)”;

(B) by striking “a criminal act involving torture.” and inserting “a criminal act involving torture, or has been convicted of an aggravated felony.”;

(C) by striking “if either since the date of such admission the alien has been convicted of an aggravated felony or the alien” and inserting “if since the date of such admission the alien”; and

(D) by inserting “or Secretary of Homeland Security” after “the Attorney General” wherever that phrase appears.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—

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

(2) in clause (iii), by inserting “or” at the end; and

(3) by inserting after clause (iii) the following:

“(iv) of a violation of, or an attempt or a conspiracy to violate, section 1425(a) or (b) of Title 18 (relating to the procurement of citizenship or naturalization unlawfully).”

(c) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(G) Any alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) section 408 of title 42, United States Code (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification) is deportable.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(e) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act where such eligibility did not exist before these amendments became effective.

#### SEC. 3733. ESPIONAGE CLARIFICATION.

Section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)), is amended to read as follows:

“(A) Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in, or who is engaged in, or with respect to clauses (i) and (iii) of this subparagraph has engaged in—

“(i) any activity—

“(I) to violate any law of the United States relating to espionage or sabotage; or

“(II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information;

“(ii) any other unlawful activity; or

“(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means;

is inadmissible.”.

#### SEC. 3734. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended by striking “No person” through the period at the end and inserting the following: “No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses) and 75 (relating to passport, visa, and immigration offenses), or for a violation of any criminal provision of sections 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.”.

#### SEC. 3735. CONFIRMING AMENDMENT TO THE DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(l) of title 18, United States Code, is amended by striking “section 1542” through “section 1546 (relating to fraud and misuse of visas, permits, and other documents)” and inserting “sections 1541-1548 (relating to passports and visas)”.

#### SEC. 3736. CONFIRMING AMENDMENTS FOR THE AGGRAVATED FELONY DEFINITION.

(a) IN GENERAL.—Subparagraph (P) of section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking “(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)” and inserting “which is described in any section of chapter 75 of title 18, United States Code,”; and

(2) by inserting after “first offense” the following: “(i) that is not described in section 1548 of such title (relating to increased penalties), and (ii)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

#### SEC. 3737. PRECLUDING REFUGEE OR ASYLEE ADJUSTMENT OF STATUS FOR AGGRAVATED FELONS.

(a) IN GENERAL.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by adding at the end thereof the following: “However, an alien who is convicted of an aggravated felony is not eligible for a waiver or for adjustment of status under this section.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply—

(1) to any act that occurred before, on, or after the date of the enactment of this Act; and

(2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

#### SEC. 3738. INADMISSIBILITY AND DEPORTABILITY OF DRUNK DRIVERS.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (T), by striking “and”;

(2) in subparagraph (U), by striking the period at the end and inserting “; and”;

(3) by inserting after subparagraph (U) the following:

“(V) A second conviction for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs) without regard to whether the conviction is classified as a misdemeanor or felony under State law.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply to convictions entered on or after such date.

#### SEC. 3739. DETENTION OF DANGEROUS ALIENS.

(a) **IN GENERAL.**—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking “Attorney General” each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting “Secretary of Homeland Security”;

(2) in paragraph (1), by amending subparagraph (B) to read as follows:

“(B) **BEGINNING OF PERIOD.**—The removal period begins on the latest of the following:

“(i) The date the order of removal becomes administratively final.

“(ii) If the alien is not in the custody of the Secretary on the date the order of removal becomes administratively final, the date the alien is taken into such custody.

“(iii) If the alien is detained or confined (except under an immigration process) on the date the order of removal becomes administratively final, the date the alien is taken into the custody of the Secretary, after the alien is released from such detention or confinement.”;

(3) in paragraph (1), by amending subparagraph (C) to read as follows:

“(C) **SUSPENSION OF PERIOD.**—

“(i) **EXTENSION.**—The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary’s sole discretion, keep the alien in detention during such extended period if—

“(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal that is subject to an order of removal;

“(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal;

“(III) the Secretary transfers custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or

“(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand).

“(ii) **RENEWAL.**—If the removal period has been extended under clause (C)(i), a new removal period shall be deemed to have begun on the date—

“(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order;

“(II) the stay of removal is no longer in effect; or

“(III) the alien is returned to the custody of the Secretary.

“(iii) **MANDATORY DETENTION FOR CERTAIN ALIENS.**—In the case of an alien described in subparagraphs (A) through (D) of section 236(c)(1), the Secretary shall keep that alien in detention during the extended period described in clause (i).

“(iv) **SOLE FORM OF RELIEF.**—An alien may seek relief from detention under this subparagraph only by filing an application for a

writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.”;

(4) in paragraph (3)—

(A) by adding after “If the alien does not leave or is not removed within the removal period” the following: “or is not detained pursuant to paragraph (6) of this subsection”; and

(B) by striking subparagraph (D) and inserting the following:

“(D) to obey reasonable restrictions on the alien’s conduct or activities that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.”;

(5) in paragraph (4)(A), by striking “paragraph (2)” and inserting “subparagraph (B)”; and

(6) by striking paragraph (6) and inserting the following:

“(6) **ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS.**—

“(A) **DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.**—For an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security’s efforts to establish the alien’s identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien’s departure, and who has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

“(B) **AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.**—

“(i) **IN GENERAL.**—The Secretary of Homeland Security, in the exercise of the Secretary’s sole discretion, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall have no right to seek release on bond.

“(ii) **SPECIFIC CIRCUMSTANCES.**—The Secretary of Homeland Security, in the exercise of the Secretary’s sole discretion, may continue to detain an alien beyond the 90 days authorized in clause (i)—

“(I) until the alien is removed, if the Secretary, in the Secretary’s sole discretion, determines that there is a significant likelihood that the alien—

“(aa) will be removed in the reasonably foreseeable future; or

“(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien’s failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien’s departure, or conspires or acts to prevent removal;

“(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

“(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

“(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

“(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

“(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

“(III) pending a certification under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in paragraph (1)(C)).

“(iii) **NO RIGHT TO BOND HEARING.**—An alien whose detention is extended under this subparagraph shall have no right to seek release on bond, including by reason of a certification under clause (ii)(II).

“(C) **RENEWAL AND DELEGATION OF CERTIFICATION.**—

“(i) **RENEWAL.**—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

“(ii) **DELEGATION.**—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

“(iii) **HEARING.**—The Secretary of Homeland Security may request that the Attorney General or the Attorney General’s designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II).

“(D) **RELEASE ON CONDITIONS.**—If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security, in the exercise of the Secretary’s discretion, may impose conditions on release as provided in paragraph (3).



“(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary’s discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody, if removal becomes likely in the reasonably foreseeable future, the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary, in the Secretary’s sole discretion, determines that the alien can be detained under subparagraph (B). This section shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

“(F) REVIEW OF DETERMINATIONS BY SECRETARY.—A determination by the Secretary under this paragraph shall not be subject to review by any other agency.”.

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) CLERICAL AMENDMENT.—(A) Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by striking “Attorney General” each place it appears (except in the second place that term appears in section 236(a)) and inserting “Secretary of Homeland Security”.

(B) Section 236(a) of such Act (8 U.S.C. 1226(a)) is amended by inserting “the Secretary of Homeland Security or” before “the Attorney General”.

(C) Section 236(e) of such Act (8 U.S.C. 1226(e)) is amended by striking “Attorney General’s” and inserting “Secretary of Homeland Security’s”.

(2) LENGTH OF DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

“(f) LENGTH OF DETENTION.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, an alien may be detained under this section for any period, without limitation, except as provided in subsection (h), until the alien is subject to a final order of removal.

“(2) CONSTRUCTION.—The length of detention under this section shall not affect detention under section 241.”.

(3) DETENTION OF CRIMINAL ALIENS.—Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)) is amended, in the matter following subparagraph (D) to read as follows:

“any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.”.

(4) ADMINISTRATIVE REVIEW.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by paragraph (2), is further amended by adding at the end the following:

“(g) ADMINISTRATIVE REVIEW.—

“(1) IN GENERAL.—The Attorney General’s review of the Secretary’s custody determinations under subsection (a) for the following classes of aliens shall be limited to whether the alien may be detained, released on bond (of at least \$1,500 with security approved by the Secretary), or released with no bond:

“(A) Aliens in exclusion proceedings.

“(B) Aliens described in section 212(a)(3) or 237(a)(4).

“(C) Aliens described in subsection (c).

“(2) SPECIAL RULE.—The Attorney General’s review of the Secretary’s custody determinations under subsection (a) for aliens in deportation proceedings subject to section 242(a)(2) of the Act (as in effect prior to April 1, 1997, and as amended by section 440(c) of Public Law 104-132) shall be limited to a determination of whether the alien is properly included in such category.

“(h) RELEASE ON BOND.—

“(1) IN GENERAL.—An alien detained under subsection (a) may seek release on bond. No bond may be granted except to an alien who establishes by clear and convincing evidence that the alien is not a flight risk or a risk to another person or the community.

“(2) CERTAIN ALIENS INELIGIBLE.—No alien detained under subsection (c) may seek release on bond.”.

(5) CLERICAL AMENDMENTS.—(A) Section 236(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)(B)) is amended by striking “conditional parole” and inserting “recognizance”.

(B) Section 236(b) of such Act (8 U.S.C. 1226(b)) is amended by striking “parole” and inserting “recognizance”.

(c) SEVERABILITY.—If any of the provisions of this section or any amendment by this section, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this section and of amendments made by this section, and the application of the provisions and of the amendments made by this section to any other person or circumstance shall not be affected by such holding.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) shall take effect upon the date of enactment of this Act, and section 241 of the Immigration and Nationality Act, as so amended, shall in addition apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after such date.

(2) The amendments made by subsection (b) shall take effect upon the date of the enactment of this Act, and section 236 of the Immigration and Nationality Act, as so amended, shall in addition apply to any alien in detention under provisions of such section on or after such date.

#### SEC. 3740. GROUNDS OF INADMISSIBILITY AND DEPORTABILITY FOR ALIEN GANG MEMBERS.

(a) DEFINITION OF GANG MEMBER.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(53)(A) The term ‘criminal gang’ means an ongoing group, club, organization, or association of 5 or more persons that has as one of its primary purposes the commission of 1 or more of the following criminal offenses and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses, or that has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting these criteria. The offenses described, whether in violation of Federal or State law or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of this paragraph, are the following:

“(i) A ‘felony drug offense’ (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(ii) An offense under section 274 (relating to bringing in and harboring certain aliens),

section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

“(iii) A crime of violence (as defined in section 16 of title 18, United States Code).

“(iv) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(v) Any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

“(vi) A conspiracy to commit an offense described in clauses (i) through (v).

“(B) Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph.”.

(b) INADMISSIBILITY.—Section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)), as amended by section 302(a)(2) of this Act, is further amended by adding at the end the following:

“(N) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is inadmissible who a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe—

“(i) to be or to have been a member of a criminal gang (as defined in section 101(a)(53)); or

“(ii) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.”.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by section 302(c) of this Act, is further amended by adding at the end the following:

“(H) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

“(i) is or has been a member of a criminal gang (as defined in section 101(a)(53)); or

“(ii) has participated in the activities of a criminal gang (as so defined), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.”.

(d) DESIGNATION.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after section 219 the following:

#### “DESIGNATION

“SEC. 220. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, and the Secretary of State may designate a group or association as a criminal street gang if their conduct is described in section 101(a)(53) or if the group or association conduct poses a significant risk that threatens the security and the public safety of United States nationals or the national security, homeland security, foreign policy, or economy of the United States.

“(b) EFFECTIVE DATE.—Designations under subsection (a) shall remain in effect until the designation is revoked after consultation

between the Secretary of Homeland Security, the Attorney General, and the Secretary of State or is terminated in accordance with Federal law.”.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 219 the following:

“220. Designation.”.

(e) MANDATORY DETENTION OF CRIMINAL STREET GANG MEMBERS.—

(1) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(A) by inserting “or 212(a)(2)(N)” after “212(a)(3)(B)”;

(B) by inserting “or 237(a)(2)(H)” before “237(a)(4)(B)”.

(2) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by paragraph (1).

(f) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting “who is described in section 212(a)(2)(N)(i) or section 237(a)(2)(H)(i) or who is” after “to an alien”.

(2) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking “or” at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

“(vi) the alien is described in section 212(a)(2)(N)(i) or section 237(a)(2)(H)(i) (relating to participation in criminal street gangs); or”.

(g) TEMPORARY PROTECTED STATUS.—Section 244 of such Act (8 U.S.C. 1254a) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in subparagraph (c)(2)(B), by adding at the end the following:

“(iii) the alien is, or at any time after admission has been, a member of a criminal gang (as defined in section 101(a)(53)).”; and

(3) in subsection (d)—

(A) by striking paragraph (3); and

(B) in paragraph (4), by adding at the end the following: “The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.”.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

#### SEC. 3741. LAUNDERING OF MONETARY INSTRUMENTS.

(a) ADDITIONAL PREDICATE OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting “section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),” after “section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction).”; and

(2) by inserting “section 274(a) of the Immigration and Nationality Act (8

U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),” after “section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling).”.

(b) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1) so that subparagraph (B) reads as follows:

“(B) knowing that the transaction—

“(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

“(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law.”; and

(2) in paragraph (2) so that subparagraph (B) reads as follows:

“(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—

“(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

“(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law.”.

#### SEC. 3742. INCREASED CRIMINAL PENALTIES RELATING TO ALIEN SMUGGLING AND RELATED OFFENSES.

(a) IN GENERAL.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), is amended to read as follows:

##### “SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

“(a) CRIMINAL OFFENSES AND PENALTIES.—

“(1) PROHIBITED ACTIVITIES.—Except as provided in paragraph (3), a person shall be punished as provided under paragraph (2), if the person—

“(A) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to, enter, or cross the border to the United States;

“(B) facilitates, encourages, directs, or induces a person to come to or enter the United States, or to cross the border to the United States, at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, knowing or in reckless disregard of the fact that such person is an alien and regardless of whether such alien has official permission or lawful authority to be in the United States;

“(C) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the alien is seeking to enter the United States without official permission or lawful authority;

“(D) encourages or induces a person to reside in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in the United States;

“(E) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, if the transportation or movement will further the alien’s illegal entry into or illegal presence in the United States;

“(F) harbors, conceals, or shields from detection a person in the United States, know-

ing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States; or

“(G) conspires or attempts to commit any of the acts described in subparagraphs (A) through (F).”.

“(2) CRIMINAL PENALTIES.—A person who violates any provision under paragraph (1) shall, for each alien in respect to whom a violation of paragraph (1) occurs—

“(A) except as provided in subparagraphs (C) through (G), if the violation was not committed for commercial advantage, profit, or private financial gain, be fined under title 18, United States Code, imprisoned for not more than 5 years, or both;

“(B) except as provided in subparagraphs (C) through (G), if the violation was committed for commercial advantage, profit, or private financial gain—

“(i) be fined under such title, imprisoned for not more than 20 years, or both, if the violation is the offender’s first violation under this subparagraph; or

“(ii) be fined under such title, imprisoned for not more than 25 years, or both, if the violation is the offender’s second or subsequent violation of this subparagraph;

“(C) if the violation furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under such title, imprisoned for not more than 20 years, or both;

“(D) be fined under such title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

“(i) transporting the person in an engine compartment, storage compartment, or other confined space;

“(ii) transporting the person at an excessive speed or in excess of the rated capacity of the means of transportation; or

“(iii) transporting the person in, harboring the person in, or otherwise subjecting the person to crowded or dangerous conditions;

“(E) if the violation caused serious bodily injury (as defined in section 2119(2) of title 18, United States Code) to any person, be fined under such title, imprisoned for not more than 30 years, or both;

“(F) be fined under such title and imprisoned for not more than 30 years if the violation involved an alien who the offender knew or had reason to believe was—

“(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

“(ii) intending to engage in terrorist activity;

“(G) if the violation caused or resulted in the death of any person, be punished by death or imprisoned for a term of years up to life, and fined under title 18, United States Code.

“(3) LIMITATION.—It is not a violation of subparagraph (D), (E), or (F) of paragraph (1) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least 1 year.

“(4) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction

over the offenses described in this subsection.

“(b) SEIZURE AND FORFEITURE.—

“(1) IN GENERAL.—Any real or personal property used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

“(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, prima facie evidence that an alien involved in the alleged violation lacks lawful authority to come to, enter, reside in, remain in, or be in the United States or that such alien had come to, entered, resided in, remained in, or been present in the United States in violation of law may include:

“(A) any order, finding, or determination concerning the alien's status or lack of status made by a Federal judge or administrative adjudicator (including an immigration judge or immigration officer) during any judicial or administrative proceeding authorized under Federal immigration law;

“(B) official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack of status; and

“(C) testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack of status.

“(c) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except:

“(1) officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class; and

“(2) other officers responsible for the enforcement of Federal criminal laws.

“(d) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped or otherwise audiovisually preserved deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if:

“(1) the witness was available for cross examination at the deposition by the party, if any, opposing admission of the testimony; and

“(2) the deposition otherwise complies with the Federal Rules of Evidence.

“(e) DEFINITIONS.—In this section:

“(1) CROSS THE BORDER TO THE UNITED STATES.—The term ‘cross the border’ refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

“(2) LAWFUL AUTHORITY.—The term ‘lawful authority’ means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or accompanying regulations. The term does not include any such authority secured by fraud or otherwise obtained in violation of law or authority sought, but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside in, remain in, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

“(3) PROCEEDS.—The term ‘proceeds’ includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

“(4) UNLAWFUL TRANSIT.—The term ‘unlawful transit’ means travel, movement, or temporary presence that violates the laws of any country in which the alien is present or any country from which or to which the alien is traveling or moving.”

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 274 and inserting the following:

“Sec. 274. Alien smuggling and related offenses.”

(c) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “, alien smuggling crime,” after “any crime of violence”; and

(ii) by inserting “, alien smuggling crime,” after “such crime of violence”; and

(B) in subparagraph (D)(ii), by inserting “, alien smuggling crime,” after “crime of violence”; and

(2) by adding at the end the following:

“(6) For purposes of this subsection, the term ‘alien smuggling crime’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).”

#### SEC. 3743. PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended to read as follows:

##### “ILLEGAL ENTRY

“SEC. 275. (a) IN GENERAL.—

“(1) ILLEGAL ENTRY OR PRESENCE.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

“(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

“(B) knowingly eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including by failing to stop at the command of such officer);

“(C) knowingly enters or crosses the border to the United States and, upon examination or inspection, knowingly makes a false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws);

“(D) knowingly violates the terms or conditions of the alien's admission or parole into the United States; or

“(E) knowingly is unlawfully present in the United States (as defined in section 212(a)(9)(B)(ii) subject to the exceptions set forth in section 212(a)(9)(B)(iii)).

“(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1):

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

“(D) if the violation occurred after the alien had been convicted of a felony for

which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(A) alleged in the indictment or information; and

“(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or agriculture officer.

“(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

“(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

“(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

“(A) not less than \$50 or more than \$250 for each such entry, crossing, attempted entry, or attempted crossing; or

“(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.”

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 275 and inserting the following:

“275. Illegal entry.”

#### SEC. 3744. ILLEGAL REENTRY.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

##### “REENTRY OF REMOVED ALIEN

“SEC. 276. (a) REENTRY AFTER REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

“(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection was convicted before such removal or departure:

“(1) for 3 or more misdemeanors or for a felony, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

“(2) for a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

“(3) for a felony for which the alien was sentenced to a term of imprisonment of not

less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

“(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, or for 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both.

“(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(1) alleged in the indictment or information; and

“(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

“(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

“(2) with respect to an alien previously denied admission and removed, the alien—

“(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

“(B) had complied with all other laws and regulations governing the alien's admission into the United States.

“(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien.

“(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

“(h) DEFINITIONS.—For purposes of this section and section 275, the following definitions shall apply:

“(1) CROSSES THE BORDER TO THE UNITED STATES.—The term ‘crosses the border’ refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

“(2) FELONY.—The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(3) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

“(4) REMOVAL.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal, or any agreement

by which an alien stipulates or agrees to exclusion, deportation, or removal.

“(5) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

#### **SEC. 3745. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.**

Chapter 75 of title 18, United States Code, is amended to read as follows:

##### **“CHAPTER 75—PASSPORTS AND VISAS**

“Sec.

“1541. Issuance without authority.

“1542. False statement in application and use of passport.

“1543. Forgery or false use of passport.

“1544. Misuse of a passport.

“1545. Schemes to defraud aliens.

“1546. Immigration and visa fraud.

“1547. Attempts and conspiracies.

“1548. Alternative penalties for certain offenses.

“1549. Definitions.

##### **“§ 1541. Issuance without authority**

“(a) IN GENERAL.—Whoever—

“(1) acting or claiming to act in any office or capacity under the United States, or a State, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person; or

“(2) being a consular officer authorized to grant, issue, or verify passports, knowingly grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not; shall be fined under this title or imprisoned not more than 15 years, or both.

“(b) DEFINITION.—In this section, the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

##### **“§ 1542. False statement in application and use of passport**

“Whoever knowingly—

“(1) makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

“(2) uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement;

shall be fined under this title or imprisoned not more than 15 years, or both.

##### **“§ 1543. Forgery or false use of passport**

“Whoever—

“(1) falsely makes, forges, counterfeits, mutilates, or alters any passport or instrument purporting to be a passport, with intent that the same may be used; or

“(2) knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same;

shall be fined under this title or imprisoned not more than 15 years, or both.

##### **“§ 1544. Misuse of a passport**

“Whoever knowingly—

“(1) uses any passport issued or designed for the use of another;

“(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

“(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely

made, procured by fraud, stolen, or produced or issued without lawful authority; or

“(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States; shall be fined under this title, imprisoned not more than 15 years, or both.

##### **“§ 1545. Schemes to defraud aliens**

“Whoever inside the United States, or in or affecting interstate or foreign commerce, in connection with any matter that is authorized by or arises under the immigration laws of the United States or any matter the offender claims or represents is authorized by or arises under the immigration laws of the United States, knowingly executes a scheme or artifice—

“(1) to defraud any person, or

“(2) to obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, or promises;

shall be fined under this title, imprisoned not more than 15 years, or both.

##### **“§ 1546. Immigration and visa fraud**

“Whoever knowingly—

“(1) uses any immigration document issued or designed for the use of another;

“(2) forges, counterfeits, alters, or falsely makes any immigration document;

“(3) mails, prepares, presents, or signs any immigration document knowing it to contain any materially false statement or representation;

“(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws;

“(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the immigration document was issued or designed; or

“(7) produces, issues, authorizes, or verifies, without lawful authority, an immigration document;

shall be fined under this title, imprisoned not more than 15 years, or both.

##### **“§ 1547. Attempts and conspiracies**

“Whoever attempts or conspires to violate this chapter shall be punished in the same manner as a person who completes that violation.

##### **“§ 1548. Alternative penalties for certain offenses**

“(a) TERRORISM.—Whoever violates any section in this chapter to facilitate an act of international terrorism or domestic terrorism (as such terms are defined in section 2331), shall be fined under this title or imprisoned not more than 25 years, or both.

“(b) DRUG TRAFFICKING OFFENSES.—Whoever violates any section in this chapter to facilitate a drug trafficking crime (as defined in section 929(a)) shall be fined under this title or imprisoned not more than 20 years, or both.

##### **“§ 1549. Definitions**

“In this chapter:

“(1) An ‘application for a United States passport’ includes any document, photograph, or other piece of evidence attached to or submitted in support of the application.

“(2) The term ‘immigration document’ means any instrument on which is recorded, by means of letters, figures, or marks, matters which may be used to fulfill any requirement of the Immigration and Nationality Act.”.

**SEC. 3746. FORFEITURE.**

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

“(I) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of chapter 75, the gross proceeds of such violation, and any property traceable to any such property or proceeds.”.

**SEC. 3747. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL OR SECURITY GROUNDS.**

(a) IN GENERAL.—Section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security in the exercise of discretion”; and

(B) by striking “set forth in this subsection or” and inserting “set forth in this subsection, in lieu of removal proceedings under”;

(2) in paragraph (3), by striking “paragraph (1) until 14 calendar days” and inserting “paragraph (1) or (3) until 7 calendar days”;

(3) by striking “Attorney General” each place it appears in paragraphs (3) and (4) and inserting “Secretary of Homeland Security”;

(4) in paragraph (5)—

(A) by striking “described in this section” and inserting “described in paragraph (1) or (2)”; and

(B) by striking “the Attorney General may grant in the Attorney General’s discretion” and inserting “the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or Attorney General, in any proceeding”;

(5) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(6) by inserting after paragraph (2) the following new paragraph:

“(3) The Secretary of Homeland Security in the exercise of discretion may determine inadmissibility under section 212(a)(2) (relating to criminal offenses) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who

“(A) has not been admitted or paroled;

“(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in section 235(b)(1)(B); and

“(C) is not eligible for a waiver of inadmissibility or relief from removal.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act as of such date.

**SEC. 3748. INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.**

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 302(a) of this Act, is further amended—

(1) in subclause (II), by striking “or” at the end;

(2) in subclause (III), by adding “or” at the end; and

(3) by inserting after subclause (III) the following:

“(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender);”.

(b) DEPORTABILITY.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)), as amended by sections 302(c) and 311(c) of this Act, is further amended—

(1) in subparagraph (A), by striking clause (v); and

(2) by adding at the end the following:

“(I) Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender) is deportable.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

**SEC. 3749. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.**

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

“(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary’s sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.”; and

(2) in subparagraph (B)(i)—

(A) by redesignating the second subclause (I) as subclause (II); and

(B) by amending such subclause (II) to read as follows:

“(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary’s sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.”.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)), is amended by striking “204(a)(1)(A)(viii)(I)” each place such term appears and inserting “204(a)(1)(A)(viii)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

**SEC. 3750. CLARIFICATION TO CRIMES OF VIOLENCE AND CRIMES INVOLVING MORAL TURPITUDE.**

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

“(iii) CLARIFICATION.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.”.

(b) DEPORTABLE ALIENS.—

(1) GENERAL CRIMES.—Section 237(a)(2)(A) of such Act (8 U.S.C. 1227(a)(2)(A)), as amended by section 320(b) of this Act, is further amended by inserting after clause (iv) the following:

“(v) CRIMES INVOLVING MORAL TURPITUDE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.”.

(2) DOMESTIC VIOLENCE.—Section 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

“(iii) CRIMES OF VIOLENCE.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

**SEC. 3751. PENALTIES FOR FAILURE TO OBEY REMOVAL ORDERS.**

(a) IN GENERAL.—Section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) is amended—

(1) by inserting “212(a) or” before “237(a)”; and

(2) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that are described in subparagraphs (A) through (D) of section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) that occur on or after the date of the enactment of this Act.

**SEC. 3752. PARDONS.**

(a) DEFINITION.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section 311(a) of this Act, is further amended by adding at the end the following:

“(54) The term ‘pardon’ means a full and unconditional pardon granted by the President of the United States, Governor of any of the several States or constitutionally recognized body.”.

(b) DEPORTABILITY.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in paragraph (2)(A), by striking clause (vi); and

(2) by adding at the end the following:

“(8) PARDONS.—

“(A) IN GENERAL.—In the case of an alien who has been convicted of a crime and is subject to removal due to that conviction, if the alien, subsequent to receiving the criminal conviction, is granted a pardon, the alien shall not be deportable by reason of that criminal conviction.

“(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an alien granted a pardon if the pardon is granted in whole or in part to eliminate that alien’s condition of deportability.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a pardon granted before, on, or after such date.

**CHAPTER 4—AID TO U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICERS****SEC. 3761. ICE IMMIGRATION ENFORCEMENT AGENTS.**

(a) IN GENERAL.—The Secretary shall authorize all immigration enforcement agents and deportation officers of the Department who have successfully completed basic immigration law enforcement training to exercise the powers conferred by—

(1) section 287(a)(5)(A) of the Immigration and Nationality Act to arrest for any offense against the United States;

(2) section 287(a)(5)(B) of such Act to arrest for any felony;

(3) section 274(a) of such Act to arrest for bringing in, transporting, or harboring certain aliens, or inducing them to enter;

(4) section 287(a) of such Act to execute warrants of arrest for administrative immigration violations issued under section 236 of the Act or to execute warrants of criminal

arrest issued under the authority of the United States; and

(5) section 287(a) of such Act to carry firearms, provided that they are individually qualified by training and experience to handle and safely operate the firearms they are permitted to carry, maintain proficiency in the use of such firearms, and adhere to the provisions of the enforcement standard governing the use of force.

(b) PAY.—Immigration enforcement agents shall be paid on the same scale as Immigration and Customs Enforcement deportation officers and shall receive the same benefits.

**SEC. 3762. ICE DETENTION ENFORCEMENT OFFICERS.**

(a) AUTHORIZATION.—The Secretary is authorized to hire 2,500 Immigration and Customs Enforcement detention enforcement officers.

(b) DUTIES.—Immigration and Customs Enforcement detention enforcement officers who have successfully completed detention enforcement officers' basic training shall be responsible for—

(1) taking and maintaining custody of any person who has been arrested by an immigration officer;

(2) transporting and guarding immigration detainees;

(3) securing Department detention facilities; and

(4) assisting in the processing of detainees.

**SEC. 3763. ENSURING THE SAFETY OF ICE OFFICERS AND AGENTS.**

(a) BODY ARMOR.—The Secretary shall ensure that every Immigration and Customs Enforcement deportation officer and immigration enforcement agent on duty is issued high-quality body armor that is appropriate for the climate and risks faced by the agent. Enough body armor must be purchased to cover every agent in the field.

(b) WEAPONS.—Such Secretary shall ensure that Immigration and Customs Enforcement deportation officers and immigration enforcement agents are equipped with weapons that are reliable and effective to protect themselves, their fellow agents, and innocent third parties from the threats posed by armed criminals. Such weapons shall include, at a minimum, standard-issue handguns, M-4 (or equivalent) rifles, and Tasers.

(c) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act.

**SEC. 3764. ICE ADVISORY COUNCIL.**

(a) ESTABLISHMENT.—An ICE Advisory Council shall be established not later than 3 months after the date of the enactment of this Act.

(b) MEMBERSHIP.—The ICE Advisory Council shall be comprised of 7 members.

(c) APPOINTMENT.—Members shall be appointed in the following manner:

(1) One member shall be appointed by the President;

(2) One member shall be appointed by the Chairman of the Judiciary Committee of the House of Representatives;

(3) One member shall be appointed by the Chairman of the Judiciary Committee of the Senate;

(4) One member shall be appointed by the Local 511, the ICE prosecutor's union; and

(5) Three members shall be appointed by the National Immigration and Customs Enforcement Council.

(d) TERM.—Members shall serve renewable, 2-year terms.

(e) VOLUNTARY.—Membership shall be voluntary and non-remunerated, except that members will receive reimbursement from the Secretary for travel and other related expenses.

(f) RETALIATION PROTECTION.—Members who are employed by the Secretary shall be

protected from retaliation by their supervisors, managers, and other Department employees for their participation on the Council.

(g) PURPOSE.—The purpose of the Council is to advise Congress and the Secretary on issues including the following:

(1) The current status of immigration enforcement efforts, including prosecutions and removals, the effectiveness of such efforts, and how enforcement could be improved;

(2) The effectiveness of cooperative efforts between the Secretary and other law enforcement agencies, including additional types of enforcement activities that the Secretary should be engaged in, such as State and local criminal task forces;

(3) Personnel, equipment, and other resource needs of field personnel;

(4) Improvements that should be made to the organizational structure of the Department, including whether the position of immigration enforcement agent should be merged into the deportation officer position; and

(5) The effectiveness of specific enforcement policies and regulations promulgated by the Secretary, and whether other enforcement priorities should be considered.

(h) REPORTS.—The Council shall provide quarterly reports to the Chairmen and Ranking Members of the Judiciary Committees of the Senate and the House of Representatives and to the Secretary. The Council members shall meet directly with the Chairmen and Ranking Members (or their designated representatives) and with the Secretary to discuss their reports every 6 months.

**SEC. 3765. PILOT PROGRAM FOR ELECTRONIC FIELD PROCESSING.**

(a) IN GENERAL.—The Secretary shall establish a pilot program in at least five of the 10 Immigration and Customs Enforcement field offices with the largest removal case-loads to allow Immigration and Customs Enforcement officers and immigration enforcement agents to—

(1) electronically process and serve charging documents, including Notices to Appear, while in the field; and

(2) electronically process and place detainees while in the field.

(b) DUTIES.—The pilot program described in subsection (a) shall be designed to allow deportation officers and immigration enforcement agents to use handheld or vehicle-mounted computers to—

(1) enter any required data, including personal information about the alien subject and the reason for issuing the document;

(2) apply the electronic signature of the issuing officer or agent;

(3) set the date the alien is required to appear before an immigration judge, in the case of Notices to Appear;

(4) print any documents the alien subject may be required to sign, along with additional copies of documents to be served on the alien; and

(5) interface with the ENFORCE database so that all data is stored and retrievable.

(c) CONSTRUCTION.—The pilot program described in subsection (a) shall be designed to replace, to the extent possible, the current paperwork and data-entry process used for issuing such charging documents and detainees.

(d) DEADLINE.—The Secretary shall initiate the pilot program described in subsection (a) within 6 months of the date of enactment of this Act.

(e) REPORT.—The Government Accountability Office shall report to the Judiciary Committee of the Senate and the House of Representatives no later than 18 months after the date of enactment of this Act on the effectiveness of the pilot program and provide recommendations for improving it.

(f) ADVISORY COUNCIL.—The ICE Advisory Council established by section 3764 shall include an recommendations on how the pilot program should work in the first quarterly report of the Council, and shall include assessments of the program and recommendations for improvement in each subsequent report.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

**SEC. 3766. ADDITIONAL ICE DEPORTATION OFFICERS AND SUPPORT STAFF.**

(a) IN GENERAL.—The Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time active-duty Immigration and Customs Enforcement deportation officers by 5,000 above the number of full-time positions for which funds were appropriated for fiscal year 2013.

(b) SUPPORT STAFF.—The Secretary shall, subject to the availability of appropriations for such purpose, increase the number of positions for full-time support staff for Immigration and Customs Enforcement deportation officers by 700 above the number of full-time positions for which funds were appropriated for fiscal year 2013.

**SEC. 3767. ADDITIONAL ICE PROSECUTORS.**

The Secretary shall increase by 60 the number of full-time trial attorneys working for the Immigration and Customs Enforcement Office of the Principal Legal Advisor.

**CHAPTER 5—MISCELLANEOUS ENFORCEMENT PROVISIONS**

**SEC. 3771. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.**

(a) IN GENERAL.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

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

“(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Secretary of Homeland Security may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection instead of being subject to proceedings under section 240.”;

(B) by striking paragraph (3);

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

(D) by adding after paragraph (1) the following:

“(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A)(iii) or (4) of section 237(a), the Attorney General may permit the alien to voluntarily depart the United States at the alien's own expense under this subsection after the initiation of removal proceedings under section 240 and before the conclusion of such proceedings before an immigration judge.”;

(E) in paragraph (3), as redesignated—

(i) by amending subparagraph (A) to read as follows:

“(A) INSTEAD OF REMOVAL.—Subject to subparagraph (C), permission to voluntarily depart under paragraph (1) shall not be valid for any period in excess of 120 days. The Secretary may require an alien permitted to voluntarily depart under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.”;

(ii) by redesignating subparagraphs (B), (C), and (D) as paragraphs (C), (D), and (E), respectively;

(iii) by adding after subparagraph (A) the following:

“(B) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to voluntarily depart under paragraph (2) shall not be valid



for any period in excess of 60 days, and may be granted only after a finding that the alien has the means to depart the United States and intends to do so. An alien permitted to voluntarily depart under paragraph (2) shall post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive the requirement to post a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will pose a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.”.

(iv) in subparagraph (C), as redesignated, by striking “subparagraphs (C) and (D)(ii)” and inserting “subparagraphs (D) and (E)(ii)”;

(v) in subparagraph (D), as redesignated, by striking “subparagraph (B)” each place that term appears and inserting “subparagraph (C)”;

(vi) in subparagraph (E), as redesignated, by striking “subparagraph (B)” each place that term appears and inserting “subparagraph (C)”;

(F) in paragraph (4), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(2) in subsection (b)(2), by striking “a period exceeding 60 days” and inserting “any period in excess of 45 days”;

(3) by amending subsection (c) to read as follows:

“(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

“(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure may only be granted as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

“(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien’s agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

“(3) ADVISALS.—Agreements relating to voluntary departure granted during removal proceedings under section 240, or at the conclusion of such proceedings, shall be presented on the record before the immigration judge. The immigration judge shall advise the alien of the consequences of a voluntary departure agreement before accepting such agreement.

“(4) FAILURE TO COMPLY WITH AGREEMENT.—

“(A) IN GENERAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

“(i) ineligible for the benefits of the agreement;

“(ii) subject to the penalties described in subsection (d); and

“(iii) subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b).

“(B) EFFECT OF FILING TIMELY APPEAL.—If, after agreeing to voluntary departure, the alien files a timely appeal of the immigration judge’s decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien’s voluntary departure agreement and the con-

sequences of such agreement, but precludes the alien from another grant of voluntary departure while the alien remains in the United States.

“(5) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary in writing in the exercise of the Secretary’s discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien’s obligation to depart from the United States during the period agreed to by the alien and the Secretary.”;

(4) by amending subsection (d) to read as follows:

“(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to voluntarily depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the alien will be subject to the following penalties:

“(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of \$3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty is paid.

“(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien’s departure for any further relief under this section and sections 240A, 245, 248, and 249. The order permitting the alien to depart voluntarily shall inform the alien of the penalties under this subsection.

“(3) REOPENING.—The alien shall be ineligible to reopen the final order of removal that took effect upon the alien’s failure to depart, or upon the alien’s other violations of the conditions for voluntary departure, during the period described in paragraph (2). This paragraph does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

“(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

“(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.”; and

(5) by amending subsection (e) to read as follows:

“(e) ELIGIBILITY.—

“(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

“(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsections (a)(2) or (b) of this section for any class or classes of aliens.”.

(6) in subsection (f), by adding at the end the following: “Notwithstanding section

242(a)(2)(D) of this Act, sections 1361, 1651, and 2241 of title 28, United States Code, any other habeas corpus provision, and any other provision of law (statutory or nonstatutory), no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.”.

(b) RULEMAKING.—The Secretary shall within one year of the date of enactment of this Act promulgate regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a)(6) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is filed on or after such date.

#### SEC. 3772. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(A)) is amended—

(1) in clause (i), by striking “seeks admission within 5 years of the date of such removal (or within 20 years)” and inserting “seeks admission not later than 5 years after the date of the alien’s removal (or not later than 20 years after the alien’s removal”;

(2) in clause (ii), by striking “seeks admission within 10 years of the date of such alien’s departure or removal (or within 20 years of)” and inserting “seeks admission not later than 10 years after the date of the alien’s departure or removal (or not later than 20 years after”.

(b) BAR ON DISCRETIONARY RELIEF.—Section 274D of such Act (8 U.S.C. 324d) is amended—

(1) in subsection (a), by striking “Commissioner” and inserting “Secretary of Homeland Security”; and

(2) by adding at the end the following:

“(c) INELIGIBILITY FOR RELIEF.—

“(1) IN GENERAL.—Unless a timely motion to reopen is granted under section 240(c)(6), an alien described in subsection (a) shall be ineligible for any discretionary relief from removal (including cancellation of removal and adjustment of status) during the time the alien remains in the United States and for a period of 10 years after the alien’s departure from the United States.

“(2) SAVINGS PROVISION.—Nothing in paragraph (1) shall preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture, if the motion—

“(A) presents material evidence of changed country conditions arising after the date of the final order of removal in the country to which the alien would be removed; and

“(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection.”.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act with respect to aliens who are subject to a final order of removal entered before, on, or after such date.

#### SEC. 3773. REINSTATEMENT OF REMOVAL ORDERS.

(a) IN GENERAL.—Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

“(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed, deported, or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

“(A) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

“(B) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

“(C) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry.

Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge.”

(b) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

“(h) JUDICIAL REVIEW OF REINSTATEMENT UNDER SECTION 241(A)(5).—

“(1) REVIEW OF REINSTATEMENT.—Judicial review of determinations under section 241(a)(5) is available in an action under subsection (a).

“(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, or sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from, or relating to, any challenge to the original order.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated or after that date by the Secretary (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

#### SEC. 3774. CLARIFICATION WITH RESPECT TO DEFINITION OF ADMISSION.

Section 101(a)(13)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(A)) is amended by adding at the end the following: “An alien’s adjustment of status to that of lawful permanent resident status under any provision of this Act, or under any other provision of law, shall be considered an ‘admission’ for any purpose under this Act, even if the adjustment of status occurred while the alien was present in the United States.”

#### SEC. 3775. REPORTS TO CONGRESS ON THE EXERCISE AND ABUSE OF PROSECUTORIAL DISCRETION.

(a) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Secretary and the Attorney General shall each provide to the Committees on the Judiciary of the House of Representatives and of the Senate a report on the following:

(1) Aliens apprehended or arrested by State or local law enforcement agencies who were identified by the Department in the previous fiscal year and for whom the Department did not issue detainers and did not take into custody despite the Department’s findings that the aliens were inadmissible or deportable.

(2) Aliens who were applicants for admission in the previous fiscal year but not clearly and beyond a doubt entitled to be admitted by an immigration officer and who were not detained as required pursuant to section 235(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(2)(A)).

(3) Aliens who in the previous fiscal year were found by Department officials performing duties related to the adjudication of applications for immigration benefits or the enforcement of the immigration laws to be inadmissible or deportable who were not issued notices to appear pursuant to section 239 of such Act (8 U.S.C. 1229) or placed into removal proceedings pursuant to section 240 (8 U.S.C. 1229a), unless the aliens were placed into expedited removal proceedings pursuant to section 235(b)(1)(A)(i) (8 U.S.C. 1225(b)(1)(A)(5)) or section 238 (8 U.S.C. 1228), were granted voluntary departure pursuant to section 240B, were granted relief from removal pursuant to statute, were granted legal nonimmigrant or immigrant status pursuant to statute, or were determined not to be inadmissible or deportable.

(4) Aliens issued notices to appear that were cancelled in the previous fiscal year despite the Department’s findings that the aliens were inadmissible or deportable, unless the aliens were granted relief from removal pursuant to statute, were granted voluntary departure pursuant to section 240B of such Act (8 U.S.C. 1229c), or were granted legal nonimmigrant or immigrant status pursuant to statute.

(5) Aliens who were placed into removal proceedings, whose removal proceedings were terminated in the previous fiscal year prior to their conclusion, unless the aliens were granted relief from removal pursuant to statute, were granted voluntary departure pursuant to section 240B, were granted legal nonimmigrant or immigrant status pursuant to statute, or were determined not to be inadmissible or deportable.

(6) Aliens granted parole pursuant to section 212(d)(5)(A) of such Act (8 U.S.C. 1182(d)(5)(A)).

(7) Aliens granted deferred action, extended voluntary departure or any other type of relief from removal not specified in the Immigration and Nationality Act or where determined not to be inadmissible or deportable.

(b) CONTENTS OF REPORT.—The report shall include a listing of each alien described in each paragraph of subsection (a), including when in the possession of the Department their names, fingerprint identification numbers, alien registration numbers, and reason why each was granted the type of prosecutorial discretion received. The report shall also include current criminal histories on each alien from the Federal Bureau of Investigation.

On page 1748, strike lines 5 and 21.

At the end of section 4412, insert the following:

(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND THE SECRETARY OF STATE.—

(1) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

“(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

“(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except as provided in subsection (c) and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary—

“(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in con-

nection with the granting and refusal of a visa; and

“(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary, or designee, determines that such refusal or revocation is necessary or advisable in the security interests of the United States.

“(2) EFFECT OF REVOCATION.—The revocation of any visa under paragraph (1)(B)—

“(A) shall take effect immediately; and

“(B) shall automatically cancel any other valid visa that is in the alien’s possession.

“(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a decision by the Secretary of Homeland Security to refuse or revoke a visa, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a refusal or revocation.

“(c) AUTHORITY OF THE SECRETARY OF STATE.—

“(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse a visa requested by an alien if the Secretary of State determines such refusal to be necessary or advisable in the interests of the United States.

“(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary of Homeland Security under subsection (b).”

(2) CONFORMING AMENDMENT.—Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking “under section 221(i)”.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to visa refusals and revocations occurring before, on, or after such date.

(c) TECHNICAL CORRECTIONS TO THE HOMELAND SECURITY ACT.—Section 428(a) of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by—

(1) striking “subsection” and inserting “section”; and

(2) striking “consular office” and inserting “consular officer”.

At the end of subtitle D of title IV, add the following:

#### SEC. 4416. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary”; and

(B) by inserting “and any other non-immigrant visa issued by the United States that is in the possession of the alien” after “such visa”; and

(2) in paragraph (2)(A), by striking “(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien’s nationality” and inserting “(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien’s nationality or foreign residence”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date.

#### SEC. 4417. VISA INFORMATION SHARING.

(a) IN GENERAL.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)(2)) is amended—

(1) by striking “issuance or refusal” and inserting “issuance, refusal, or revocation”; and

(2) in paragraph (2), by striking “and on the basis of reciprocity”;

(3) in paragraph (2)(A)—

(A) by inserting “(i)” after “for the purpose of”; and

(B) by striking “illicit weapons; or” and inserting “illicit weapons, or (ii) determining a person’s deportability or eligibility for a visa, admission, or other immigration benefit;”;

(4) in paragraph (2)(B)—

(A) by striking “for the purposes” and inserting “for one of the purposes”; and

(B) by striking “or to deny visas to persons who would be inadmissible to the United States” and inserting “; or”; and

(5) by adding before the period at the end the following:

“(C) with regard to any or all aliens in the database specified data elements from each record, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of the Act.

**SEC. 4418. AUTHORIZING THE DEPARTMENT OF STATE TO NOT INTERVIEW CERTAIN INELIGIBLE VISA APPLICANTS.**

(a) **IN GENERAL.**—Section 222(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1202(h)(1)) is amended by inserting “the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application or” after “unless”.

(b) **GUIDANCE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall issue guidance to consular officers on the standards and processes for implementing the authority to deny visa applications without interview in cases where the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application.

(c) **REPORTS.**—Not less frequently than once each quarter, the Secretary of State shall submit to the Congress a report on the denial of visa applications without interview, including—

(1) the number of such denials; and

(2) a post-by-post breakdown of such denials.

**SEC. 4419. FUNDING FOR THE VISA SECURITY PROGRAM.**

(a) **IN GENERAL.**—The Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108-447) is amended, in the fourth paragraph under the heading “Diplomatic and Consular Programs”, by striking “Beginning” through the period at the end and inserting the following: “Beginning in fiscal year 2005 and thereafter, the Secretary of State is authorized to charge surcharges related to consular services in support of enhanced border security that are in addition to the immigrant visa fees in effect on January 1, 2004: Provided, That funds collected pursuant to this authority shall be credited to the appropriation for U.S. Immigration and Customs Enforcement for the fiscal year in which the fees were collected, and shall be available until expended for the funding of the Visa Security Program established by the Secretary of Homeland Security under section 428(e) of the Homeland Security Act of 2002 (Public Law 107-296): Provided further, That such surcharges shall be 10 percent of the fee assessed on immigrant visa applications.”.

(b) **REPAYMENT OF APPROPRIATED FUNDS.**—Twenty percent of the funds collected each fiscal year under the heading “Diplomatic and Consular Programs” in the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108-447), as amended by subsection (a), shall be deposited into the general fund of the Treasury as repayment of funds appropriated pursuant to section 407(c) of this Act until the entire appropriated sum has been repaid.

**SEC. 4420. EXPEDITIOUS EXPANSION OF VISA SECURITY PROGRAM TO HIGH-RISK POSTS.**

(a) **IN GENERAL.**—Section 428(i) of the Homeland Security Act of 2002 (6 U.S.C. 236(i)) is amended to read as follows:

“(i) **VISA ISSUANCE AT DESIGNATED HIGH-RISK POSTS.**—Notwithstanding any other provision of law, the Secretary of Homeland Security shall conduct an on-site review of all visa applications and supporting documentation before adjudication at the top 30 visa-issuing posts designated jointly by the Secretaries of State and Homeland Security as high-risk posts.”.

(b) **ASSIGNMENT OF PERSONNEL.**—Not later than one year after the date of enactment of this section, the Secretary of Homeland Security shall assign personnel to the visa-issuing posts referenced in section 428(i) of the Homeland Security Act of 2002 (6 U.S.C. 236(i)), as amended by this section, and communicate such assignments to the Secretary of State.

(c) **APPROPRIATIONS.**—There is authorized to be appropriated \$60,000,000 for each of the fiscal years 2014 and 2015, which shall be used to expedite the implementation of section 428(i) of the Homeland Security Act, as amended by this section.

**SEC. 4421. EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT OVERSEAS EMBASSIES AND CONSULAR POSTS.**

Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by adding at the end the following:

“(j) **EXPEDITED CLEARANCE AND PLACEMENT OF DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT OVERSEAS EMBASSIES AND CONSULAR POSTS.**—Notwithstanding any other provision of law, and the processes set forth in National Security Defense Directive 38 (dated June 2, 1982) or any successor Directive, the Chief of Mission of a post to which the Secretary of Homeland Security has assigned personnel under subsection (e) or (i) shall ensure, not later than one year after the date on which the Secretary of Homeland Security communicates such assignment to the Secretary of State, that such personnel have been stationed and accommodated at post and are able to carry out their duties.”.

**SEC. 4422. INCREASED CRIMINAL PENALTIES FOR STUDENT VISA INTEGRITY.**

Section 1546 of title 18, United States Code, is amended by striking “10 years” and inserting “15 years (if the offense was committed by an owner, official, or employee of an educational institution with respect to such institution’s participation in the Student and Exchange Visitor Program), 10 years”.

**SEC. 4423. VISA FRAUD.**

(a) **TEMPORARY SUSPENSION OF SEVIS ACCESS.**—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)) is amended—

(1) in paragraph (1)(A), by striking “institution,” and inserting “institution,”; and

(2) by adding at the end the following:

“(3) **EFFECT OF REASONABLE SUSPICION OF FRAUD.**—If the Secretary of Homeland Security has reasonable suspicion that an owner of, or a designated school official at, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program has committed fraud or attempted to commit fraud relating to any aspect of the Student and Exchange Visitor Program, the Secretary may immediately suspend, without notice, such official’s or such school’s access to the Student and Exchange Visitor Information System (SEVIS), including the ability to issue Form I-20s, pending a final determination by the Secretary with respect to

the institution’s certification under the Student and Exchange Visitor Program.”.

(b) **EFFECT OF CONVICTION FOR VISA FRAUD.**—Such section 641(d), as amended by subsection (a)(2), is further amended by adding at the end the following:

“(4) **PERMANENT DISQUALIFICATION FOR FRAUD.**—A designated school official at, or an owner of, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program who is convicted for fraud relating to any aspect of the Student and Exchange Visitor Program shall be permanently disqualified from filing future petitions and from having an ownership interest or a management role, including serving as a principal, owner, officer, board member, general partner, designated school official, or any other position of substantive authority for the operations or management of the institution, in any United States educational institution that enrolls nonimmigrant alien students described in subparagraph (F) or (M) of section 101(a)(15) the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).”.

**SEC. 4424. BACKGROUND CHECKS.**

(a) **IN GENERAL.**—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)), as amended by section 411(b) of this Act, is further amended by adding at the end the following:

“(5) **BACKGROUND CHECK REQUIREMENT.**—

“(A) **IN GENERAL.**—An individual may not serve as a designated school official or be granted access to SEVIS unless the individual is a national of the United States or an alien lawfully admitted for permanent residence and during the most recent 3-year period—

“(i) the Secretary of Homeland Security has—

“(I) conducted a thorough background check on the individual, including a review of the individual’s criminal and sex offender history and the verification of the individual’s immigration status; and

“(II) determined that the individual has not been convicted of any violation of United States immigration law and is not a risk to national security of the United States; and

“(ii) the individual has successfully completed an on-line training course on SEVP and SEVIS, which has been developed by the Secretary.

“(B) **INTERIM DESIGNATED SCHOOL OFFICIAL.**—

“(i) **IN GENERAL.**—An individual may serve as an interim designated school official during the period that the Secretary is conducting the background check required by subparagraph (A)(i)(I).

“(ii) **REVIEWS BY THE SECRETARY.**—If an individual serving as an interim designated school official under clause (i) does not successfully complete the background check required by subparagraph (A)(i)(I), the Secretary shall review each Form I-20 issued by such interim designated school official.

“(6) **FEE.**—The Secretary is authorized to collect a fee from an approved school for each background check conducted under paragraph (6)(A)(i). The amount of such fee shall be equal to the average amount expended by the Secretary to conduct such background checks.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

**SEC. 4425. FLIGHT SCHOOLS NOT CERTIFIED BY FAA.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary of Homeland Security shall prohibit any flight school in the United States from accessing SEVIS or

issuing a Form I-20 to an alien seeking a student visa pursuant to subparagraph (F)(i) or (M)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) if the flight school has not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration pursuant to part 141 or part 142 of title 14, Code of Federal Regulations (or similar successor regulations).

(b) **TEMPORARY EXCEPTION.**—During the 5-year period beginning on the date of the enactment of this Act, the Secretary may waive the requirement under subsection (a) that a flight school be certified by the Federal Aviation Administration if such flight school—

(1) was certified under the Student and Exchange Visitor Program on the date of the enactment of this Act;

(2) submitted an application for certification with the Federal Aviation Administration during the 1-year period beginning on such date; and

(3) continues to progress toward certification by the Federal Aviation Administration.

#### SEC. 4426. REVOCATION OF ACCREDITATION.

At the time an accrediting agency or association is required to notify the Secretary of Education and the appropriate State licensing or authorizing agency of the final denial, withdrawal, suspension, or termination of accreditation of an institution pursuant to section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b), such accrediting agency or association shall notify the Secretary of Homeland Security of such determination and the Secretary of Homeland Security shall immediately withdraw the school from the SEVP and prohibit the school from accessing SEVIS.

#### SEC. 4427. REPORT ON RISK ASSESSMENT.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains the risk assessment strategy that will be employed by the Secretary to identify, investigate, and take appropriate action against schools and school officials that are facilitating the issuance of Form I-20 and the maintenance of student visa status in violation of the immigration laws of the United States.

#### SEC. 4428. IMPLEMENTATION OF GAO RECOMMENDATIONS.

Not later than 180 days after the date of the enactment of this act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes—

(1) the process in place to identify and assess risks in the SEVP;

(2) a risk assessment process to allocate SEVP's resources based on risk;

(3) the procedures in place for consistently ensuring a school's eligibility, including consistently verifying in lieu of letters;

(4) how SEVP identified and addressed missing school case files;

(5) a plan to develop and implement a process to monitor state licensing and accreditation status of all SEVP-certified schools;

(6) whether all flight schools that have not been certified to the satisfaction of the Secretary and by the Federal Aviation Administration have been removed from the program and have been restricted from accessing SEVIS;

(7) the standard operating procedures that govern coordination among SEVP, Counterterrorism and Criminal Exploitation Unit, and U.S. Immigration and Customs Enforcement field offices; and

(8) the established criteria for referring cases of a potentially criminal nature from SEVP to the counterterrorism and intelligence community.

#### SEC. 4429. IMPLEMENTATION OF SEVIS II.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall complete the deployment of both phases of the 2nd generation Student and Exchange Visitor Information System (commonly known as "SEVIS II").

#### SEC. 4430. DEFINITIONS.

(a) **DEFINITIONS.**—For purposes of this subtitle:

(1) **SEVIS.**—The term "SEVIS" means the Student and Exchange Visitor Information System of the Department.

(2) **SEVP.**—The term "SEVP" means the Student and Exchange Visitor Program of the Department.

Strike section 4904 and insert the following:

#### SEC. 4904. ACCREDITATION REQUIREMENTS.

(a) **COLLEGES, UNIVERSITIES, AND LANGUAGE TRAINING PROGRAMS.**—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(F)(i)—

(A) by striking "section 214(1) at an established college, university, seminary, conservatory or in an accredited language training program in the United States" and inserting "section 214(m) at an accredited college, university, or language training program, or at an established seminary, conservatory, academic high school, elementary school, or other academic institution in the United States"; and

(B) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(C) by amending paragraph (52) to read as follows:

"(52) Except as provided in section 214(m)(4), the term 'accredited college, university, or language training program' means a college, university, or language training program that is accredited by an accrediting agency recognized by the Secretary of Education."

(b) **OTHER ACADEMIC INSTITUTIONS.**—Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m)) is amended by adding at the end the following:

"(3) The Secretary of Homeland Security shall require accreditation of an academic institution (except for seminaries or other religious institutions) for purposes of section 101(a)(15)(F) if—

"(A) that institution is not already required to be accredited under section 101(a)(15)(F)(i); and

"(B) an appropriate accrediting agency recognized by the Secretary of Education is able to provide such accreditation.

"(4) The Secretary of Homeland Security, in the Secretary's discretion, may waive the accreditation requirement in paragraph (3) or section 101(a)(15)(F)(i) with respect to an institution if such institution—

"(A) is otherwise in compliance with the requirements of section 101(a)(15)(F)(i); and

"(B) has been a candidate for accreditation for at least 1 year and continues to progress toward accreditation by an accrediting agency recognized by the Secretary of Education."

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall—

(A) take effect on the date that is 180 days after the date of enactment of this Act; and

(B) apply with respect to applications for nonimmigrant visas that are filed on or after the effective date described in subparagraph (A).

(2) **TEMPORARY EXCEPTION.**—During the 3-year period beginning on the effective date described in paragraph (1)(A), an institution that is newly required to be accredited under this section may continue to participate in the Student and Exchange Visitor Program notwithstanding the institution's lack of accreditation if the institution—

(A) was certified under the Student and Exchange Visitor Program on such date;

(B) submitted an application for accreditation to an accrediting agency recognized by the Secretary of Education during the 6-month period ending on such date; and

(C) continues to progress toward accreditation by such accrediting agency.

Strike section 4907 and insert the following:

#### SEC. 4907. VISA FRAUD.

(a) **TEMPORARY SUSPENSION OF SEVIS ACCESS.**—Section 641(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(d)) is amended—

(1) in paragraph (1)(A), by striking "institution," and inserting "institution,"; and

(2) by adding at the end the following:

"(3) **EFFECT OF REASONABLE SUSPICION OF FRAUD.**—If the Secretary of Homeland Security has reasonable suspicion that an owner of, or a designated school official at, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program has committed fraud or attempted to commit fraud relating to any aspect of the Student and Exchange Visitor Program, the Secretary may immediately suspend, without notice, such official's or such school's access to the Student and Exchange Visitor Information System (SEVIS), including the ability to issue Form I-20s, pending a final determination by the Secretary with respect to the institution's certification under the Student and Exchange Visitor Program."

(b) **EFFECT OF CONVICTION FOR VISA FRAUD.**—Such section 641(d), as amended by subsection (a)(2), is further amended by adding at the end the following:

"(4) **PERMANENT DISQUALIFICATION FOR FRAUD.**—A designated school official at, or an owner of, an approved institution of higher education, an other approved educational institution, or a designated exchange visitor program who is convicted for fraud relating to any aspect of the Student and Exchange Visitor Program shall be permanently disqualified from filing future petitions and from having an ownership interest or a management role, including serving as a principal, owner, officer, board member, general partner, designated school official, or any other position of substantive authority for the operations or management of the institution, in any United States educational institution that enrolls nonimmigrant alien students described in subparagraph (F) or (M) of section 101(a)(15) the Immigration and Nationality Act (8 U.S.C. 1101(a)(15))."

**SA 1335.** Mr. HARKIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1788, between lines 19 and 20, insert the following:

#### SEC. 4602A. CLARIFICATION OF AUTHORITY.

(a) **AMENDMENTS.**—

(1) **CONSULTATION AUTHORITY.**—Section 214(c)(1) (8 U.S.C. 1184(c)(1)), as amended by sections 2233(b)(3)(A) and 4102, is further amended by adding at the end the following: "For purposes of this subsection with respect to nonimmigrants described in section

101(a)(15)(H)(ii)(b) of this Act, the term 'consultation' includes the authority of the Secretary of Labor to issue labor market determinations, including temporary labor certifications, and establish regulations and policies for such issuance, including determining the appropriate prevailing wage rates for occupations covered by section 101(a)(15)(H)(ii)(b)).

(2) DELEGATION.—Section 214(c)(14)(B) (8 U.S.C. 1184(c)(14)(B)) is amended by striking "subparagraph (A)(i)" and inserting "subparagraph (A)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply to the promulgation of regulations, issuance of labor market determinations, and other actions of the Secretary of Labor and the Secretary of Homeland Security before, on, or after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit or modify any other authority provided or exercised under section 214(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(1)) or any other law governing the authority of the Secretary of Homeland Security, the Secretary of Labor, or any other officer or employee of the Federal Government.

**SA 1336.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 857, line 19, strike the period and insert the following: "; and

(v) the Secretary of the Treasury certifies that the Secretary has collected and deposited into the Treasury pursuant to section 6(b)(3)(B) of this Act an amount equal to the amount transferred from the general fund of the Treasury to the Comprehensive Immigration Reform Trust Fund pursuant to section 6(a)(2)(A) of this Act.

**SA 1337.** Mr. SCHATZ (for himself, Ms. HIRONO, Mrs. BOXER, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1160, strike lines 6 through 13, and insert the following:

(b) MODIFICATION OF POINTS.—

(1) PROPOSAL.—The Secretary may submit to Congress a proposal to modify the number of points allocated under of section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)), as amended by subsection (a).

(2) ELIMINATION OF FAMILY-BASED POINTS.—Section 203(c) (8 U.S.C. 1153(c)), as amended by subsection (a), is further amended—

(A) in paragraph (4)—

(i) by striking subparagraph (H); and

(ii) by redesignating subparagraphs (I) and (J) as subparagraphs (H) and (I), respectively; and

(B) in paragraph (5)—

(i) by striking subparagraph (G); and

(ii) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(2) ELIMINATION OF FAMILY-BASED POINTS.—The amendments made by subsection (b)(2) shall take effect on the date that is 10 years after the date of the enactment of this Act.

On page 1200, strike lines 1 through 4, and insert the following:

(3) PREFERENCE ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS.—Section 203(a) (8 U.S.C. 1153(a)), as amended by section 2305(b) and paragraphs (1) and (2), is further amended to read as follows:

"(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 20 percent of the worldwide level of family-sponsored immigrants under section 201(c), plus any visas not required for the class specified in paragraph (4).

"(2) UNMARRIED SONS AND DAUGHTERS OF PERMANENT RESIDENTS.—Qualified immigrants who are the unmarried sons or daughters, but not a child (as defined in section 101(b)(1)), of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the sum of—

"(A) 20 percent of the worldwide level of family-sponsored immigrants under section 201(c); and

"(B) any visas not required for the class specified in paragraph (1).

"(3) MARRIED SONS AND MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 20 percent of the worldwide level of family-sponsored immigrants under section 201(c), plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed 40 percent of the worldwide level of family-sponsored immigrants under section 201(c), plus any visas not required for the classes specified in paragraphs (1) through (3)."

(4) EFFECTIVE DATE.—

(A) PARAGRAPHS (1) AND (2).—The amendments made by paragraphs (1) and (2) shall take effect on the first day of the first fiscal year that begins at least 18 months after the date of the enactment of this Act.

(B) PARAGRAPH (3).—The amendment made by paragraph (3) shall take effect on the date that is 10 years after the date of the enactment of this Act.

On page 1221, strike lines 6 through 8, and insert the following:

(d) RESTORATION OF CERTAIN FAMILY-SPONSORED IMMIGRANT CATEGORIES.—

(1) NONIMMIGRANT ELIGIBILITY.—Section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)) is amended to read as follows:

"(V) subject to section 214(q) and section 212(a)(4), an alien who is the beneficiary of an approved petition under section 203(a) as—

"(i) the unmarried son or unmarried daughter of a citizen of the United States;

"(ii) the unmarried son or unmarried daughter of an alien lawfully admitted for permanent residence;

"(iii) the married son or married daughter of a citizen of the United States; or

"(iv) the sibling of a citizen of the United States."

(2) EMPLOYMENT AND PERIOD OF ADMISSION OF NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).—Section 214(q) (8 U.S.C. 1184(q)) is amended to read as follows:

"(q) NONIMMIGRANTS DESCRIBED IN SECTION 101(A)(15)(V).—

"(1) EMPLOYMENT AUTHORIZATION.—The Secretary shall—

"(A) authorize a nonimmigrant admitted pursuant to section 101(a)(15)(V) to engage in employment in the United States during the period of such nonimmigrant's authorized admission; and

"(B) provide such a nonimmigrant with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment.

"(2) TERMINATION OF ADMISSION.—The period of authorized admission for such a nonimmigrant shall terminate 30 days after the date on which—

"(A) such nonimmigrant's application for an immigrant visa pursuant to the approval of a petition under subsection (a) or (c) of section 203 is denied; or

"(B) such nonimmigrant's application for adjustment of status under section 245 pursuant to the approval of such a petition is denied."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

(2) RESTORATION OF FAMILY-SPONSORED IMMIGRANT CATEGORIES.—The amendments made by subsection (d) shall take effect on the date that is 10 years after the date of the enactment of this Act.

**SA 1338.** Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1409, line 1, insert ", in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration," after "Secretary".

On page 1410, line 23, insert ", conducted in consultation with the Chief Counsel of the Office of Advocacy of the Small Business Administration," after "assessment".

On page 1411, between lines 12 and 13, insert the following:

(e) EARLY ADOPTION FOR SMALL EMPLOYERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall create a mobile application and utilize other available smart-phone technology for employers utilizing the System, to encourage small employers to utilize the System prior to the time at which utilization becomes mandatory for all employers.

(2) MARKETING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall, in consultation with the Administrator of the Small Business Administration, make available marketing and other incentives to small business concerns to encourage small employers to utilize the System prior to the time at which utilization of the System becomes mandatory for all employers.

On page 1411, line 13, strike "(e)" and insert "(f)".

On page 1413, line 3, strike "(f)" and insert "(g)".

**SA 1339.** Mr. WHITEHOUSE (for himself, Mr. REED, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.**

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

**“§ 922A. Attorney General’s discretion to deny transfer of a firearm.**

“The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(i) of this title if the Attorney General—

“(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

**“§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).**

“The Attorney General may determine that—

“(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”;

(2) in section 921(a), by adding at the end the following:

“(36) The term ‘terrorism’ includes international terrorism and domestic terrorism, as defined in section 2331 of this title.

“(37) The term ‘material support or resources’ has the meaning given the term in section 2339A of this title.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).”.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end; and

(II) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;”;

(4) in paragraph (4), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”; and

(5) in paragraph (5), by inserting “, or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has received actual notice of the Attorney General’s determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title.”.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Any” and inserting “Except as provided in paragraph (3), any”; and

(2) by adding at the end the following:

“(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by striking “revoke any license” and inserting the following: “revoke—

“(A) any license”;

(3) by striking “. The Attorney General may, after notice and opportunity for hearing, revoke the license” and inserting the following: “;

“(B) the license”; and

(4) by striking “. The Secretary’s action” and inserting the following: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately sus-

pected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

“(2) The Attorney General’s action”.

(g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.”.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: “If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (3) the following:

“(4) constitutes an act of terrorism, or providing material support or resources for terrorism.”.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”;

(B) by striking “Any person denied a firearm pursuant to subsection (s) or (t) of section 922” and inserting the following:

“(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B”; and

(C) by adding at the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days



after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B."

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

"925A. Remedies."

(k) **PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting "or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code," after "is ineligible to receive a firearm"; and

(B) by inserting "except any information for which the Attorney General has determined that disclosure would likely compromise national security," after "reasons to the individual,"; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting "or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code," after "or State law,"; and

(ii) by inserting ", except any information for which the Attorney General has determined that disclosure would likely compromise national security" before the period at the end; and

(B) by adding at the end the following: "Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code."

(l) **UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.**—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting "; or"; and

(2) by adding at the end the following:

"(10) has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title."

(m) **ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.**—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting "; or" at the end; and

(2) by inserting after paragraph (7) the following:

"(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title."

(n) **ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.**—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking "Upon" and inserting "Except as provided in subsection (j), upon"; and

(2) by adding at the end the following:

"(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism."

(o) **ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.**—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) by striking "if in the opinion" and inserting the following: "if—

"(A) in the opinion"; and

(3) by striking "The Secretary's action" and inserting the following: "; or

"(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism."

"(2) The Attorney General's action".

(p) **ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.**—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: "However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security."; and

(2) in paragraph (2), by adding at the end the following: "In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security."

(q) **ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.**—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting "or in subsection (j) of this section (on grounds of terrorism)" after "section 842(i)"; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "or in subsection (j) of this section," after "section 842(i)"; and

(B) in clause (ii), by inserting ", except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security" after "determination".

(r) **CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.**—Section

101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking "or (5)" and inserting "(5), or (10)".

(s) **GUIDELINES.**—

(1) **IN GENERAL.**—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) **CONTENTS.**—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlined in Homeland Security Presidential Directive 11 (dated August 27, 2004).

**SA 1340.** Ms. LANDRIEU (for herself, Ms. HIRONO, and Mr. FRANKEN) submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . BEST INTEREST OF THE CHILD.**

(a) **IN GENERAL.**—In all procedures and decisions concerning unaccompanied alien children that are made by a Federal agency or a Federal court pursuant to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or regulations implementing the Act, the best interests of the child shall be a primary consideration.

(b) **DETERMINATIONS RELATED TO SECTION 101(A)(27)(J) OF THE IMMIGRATION AND NATIONALITY ACT.**—Best interests determinations made in administrative or judicial proceedings described in section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) shall be conclusive in assessing the best interests of the child under this section.

(c) **FACTORS.**—In assessing the best interests of the child, the entities referred to in subsection (a) shall consider, in the context of the child's age and maturity, the following factors:

(1) The views of the child.

(2) The safety and security considerations of the child.

(3) The mental and physical health of the child.

(4) The parent-child relationship and family unity, and the potential effect of separating the child from the child's parent or legal guardian, siblings, and other members of the child's extended biological family.

(5) The child's sense of security, familiarity, and attachments.

(6) The child's well-being, including the need of the child for education and support related to child development.

(7) The child's ethnic, religious, and cultural and linguistic background.

**SA 1341.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 3716, insert the following:

**SEC. 3717. COST EFFECTIVENESS IN DETENTION FACILITY CONTRACTING.**

The Director of U.S. Immigration and Customs Enforcement shall take appropriate measures to minimize, and if possible reduce, the daily bed rate charged to the Federal Government through a competitive process in contracting for or otherwise obtaining detention beds while ensuring that the most recent detention standards, including health standards, and management practices employed by the agency are met.

**SA 1342.** Mr. HEINRICH (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 1122. TRADE FACILITATION AND SECURITY ENHANCEMENT.**

The Secretary shall extend the hours of operation at the port of entry in Santa Teresa, New Mexico, to 24 hours a day—

(1) for private vehicles, not later than 180 days after the date of the enactment of this Act; and

(2) for commercial vehicles, not later than 1 year after the date of the enactment of this Act.

**NOTICES OF HEARINGS**

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Wednesday, June 19, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled “Reducing Senior Poverty and Hunger: The Role of the Older Americans Act.”

For further information regarding this meeting, please contact Sophie Kasimow of the committee staff on (202) 224-2831.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, June 20, 2013, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled “Developing a Skilled Workforce for a Competitive Economy: Reauthorizing the Workforce Investment Act.”

For further information regarding this meeting, please contact Leanne Hotek of the committee staff on (202) 224-5501.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 25, 2013, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on S. 1084, S. 717 and other pending energy efficiency legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Danielle\_Deraneyenergy.senate.gov.

For further information, please contact Lara Pierpoint at (202) 224-6689 or Danielle Deraney at (202) 224-1219.

**AUTHORITY FOR COMMITTEES TO MEET**

**AFRICAN AFFAIRS SUBCOMMITTEE**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 18, 2013, at 10 a.m., to hold an African Affairs subcommittee hearing entitled, “Examining Prospects for Democratic Reform and Economic Recovery in Zimbabwe.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 18, 2013, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 18, 2013, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 18, 2013, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “High Prices, Low Transparency: The Bitter Pill of Health Care Costs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 18, 2013, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 18, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on June 18, 2013, at 10 a.m., to conduct a hearing entitled “Long Term Sustainability for Reverse Mortgages: HECM’s Impact on the Mutual Mortgage Insurance Fund.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**WESTERN HEMISPHERE AND GLOBAL NARCOTICS AFFAIRS SUBCOMMITTEE**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 18, 2013, at 2:30 p.m., to hold a Western Hemisphere and Global Narcotics Affairs subcommittee hearing entitled, “Security Cooperation in Mexico: Examining the Next Steps in the U.S.-Mexico Security Relationship.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**REAFFIRMING FREEDOM OF THE PRESS**

Mr. KAINE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 79, S. Res. 143.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 143) recognizing the threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in the efforts of the United States Government to promote democracy and good governance on the occasion of World Press Freedom Day on May 3, 2013.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAINE. I further ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of Thursday, May 16, 2013, under “Submitted Resolutions.”)