

Whereas African Americans continue to serve the United States at the highest levels of business, government, and the military;

Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of the efforts of Dr. Carter G. Woodson, the “Father of Black History”, to enhance knowledge of Black history through *The Journal of Negro History*, published by the Association for the Study of African American Life and History, which was founded by Dr. Carter G. Woodson and Jesse E. Moorland;

Whereas Black History Month, celebrated during the month of February, originated in 1926 when Dr. Carter G. Woodson set aside a special period in February to recognize the heritage and achievements of Black people in the United States;

Whereas Dr. Carter G. Woodson stated, “We have a wonderful history behind us. . . . If you are unable to demonstrate to the world that you have this record, the world will say to you, ‘You are not worthy to enjoy the blessings of democracy or anything else.’”;

Whereas since its founding, the United States has imperfectly progressed toward noble goals;

Whereas the history of the United States is the story of people regularly affirming high ideals, striving to reach those ideals but often failing, and then struggling to come to terms with the disappointment of that failure, before committing to try again;

Whereas, on November 4, 2008, the people of the United States elected Barack Obama, an African-American man, as President of the United States; and

Whereas, on February 22, 2012, people across the United States celebrated the groundbreaking of the National Museum of African American History and Culture, which opened to the public on September 24, 2016, on the National Mall in Washington, District of Columbia: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges that all people of the United States are the recipients of the wealth of history provided by Black culture;

(2) recognizes the importance of Black History Month as an opportunity to reflect on the complex history of the United States, while remaining hopeful and confident about the path ahead;

(3) acknowledges the significance of Black History Month as an important opportunity to commemorate the tremendous contributions of African Americans to the history of the United States;

(4) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from the past and understand the experiences that have shaped the United States; and

(5) agrees that, while the United States began as a divided country, the United States must—

(A) honor the contribution of all pioneers in the United States who have helped to ensure the legacy of the great United States; and

(B) move forward with purpose, united tirelessly as a nation “indivisible, with liberty and justice for all.”

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2018. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium

tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table.

SA 2019. Mrs. GILLIBRAND (for herself and Mr. UDALL) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2020. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2021. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2022. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2023. Ms. CORTEZ MASTO (for herself, Mr. WYDEN, Mr. MARKEY, Mr. CARPER, Ms. HIRONO, Mrs. MURRAY, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. GILLIBRAND, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2024. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2025. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2026. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2027. Ms. CORTEZ MASTO (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2028. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2029. Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2030. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1958 proposed by Mr. SCHUMER (for himself, Mr. ROUNDS, Mr. KING, Ms. COLLINS, Mr. MANCHIN, Mr. GRAHAM, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. GARDNER, Ms. HEITKAMP, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. WARNER) to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2031. Mr. CARPER (for himself, Ms. HEITKAMP, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2032. Mr. HOEVEN (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2033. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2034. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2035. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2036. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2037. Mr. UDALL submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2038. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 1959 proposed by Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. TILLIS, Mr. LANKFORD, Mr. COTTON, Mr. PERDUE, Mr. CORNYN, Mr. ALEXANDER, and Mr. ISAKSON) to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2039. Mr. CARPER (for himself, Mr. HEINRICH, and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 1958 proposed by Mr. SCHUMER (for himself, Mr. ROUNDS, Mr. KING, Ms. COLLINS, Mr. MANCHIN, Mr. GRAHAM, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. GARDNER, Ms. HEITKAMP, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. WARNER) to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2040. Mr. REED (for himself, Mr. WHITEHOUSE, Ms. KLOBUCHAR, and Ms. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2041. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

SA 2042. Mr. ALEXANDER (for Mr. FLAKE) proposed an amendment to the bill S. 946, to require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes.

SA 2043. Mr. THUNE (for himself, Mr. PORTMAN, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2018. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . . . EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL OR SECURITY GROUNDS.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) in the section heading, by adding at the end the following: “or who are subject to terrorism-related grounds for removal”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Attorney General” and inserting “Secretary of Homeland Security, in the Secretary’s sole and unreviewable discretion,”; and

(ii) by striking “set forth in this subsection or” and inserting “set forth in this subsection, in lieu of removal proceedings under”;

(B) in paragraphs (3) and (4), by striking “Attorney General” each place that term appears and inserting “Secretary”;

(C) in paragraph (5)—

(i) by striking “described in this section” and inserting “described in paragraph (1) or (2)”;

(ii) by striking “the Attorney General may grant in the Attorney General’s discretion.” and inserting “the Secretary or the Attorney General may grant, in the sole and unreviewable discretion of the Secretary or the Attorney General, in any proceeding.”;

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

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

“(3) The Secretary of Homeland Security, in the exercise of discretion, may determine inadmissibility under section 212(a)(2) 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 235(b)(1)(B); and

“(C) is not eligible for a waiver of inadmissibility or relief from removal.”;

(3) by redesignating the first subsection (c) as subsection (d);

(4) by redesignating the second subsection (c), as so designated by section 617(b)(13) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–720), as subsection (e); and

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

“(C) REMOVAL OF ALIENS WHO ARE SUBJECT TO TERRORISM-RELATED GROUNDS FOR REMOVAL.—

“(1) IN GENERAL.—The Secretary of Homeland Security—

“(A) notwithstanding section 240, shall—

“(i) determine the inadmissibility of every alien under subclause (I), (II), or (III) of section 212(a)(3)(B)(i), or the deportability of the alien under section 237(a)(4)(B) as a consequence of being described in 1 of such subclauses; and

“(ii) issue an order of removal pursuant to the procedures set forth in this subsection to every alien determined to be inadmissible or deportable on a ground described in clause (i); and

“(B) may—

“(i) determine the inadmissibility of any alien under subparagraph (A) or (B) of section 212(a)(3) (other than subclauses (I), (II), and (III) of section 212(a)(3)(B)(i)), or the deportability of the alien under subparagraph (A) or (B) of section 237(a)(4) (as a consequence of being described in subclause (I), (II), or (III) of section 212(a)(3)(B)(i)); and

“(ii) issue an order of removal pursuant to the procedures set forth in this subsection to every alien determined to be inadmissible or deportable on a ground described in clause (i).

“(2) LIMITATION.—The Secretary may not execute any order described in paragraph (1) until 30 days after the date on which such order was issued, unless waived by the alien, to give the alien an opportunity to petition for judicial review under section 242.

“(3) PROCEEDINGS.—The Secretary shall prescribe regulations to govern proceedings under this subsection, which shall require that—

“(A) the alien is given reasonable notice of the charges and of the opportunity described in subparagraph (C);

“(B) the alien has the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as the alien shall choose;

“(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

“(D) a determination is made on the record that the individual upon whom the notice for

the proceeding under this section is served (either in person or by mail) is, in fact, the alien named in such notice;

“(E) a record is maintained for judicial review; and

“(F) the final order of removal is not adjudicated by the same person who issues the charges.

“(4) LIMITATION ON RELIEF FROM REMOVAL.—No alien described in this subsection shall be eligible for any relief from removal that the Secretary may grant in the Secretary’s discretion.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 238 and inserting the following:

“Sec. 238. Expedited removal of aliens convicted of aggravated felonies or who are subject to terrorism-related grounds for removal.”.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section 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 (8 U.S.C. 1229a) on such date of enactment.

#### SEC. \_\_\_\_ BARRING AGGRAVATED FELONS, BORDER CHECKPOINT RUNNERS, AND SEX OFFENDERS FROM ADMISSION TO THE UNITED STATES.

(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 subsection (a)(2)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by striking “, or” at the end and inserting a semicolon;

(ii) in subclause (II), by striking the comma at the end and inserting “; or”; and

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

“(III) a violation of (or a conspiracy or attempt to violate) any statute relating to section 208 of the Social Security Act (42 U.S.C. 408) (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)”;

(B) by adding at the end the following:

“(J) CITIZENSHIP FRAUD.—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, admits having committed, or admits committing acts which constitute the essential elements of, any law relating to, 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. For purposes of this subparagraph the term ‘any law’ includes State laws that do not contain an exception for antique firearms. If the State law does not contain an exception for antique firearms, the Secretary or the Attorney General may consider documentary evidence related to the conviction, including, but not limited to, charging documents, plea agreements, plea colloquies, jury instructions, and police reports, to es-

tablish that the offense involved at least 1 firearm that is not an antique firearm.

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

“(M) HIGH SPEED FLIGHT.—Any alien who has been convicted of a violation of section 758 of title 18, United States Code (relating to high speed flight from an immigration checkpoint) is inadmissible.

“(N) FAILURE TO REGISTER AS A SEX OFFENDER.—Any alien convicted under section 2250 of title 18, United States Code, is inadmissible.

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

“(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Except as provided in subsection (v), any alien who at any time is or has been convicted of a crime involving the use or attempted use of physical force, or threatened use of a deadly weapon, 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’ has the meaning given the term in section 237(a)(2)(E)(i).

“(ii) VIOLATORS OF PROTECTION ORDERS.—Except as provided in subsection (v), any alien who at any time is or has been 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’ has the meaning given the term in section 237(a)(2)(E)(ii).”;

(2) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) in the matter preceding subparagraph (A), as redesignated—

(i) by inserting “(1)” before “The Attorney General”; and

(ii) by striking “, and (E)”, and inserting “(E), and (K)”;

(D) in the matter following subparagraph (B), as redesignated—

(i) by striking the first 2 sentences and inserting the following:

“(2) A waiver may not be provided under this subsection to an alien—

“(A) who has been convicted of (or who has admitted committing acts that constitute)—

“(i) murder or criminal acts of torture; or

“(ii) an attempt or conspiracy to commit murder or a criminal act involving torture;

“(B) who has been convicted of an aggravated felony; or

“(C) who has been lawfully admitted for permanent residence and who since the date of such admission has not lawfully resided continuously in the United States for at least 7 years immediately preceding the date on which proceedings were initiated to remove the alien from the United States.”;

(ii) by striking “No court” and inserting the following:

“(3) No court”;

(3) by redesignating subsection (t), as added by section 1(b)(2)(B) of Public Law 108–449, as subsection (u); and

(4) by adding at the end the following:

“(v) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

“(1) IN GENERAL.—The Secretary or the Attorney General is not limited by the criminal court record and may waive the application of subsection (a)(2)(O)(i) (with respect to crimes of domestic violence and crimes of stalking) and subsection (a)(2)(O)(ii), in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination that—

“(A) the alien was acting in self-defense;

“(B) the alien was found to have violated a protection order intended to protect the alien; or

“(C) the alien committed or was convicted of committing a crime—

“(i) that did not result in serious bodily injury; and

“(ii) where there was a connection between the crime and the alien’s having been battered or subjected to extreme cruelty.

“(2) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications for a waiver under this subsection, the Secretary or the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary or the Attorney General.”

(b) 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) IDENTIFICATION FRAUD.—Any alien who is convicted of a violation of (or a conspiracy or attempt to violate) an offense relating to section 208 of the Social Security Act (42 U.S.C. 408) (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.”

(c) 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 (i), by striking the comma at the end and inserting a semicolon;

(2) in clause (ii), by striking “, or” at the end and inserting a semicolon;

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

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

“(iv) 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 unlawful procurement of citizenship or naturalization).”

(d) APPLICABILITY.—The amendments made by this section shall apply to—

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

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(e) RULE OF CONSTRUCTION.—The amendments made by this section may not be construed to create eligibility for relief from removal under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), as in effect on the day before the date of the enactment of this Act, if such eligibility did not exist before such date of enactment.

**SA 2019.** Mrs. GILLIBRAND (for herself and Mr. UDALL) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to

unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ DEPARTMENT OF HOMELAND SECURITY ENFORCEMENT TRANSPARENCY.**

(a) SHORT TITLE.—This section may be cited as the “Department of Homeland Security Enforcement Transparency Act”.

(b) DEFINITIONS.—In this section:

(1) BORDER SECURITY.—The term “border security” means the prevention of unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

(2) CHECKPOINT.—The term “checkpoint” means a location—

(A) at which vehicles or individuals traveling through the location are stopped or boarded by an officer of U.S. Customs and Border Protection for the purposes of enforcement of United States laws and regulations and making border security stops; and

(B) that is not located at a port of entry along an international border of the United States.

(3) LAW ENFORCEMENT OFFICIAL.—The term “law enforcement official” means—

(A) an officer or agent of U.S. Customs and Border Protection;

(B) an officer or agent of U.S. Immigration and Customs Enforcement; or

(C) an officer or employee of a State or a political subdivision of a State who is carrying out the functions of an immigration officer pursuant to an agreement entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)), pursuant to authorization under title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), or pursuant to any other agreement with the Department of Homeland Security.

(4) PATROL STOP.—The term “patrol stop” means seizure or interrogation of a motorist, passenger, or pedestrian initiated anywhere, except as part of an inspection at a port of entry or a primary inspection at a checkpoint.

(5) PRIMARY INSPECTION.—The term “primary inspection” means an initial inspection of a vehicle or individual at a checkpoint.

(6) SECONDARY INSPECTION.—The term “secondary inspection” means a further inspection of a vehicle or individual that is conducted following a primary inspection.

(c) REQUIREMENT FOR DATA COLLECTION REGARDING STOPS AND SEARCHES INTENDED TO ENFORCE BORDER SECURITY.—A law enforcement official who initiates a patrol stop or who detains any individual beyond a brief and limited inquiry, such as a primary inspection at a checkpoint, shall record—

(1) the date, time, and location of the contact;

(2) the law enforcement official’s basis for, or circumstances surrounding, the action, including if such individual’s perceived race or ethnicity contributed to such basis;

(3) the identifying characteristics of such individual, including the individual’s perceived race, gender, ethnicity, and approximate age;

(4) the duration of the stop, detention, or search, whether consent was requested and obtained for detention and any search;

(5) a description of any articulable facts and behavior by the individual that justify initiating a stop or probable cause to justify any search pursuant to such contact;

(6) a description of any items seized during such search, including contraband or money, and a specification of the type of search conducted;

(7) any warning or citation that was issued as a result of such contact and the basis for such warning or citation;

(8) if an arrest or detention was made as a result of such contact, the justification for such arrest or detention;

(9) the immigration status of the individual and whether removal proceedings were subsequently initiated against the individual;

(10) if force was used by the law enforcement official and if force was used, the type of force and justification for using force;

(11) any complaint made by the individual and any follow-up made regarding the complaint;

(12) the badge number of law enforcement official involved in the complaint; and

(13) if the action was initiated by a State or local law enforcement agency—

(A) the reason for involvement of a Federal law enforcement official;

(B) the duration of the stop prior to contact with any Federal law enforcement official;

(C) the method by which a Federal law enforcement official was informed of the stop; and

(D) if the individual was being held by State or local officials on State criminal charges at the time of such contact.

(d) REQUIREMENT FOR U.S. CUSTOMS AND BORDER PROTECTION DATA COLLECTION REGARDING CHECKPOINTS.—The Commissioner of U.S. Customs and Border Protection shall collect data on—

(1) the number of permanent and temporary checkpoints utilized by officers of U.S. Customs and Border Protection;

(2) the location of each such checkpoint; and

(3) a description of each such checkpoint, including the presence of any other law enforcement agencies and the use of law enforcement resources such as canines.

(e) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with stakeholders, including research, civil and human rights organizations, shall issue regulations for the collection and reporting of data required under subsections (c) and (d) that—

(1) specify all data to be reported; and

(2) provide standards, definitions, and technical specifications to ensure uniform reporting.

(f) COMPILATION OF DATA.—

(1) DEPARTMENT OF HOMELAND SECURITY LAW ENFORCEMENT OFFICIALS.—The Secretary of Homeland Security shall compile—

(A) the data recorded under subsection (c) by officers of U.S. Immigration and Customs Enforcement and by officers of U.S. Customs and Border Protection;

(B) the data collected under subsection (d) by the Commissioner of U.S. Customs and Border Protection; and

(C) an analysis of all incidents investigated by the Office of Inspector General or the Office of Professional Responsibility of U.S. Customs and Border Protection or of U.S. Immigration and Customs Enforcement to determine—

(i) whether the data required to be collected under this section were properly recorded; and

(ii) if such data were not properly recorded, what corrective measures were or will be taken.

(2) OTHER LAW ENFORCEMENT OFFICIALS.—The head of each agency, department, or other entity that employs law enforcement officials other than officers referred to in paragraph (1) shall—

(A) compile the data recorded by such law enforcement officials pursuant to subsection (c); and

(B) submit the compiled data to the Secretary of Homeland Security.

(g) USE OF DATA.—The Secretary of Homeland Security shall consider the data compiled under subsection (f) in making policy and program decisions related to enforcement of border security.

(h) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the effective date of the regulations issued pursuant to subsection (e), and annually thereafter, the Secretary of Homeland Security shall submit a report to Congress that summarizes all of the data compiled under subsection (f) during the previous year.

(2) AVAILABILITY.—Each report submitted under paragraph (1) shall be made available to the public, except for particular data if the Secretary—

(A) explicitly invokes an exemption under paragraphs (1) through (9) of section 552(b) of title 5, United States Code; and

(B) provides a written explanation for the exemption's applicability.

(3) PROTECTION OF PRIVACY.—The Secretary of Homeland Security may not disclose unique personal identifying information of persons stopped, searched, or subjected to a property seizure that was recorded or collected under this section. The report submitted under paragraph (1) shall be available to the public to the extent the release of the date contained in the report is permissible under Federal law.

**SA 2020.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . IMMIGRANT ENTREPRENEURS.**

(a) QUALIFIED ALIEN ENTREPRENEURS.—

(1) ADMISSION AS IMMIGRANTS.—Chapter 1 of title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding at the end the following:

**“SEC. 210A. QUALIFIED ALIEN ENTREPRENEURS.**

“(a) ADMISSION AS IMMIGRANTS.—The Secretary of Homeland Security, in accordance with the provisions of this section and of section 216A, may issue a conditional immigrant visa to not more than 75,000 qualified alien entrepreneurs.

“(b) APPLICATION FOR CONDITIONAL PERMANENT RESIDENT STATUS.—Every alien applying for a conditional immigrant visa under this section shall submit an application to the Secretary of Homeland Security in such form and manner as the Secretary shall prescribe by regulation.

“(c) REVOCATION.—If, during the 4-year period beginning on the date on which an alien is granted a visa under this section, the Secretary of Homeland Security determines that such alien is no longer a qualified alien entrepreneur, the Secretary shall—

“(1) revoke such visa; and

“(2) notify the alien that the alien—

“(A) may voluntarily depart from the United States in accordance to section 240B; or

“(B) will be subject to removal proceedings under section 240 if the alien does not depart from the United States not later than 6 months after receiving notification under this paragraph.

“(d) REMOVAL OF CONDITIONAL BASIS.—The Secretary of Homeland Security shall remove the conditional basis of the status of an alien issued an immigrant visa under this

section on that date that is 4 years after the date on which such visa was issued if such visa was not revoked pursuant to subsection (c).

“(e) DEFINITIONS.—In this section:

“(1) FULL-TIME EMPLOYEE.—The term ‘full-time employee’ means a United States citizen or legal permanent resident who is paid by the new business entity registered by a qualified alien entrepreneur at a rate that is comparable to the median income of employees in the region.

“(2) QUALIFIED ALIEN ENTREPRENEUR.—The term ‘qualified alien entrepreneur’ means an alien who—

“(A) at the time the alien applies for an immigrant visa under this section—

“(i) is lawfully present in the United States; and

“(ii)(I) holds a nonimmigrant visa pursuant to section 101(a)(15)(H)(i)(b); or

“(II) holds a nonimmigrant visa pursuant to section 101(a)(15)(F)(i);

“(B) during the 1-year period beginning on the date the alien is granted a visa under this section—

“(i) registers at least 1 new business entity in a State;

“(ii) employs, at such business entity in the United States, at least 2 full-time employees who are not relatives of the alien; and

“(iii) invests, or raises capital investment of, not less than \$100,000 in such business entity; and

“(C) during the 3-year period beginning on the last day of the 1-year period described in paragraph (2), employs, at such business entity in the United States, an average of at least 5 full-time employees who are not relatives of the alien.”.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding after the item relating to section 210 the following:

“Sec. 210A. Qualified alien entrepreneurs.”.

(b) CONDITIONAL PERMANENT RESIDENT STATUS.—Section 216A of the Immigration and Nationality Act (8 U.S.C. 1186b) is amended—

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

(2) in subsection (b)(1)(C), by striking “203(b)(5),” and inserting “203(b)(5) or 210A, as appropriate.”;

(3) in subsection (c)(1), by striking “alien entrepreneur must” each place such term appears and inserting “alien entrepreneur shall”;

(4) in subsection (d)(1)(B), by striking the period at the end and inserting “or 210A, as appropriate.”; and

(5) in subsection (f)(1), by striking the period at the end and inserting “or 210A.”.

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the qualified alien entrepreneurs granted immigrant status under section 210A of the Immigration and Nationality Act, as added by subsection (a).

(2) CONTENTS.—The report described in paragraph (1) shall include information regarding—

(A) the number of qualified alien entrepreneurs who have received immigrant status under section 210A of the Immigration and Nationality Act, as added by subsection (a), listed by country of origin;

(B) the localities in which such qualified alien entrepreneurs have initially settled;

(C) whether such qualified alien entrepreneurs generally remain in the localities in which they initially settle;

(D) the types of commercial enterprises that such qualified alien entrepreneurs have established; and

(E) the types and number of jobs created by such qualified alien entrepreneurs.

**SA 2021.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CONDITIONAL PERMANENT RESIDENT STATUS FOR IMMIGRANTS WITH AN ADVANCED DEGREE IN A STEM FIELD.**

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 216A the following:

**“SEC. 216B. CONDITIONAL PERMANENT RESIDENT STATUS FOR ALIENS WITH AN ADVANCED DEGREE IN A STEM FIELD.**

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security may adjust the status of not more than 50,000 aliens who have earned a master’s degree or a doctorate degree at an institution of higher education in a STEM field to that of an alien conditionally admitted for permanent residence and authorize each alien granted such adjustment of status to remain in the United States—

“(1) for up to 1 year after the expiration of the alien’s student visa under section 101(a)(15)(F)(i) if the alien is diligently searching for an opportunity to become actively engaged in a STEM field; and

“(2) indefinitely if the alien remains actively engaged in a STEM field.

“(b) APPLICATION FOR CONDITIONAL PERMANENT RESIDENT STATUS.—Every alien applying for a conditional permanent resident status under this section shall submit an application to the Secretary of Homeland Security before the expiration of the alien’s student visa in such form and manner as the Secretary shall prescribe by regulation.

“(c) INELIGIBILITY FOR FEDERAL GOVERNMENT ASSISTANCE.—An alien granted conditional permanent resident status under this section shall not be eligible, while in such status, for—

“(1) any unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986); or

“(2) any Federal means-tested public benefit (as that term is used in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613)).

“(d) EFFECT ON NATURALIZATION RESIDENCY REQUIREMENT.—An alien granted conditional permanent resident status under this section shall be deemed to have been lawfully admitted for permanent residence for purposes of meeting the 5-year residency requirement under section 316(a)(1).

“(e) REMOVAL OF CONDITION.—The Secretary of Homeland Security shall remove the conditional basis of an alien’s conditional permanent resident status under this section on the date that is 5 years after the date such status was granted if the alien maintained his or her eligibility for such status during the entire 5-year period.

“(f) DEFINITIONS.—In this section:

“(1) ACTIVELY ENGAGED IN A STEM FIELD.—The term ‘actively engaged in a STEM field’—

“(A) means—

“(i) gainfully employed in a for-profit business or nonprofit organization in the United States in a STEM field;

“(ii) teaching 1 or more STEM field courses at an institution of higher education; or

“(iii) employed by a Federal, State, or local government entity; and

“(B) includes any period of up to 6 months during which the alien does not meet the requirement under subparagraph (A) if such period was immediately preceded by a 1-year period during which the alien met the requirement under subparagraph (A).

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(3) STEM FIELD.—The term ‘STEM field’ means any field of study or occupation included on the most recent STEM-Designated Degree Program List published in the Federal Register by the Department of Homeland Security (as described in section 214.2(f)(1)(i)(C)(2) of title 8, Code of Federal Regulations).”

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 216A the following:

“Sec. 216B. Conditional permanent resident status for aliens with an advanced degree in a STEM field.”

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress regarding the alien college graduates granted immigrant status under section 216B of the Immigration and Nationality Act, as added by subsection (a).

(2) CONTENTS.—The report required under paragraph (1) shall include, with respect to the aliens described in such paragraph—

(A) the number who have earned a master's degree, broken down by the number of such degrees in science, technology, engineering, and mathematics;

(B) the number who have earned a doctorate degree, broken down by the number of such degrees in science, technology, engineering, and mathematics;

(C) the number who have founded a business in the United States in a STEM field;

(D) the number who are employed in the United States in a STEM field, broken down by employment sector (for profit, nonprofit, or government); and

(E) the number who are employed by an institution of higher education.

(3) DEFINITIONS.—The terms “institution of higher education” and “STEM field” have the meaning given such terms in section 216B(f) of the Immigration and Nationality Act, as added by subsection (a).

**SA 2022.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . MODIFICATION OF PER COUNTRY NUMERICAL LIMITATION FOR EMPLOYMENT-BASED VISAS.**

(a) IN GENERAL.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended—

(1) in the paragraph heading, by striking “AND EMPLOYMENT-BASED”;

(2) by striking “(3), (4), and (5),” and inserting “(3) and (4),”;

(3) by striking “subsections (a) and (b) of section 203” and inserting “section 203(a);”

(4) by striking “7” and inserting “15”; and

(5) by striking “such subsections” and inserting “such section”.

(b) CONFORMING AMENDMENTS.—Section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “both subsections (a) and (b) of section 203” and inserting “section 203(a);” and

(B) by striking paragraph (5); and

(2) by amending subsection (e) to read as follows:

“(e) SPECIAL RULES FOR COUNTRIES AT CEILING.—If the total number of immigrant visas made available under section 203(a) to natives of any single foreign state or dependent area will exceed the numerical limitation specified in subsection (a)(2) in any fiscal year, in determining the allotment of immigrant visa numbers to natives under section 203(a), visa numbers with respect to natives of that state or area shall be allocated (to the extent practicable and otherwise consistent with this section and section 203) in a manner so that, except as provided in subsection (a)(4), the proportion of the visa numbers made available under each of paragraphs (1) through (4) of section 203(a) is equal to the ratio of the total number of visas made available under the respective paragraph to the total number of visas made available under section 203(a).”

(c) COUNTRY-SPECIFIC OFFSET.—Section 2 of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) is amended—

(1) in subsection (a), by striking “subsection (e))” and inserting “subsection (d))”; and

(2) by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2018, and shall apply to fiscal years beginning with fiscal year 2019.

(e) TRANSITION RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Subject to of this subsection and notwithstanding title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), the following rules shall apply:

(A) For fiscal year 2019, 15 percent of the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of such Act (8 U.S.C. 1153(b)) shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2017 under such paragraphs.

(B) For fiscal year 2020, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2018 under such paragraphs.

(C) For fiscal year 2021, 10 percent of the immigrant visas made available under each of such paragraphs shall be allotted to immigrants who are natives of a foreign state or dependent area that was not one of the 2 states with the largest aggregate numbers of natives obtaining immigrant visas during fiscal year 2019 under such paragraphs.

(2) PER-COUNTRY LEVELS.—

(A) RESERVED VISAS.—With respect to the visas reserved under each of subparagraphs (A) through (C) of paragraph (1), the number of such visas made available to natives of any single foreign state or dependent area in the appropriate fiscal year may not exceed 25

percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas.

(B) UNRESERVED VISAS.—With respect to the immigrant visas made available under each of paragraphs (2) and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) and not reserved under paragraph (1), for each of fiscal years 2019, 2020, and 2021, not more than 85 percent shall be allotted to immigrants who are natives of any single foreign state.

(3) SPECIAL RULE TO PREVENT UNUSED VISAS.—If, with respect to fiscal year 2019, 2020, or 2021, the operation of paragraphs (1) and (2) would prevent the total number of immigrant visas made available under paragraph (2) or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) from being issued, such visas may be issued during the remainder of such fiscal year without regard to such paragraphs (1) and (2).

(4) RULES FOR CHARGEABILITY.—Section 202(b) of the Immigration and Nationality Act (8 U.S.C. 1152(b)) shall apply in determining the foreign state to which an alien is chargeable for purposes of this subsection.

**SA 2023.** Ms. CORTEZ MASTO (for herself, Mr. WYDEN, Mr. MARKEY, Mr. CARPER, Ms. HIRONO, Mrs. MURRAY, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. GILLIBRAND, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . RESCISSION OF EXECUTIVE ORDER 13768.**

The provisions of Executive Order 13768 (82 Fed. Reg. 8799; January 25, 2017), entitled “Enhancing Public Safety in the Interior of the United States”, are rescinded and shall not have any legal effect.

**SA 2024.** Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CONFIDENTIALITY OF INFORMATION SUBMITTED FOR TEMPORARY PROTECTED STATUS PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) TPS PROGRAM.—The term “TPS Program” means temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).

(2) INDIVIDUAL APPLICATION INFORMATION.—The term “individual application information” means any information, including personally identifiable information, submitted to the Secretary as part of a request for consideration or reconsideration for the TPS Program.

(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(b) PROTECTION OF CONFIDENTIALITY OF INFORMATION.—The Secretary shall protect individual application information from disclosure to U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection for any purpose other than implementing the TPS Program.

(c) **REFERRALS PROHIBITED.**—The Secretary may not refer any individual who previously held Temporary Protected Status under the TPS Program to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, the Department of Justice, or any other law enforcement agency.

(d) **LIMITED EXCEPTION.**—Individual application information may be shared with national security and law enforcement agencies—

(1) to identify or prevent fraudulent claims;

(2) for particularized national security purposes relating to an individual application; or

(3) for the investigation or prosecution of any felony not related to immigration status.

**SA 2025.** Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ENFORCEMENT AGAINST DACA RECIPIENTS PROHIBITED.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the Secretary of Homeland Security (referred to in this section as the “Secretary”) shall not return, remove, or detain an alien who meets the requirements for deferred action status described in the memorandum of the Secretary of Homeland Security entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children” and dated June 15, 2012, or the requirements for such status described in the memorandum of the Secretary entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents” and dated November 20, 2014 (referred to in this section as “DACA status”), including an alien whose DACA status has expired.

(b) **EXCEPTION.**—The Secretary may carry out return, removal, or detention activity with respect to an alien described in subsection (a)—

(1) for a particularized national security purpose relating to the alien; or

(2) if the alien has been convicted of a felony (except an offense relating to the immigration status of the alien).

(c) **EMPLOYMENT AUTHORIZATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall not decline to adjudicate, delay adjudication of, or deny employment authorization to an alien described in subsection (a).

(2) **EXCEPTION.**—Paragraph (1) shall not apply to an alien described in subsection (b).

**SA 2026.** Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON AVAILABILITY OF PUBLIC RESOURCES TO UNITED STATES CITIZEN CHILDREN BORN TO IMMIGRANT PARENTS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) 88 percent of children with immigrant parents were born in the United States and are United States citizens.

(2) Children with at least one immigrant parent account for 26 percent of all children in the United States.

(3) 9,100,000 children with immigrant parents live in low-income families.

(4) Federally funded programs, including Head Start and the Children’s Health Insurance Program, are critical in delivering quality health care and comprehensive early childhood education, health, and nutrition to children from low-income families.

(5) State and local governments have made their own determinations with respect to what State and local resources immigrant families can utilize.

(6) The Trump Administration has written a draft rule regarding the definition of “public charge” that would limit the ability of United States citizen children to access public resources without threatening the immigration status of their family members.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) United States citizen children born to immigrant parents should be entitled to the same access to public resources as children born to United States citizen parents; and

(2) any attempt to limit the access of United States citizens to public benefits and resources based on the immigration status of their parents would be discriminatory and create second-class citizens.

**SA 2027.** Ms. CORTEZ MASTO (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPORT ON DETAINED AND DEPORTED DACA RECIPIENTS.**

(a) **DEFINED TERM.**—In this section, the term “DACA status” means the status granted to an alien who has been granted deferred action for childhood arrivals in accordance with the memorandum issued by the Secretary of Homeland Security on June 15, 2012.

(b) **WEEKLY REPORT.**—Not less frequently than weekly, the Secretary of Homeland Security shall submit to the chairman and ranking member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives, and post on a public website, a report that identifies—

(1) the number of individuals apprehended, detained, or arrested by U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection during the reporting period who have ever been granted DACA status;

(2) the number of individuals removed by immigration officials during the reporting period who have ever been granted DACA status;

(3) the location of apprehension, detention, or arrest of such individuals; and

(4) the reason for the apprehension, detention, or arrest, including whether it was the result of targeted enforcement or a collateral arrest.

**SA 2028.** Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit

with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON BIRTHRIGHT CITIZENSHIP.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Fourteenth Amendment to the Constitution of the United States states, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

(2) Since the ratification of the Fourteenth Amendment, the United States has been engaged in a long struggle to live up to its promise: that all people are equal under law.

(3) As a national community, the people of the United States have to confront the hard truth that the United States sometimes fall short of that idea, and that the United States has not always kept that promise.

(4) Though the United States has been humbled by past failures, the Nation’s character will be measured by the strength of its continually renewed commitment to the fundamental national values of equality and dignity before the law.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it would be a gross violation of the spirit of the Fourteenth Amendment to the Constitution of the United States and to the national values of the United States for this or any future Congress to adopt any interpretation that some individuals who are born on United States soil are less deserving than others of the privileges of United States citizenship and the equal protection of the laws of the United States;

(2) the United States must protect, preserve, and honor the longstanding legal principle of birthright citizenship;

(3) the tradition of birthright citizenship is rooted in the ancient international legal principle of *jus soli*; and

(4) honoring citizenship by birth reflects the heritage of the United States as a country of immigrants, who choose to adopt the United States as their homeland, and whose diverse cultures and experiences are woven into the tapestry of the Nation’s history.

**SA 2029.** Mr. HEINRICH (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TRADE FACILITATION AND SECURITY ENHANCEMENT.**

(a) **DEFINED TERM.**—In this section, the term “designated port of entry” means any land port of entry on the Southern border that has—

(1) expanded growth in cross-border traffic;

(2) engaged in binational innovative pilot programs; and

(3) relied on private-public partnership agreements for added staffing or extended hours.

(b) **PRIVATE VEHICLES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall facilitate the safe, secure, and efficient cross border movement of people, motor vehicles, cargo, and lawful and legitimate trade travel by extending the hours of operation to 24 hours per day for private vehicles at designated ports of entry.



(c) **COMMERCIAL VEHICLES.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall facilitate the safe, secure, and efficient cross border movement of people, motor vehicles, cargo, and lawful and legitimate trade travel by ensuring that commercial vehicles may cross through designated ports of entry—

(1) anytime between 6:00 am and midnight, Monday through Friday; and

(2) anytime between 8:00 am and 4:00 pm on Saturday.

(d) **RESOURCES.**—The Secretary of Homeland Security shall ensure that sufficient resources are dedicated to designated ports of entry—

(1) to carry out the functions of commercial operations, including accepting entries of merchandise, collecting duties, and enforcing the customs, immigration, and trade laws of the United States; and

(2) to perform the functions described in paragraph (1) during the hours set forth in subsection (c) beginning not later than the date set forth in subsection (c).

(e) **COORDINATION.**—The Secretary of Homeland Security shall coordinate with the appropriate officials of the Government of Mexico to implement this section.

**SA 2030.** Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1958 proposed by Mr. SCHUMER (for himself, Mr. ROUNDS, Mr. KING, Ms. COLLINS, Mr. MANCHIN, Mr. GRAHAM, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. GARDNER, Ms. HEITKAMP, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. WARNER) to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

In section 4(c) of the amendment, strike paragraphs (2) and (3) and insert the following:

(2) For domain awareness, \$658,000,000, including \$147,700,000 for border surveillance technology, as follows:

(A) \$46,200,000 for Remote Video Surveillance System (RVSS).

(B) \$1,600,000 for Mobile Video Surveillance System (MVSS).

(C) \$2,500,000 for Small Unmanned Aerial Systems (UAS).

(D) \$16,200,000 for Motion Sensor Capability (MSC).

(E) \$17,400,000 for Integrated Fixed Towers (IFT) to the Tucson Sector.

(F) \$34,800,000 for tactical aerostats.

(G) \$9,000,000 for Cross-border tunnel technology (CBTT).

(H) \$20,000,000 for Unattended Ground Sensors (UGS).

(3) For access and mobility, \$143,000,000, including \$172,900,000 for Air & Marine Operations assets, as follows:

(A) \$55,500,000 for Multi-Enforcement Aircraft (MEA).

(B) \$11,000,000 for MEA-Based Vehicle And Dismount Exploitation Radar (VADER).

(C) \$14,000,000 for UH-60 helicopter conversion.

(D) \$7,800,000 for Aircraft Sensor Upgrades (EO/IR).

(E) \$41,200,000 for Tethered Aerostat (TARS) and explore PTDS (Persistent Threat Detection Systems) to improve situational awareness.

(F) \$43,400,000 for Light Enforcement Helicopters (LEH).

**SA 2031.** Mr. CARPER (for himself, Ms. HEITKAMP, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **DIVISION B—SECURING THE NORTHERN TRIANGLE**

##### **SEC. 10001. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This division may be cited as the “Secure the Northern Triangle Act”.

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

#### **DIVISION B—SECURING THE NORTHERN TRIANGLE**

Sec. 10001. Short title; table of contents.

Sec. 10002. Findings.

Sec. 10003. Sense of Congress.

Sec. 10004. Definitions.

#### **TITLE XI—ADVANCING REFORMS IN CENTRAL AMERICA TO ADDRESS THE FACTORS DRIVING MIGRATION**

Subtitle A—Strengthening the Capacity of Central American Governments To Protect and Provide for Their Own People

Sec. 10111. Authorization of appropriations for United States strategy for engagement in Central America.

Sec. 10112. Strengthening the rule of law and combating corruption.

Sec. 10113. Combating criminal violence and improving citizen security.

Sec. 10114. Tackling extreme poverty and advancing economic development.

Subtitle B—Conditions, Limitations, and Certifications on United States Assistance

Sec. 10121. Assistance funding available without condition.

Sec. 10122. Conditions on assistance related to smuggling, screening, and safety of migrants.

Sec. 10123. Conditions on assistance related to progress on specific issues.

Subtitle C—Effectively Coordinating United States Engagement in Central America

Sec. 10131. United States Coordinator for Engagement in Central America.

Subtitle D—United States Leadership for Engaging International Donors and Partners

Sec. 10141. Requirement for strategy to secure support of international donors and partners.

#### **TITLE XII—CRACKING DOWN ON SMUGGLERS, CARTELS, AND TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES**

Subtitle A—Strengthening Cooperation Among Law Enforcement Agencies To Target Smugglers and Traffickers

Sec. 10211. Enhanced international cooperation to combat human smuggling and trafficking.

Sec. 10212. Enhanced investigation and prosecution of human smuggling and trafficking.

Sec. 10213. Information campaign on dangers of migration.

Subtitle B—Strengthening the Ability of the United States Government To Crack Down on Smugglers, Traffickers, and Drug Cartels

Sec. 10221. Enhanced penalties for organized smuggling schemes.

Sec. 10222. Expanding financial sanctions on narcotics trafficking and money laundering.

Subtitle C—Creating New Penalties for Hindering Immigration, Border, and Customs Controls

Sec. 10231. Hindering immigration, border, and customs controls.

#### **TITLE XIII—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY AND IN THE REGION**

Subtitle A—Providing Alternative Safe Havens in Mexico and the Region

Sec. 10311. Strengthening internal asylum systems in Mexico and other countries.

Subtitle B—Expanding Refugee Processing in Mexico and Central America for Third Country Resettlement

Sec. 10321. Expanding refugee processing in Mexico and Central America for third country resettlement.

Subtitle C—Improving the Efficiency of the Central American Minors Program

Sec. 10331. Expansion.

Sec. 10332. Expedited processing.

Sec. 10333. Referral to UNHCR.

#### **TITLE XIV—MONITORING AND SUPPORTING UNACCOMPANIED ALIEN CHILDREN AFTER PROCESSING AT THE BORDER**

Sec. 10401. Definitions; authorization of appropriations.

Subtitle A—Strengthening the Government's Ability To Oversee the Safety and Well-Being of Children

Sec. 10411. Background checks to ensure the safe placement of unaccompanied alien children.

Sec. 10412. Responsibility of sponsor for immigration court compliance and child well-being.

Sec. 10413. Monitoring unaccompanied alien children.

Subtitle B—Funding to States and School Districts; Supporting Education and Safety

Sec. 10421. Funding to States to conduct State criminal checks and child abuse and neglect checks.

Sec. 10422. Funding to school districts for unaccompanied alien children.

Sec. 10423. Immediate enrollment of unaccompanied alien children in schools.

#### **TITLE XV—ENSURING ORDERLY AND HUMAN MANAGEMENT OF CHILDREN AND FAMILIES SEEKING PROTECTION**

Subtitle A—Providing a Fair and Efficient Legal Process for Children and Vulnerable Families Seeking Asylum

Sec. 10511. Court appearance compliance and legal orientation.

Sec. 10512. Fair day in court for kids.

Subtitle B—Reducing Significant Delays in Immigration Court

Sec. 10521. Eliminate immigration court backlogs.

Sec. 10522. Improved training for immigration judges and members of the Board of Immigration Appeals.

Sec. 10523. New technology to improve court efficiency.

Subtitle C—Reducing the Likelihood of Remigration

Sec. 10531. Establishing reintegration and monitoring services for repatriating children.

##### **SEC. 10002. FINDINGS.**

Congress finds the following:

(1) Since 2006, incidents of murder, other violent crime, and corruption perpetrated by armed criminal gangs and illicit trafficking organizations have risen alarmingly in El Salvador, Guatemala and Honduras (referred

to in this division as the “Northern Triangle”).

(2) In 2013, Honduras had the highest per capita homicide rate of any nation in the world, with 90.4 murders for every 100,000 people in the country. El Salvador and Guatemala were in the top 5 countries with the highest per capita homicide rates.

(3) Since 2013, El Salvador’s murder rate rose sharply to become the highest of any country in the world in 2015 at 108.5 homicides for every 100,000 people, following a dramatic escalation of violence between the country’s 2 largest armed criminal gangs, Mara Salvatrucha (commonly known as “MS-13”) and Barrio 18.

(4) According to the United Nations International Children’s Emergency Fund (UNICEF), the per capita homicide rate for children in El Salvador and Guatemala is higher than any other country in the world. In 2014, 27 out of every 100,000 children were murdered in El Salvador.

(5) According to the United Nations High Commissioner for Refugees (UNHCR), Honduras and El Salvador have the highest per capita female homicide rates in the world. In 2014, 90 out of every 100,000 females were murdered in Honduras.

(6) In April 2016, UNHCR’s spokesperson stated, “The number of people fleeing violence in Central America has surged to levels not seen since the region was wracked by armed conflicts in the 1980s. Action is urgently needed to ensure that unaccompanied children and others receive the protection to which they are entitled.”

(7) Since 2013, individuals fleeing the Northern Triangle have sought sanctuary in neighboring countries and there has recently been a 1,185 percent increase in the number of asylum applications from citizens of El Salvador, Guatemala, and Honduras to the Governments of Mexico, Panama, Nicaragua, Costa Rica and Belize.

(8) Unaccompanied minors from the Northern Triangle now make up the majority of unaccompanied minors encountered at the international border between the United States and Mexico, with the fastest increase occurring among children younger than 12 years of age.

(9) Human smugglers are increasingly responsible for the transit of migrants from the Northern Triangle to the United States. According to the Government Accountability Office, human smugglers frequently use aggressive and misleading marketing to recruit migrants.

(10) Many female migrants face rape and sexual violence during the journey, either from smugglers or others encountered on the route, or risk being trafficked for sex or labor.

(11) Challenges to the rule of law in the Northern Triangle have been exacerbated by the limited ability and lack of political will on the part of governments to investigate and prosecute those responsible for murder. In 2014, approximately 95 percent of murders remained unresolved in Honduras and El Salvador.

(12) The presence of major drug trafficking organizations in the Northern Triangle contributes to violence, corruption, and criminality. The 2016 International Narcotics Control Strategy Report prepared by the Department of State estimated that “approximately 90 percent of the cocaine trafficked to the United States in the first half of 2015 first transited through the Mexico/Central America corridor”.

(13) Widespread public sector corruption in the Northern Triangle undermines economic and social development and directly affects regional political stability, as demonstrated by the indictment and resignation of former

Guatemalan president Otto Perez Molina on corruption charges.

(14) Human rights defenders, journalists, trade unionists, social leaders, and LGBT activists in the Northern Triangle face dire conditions, as evidenced by the March 2016 murder of Honduran activist Berta Cáceres and the targeted killing of more than 200 such civil society leaders since 2006. Almost none of these cases have resulted in convictions.

(15) The Northern Triangle struggles with high levels of economic insecurity. In 2014, more than 62 percent of Hondurans, more than 59 percent of Guatemalans, and more than 31 percent of Salvadorans lived below the poverty line.

(16) Weak investment climates and low levels of educational opportunity are barriers to inclusive economic growth and social development in the Northern Triangle.

(17) Although the CAM Program has approval rates of nearly 98 percent, due to limited resources, of the 8,920 children that have applied for humanitarian protection, only 626 have been conditionally approved and only 368 have entered the United States.

(18) Approximately 50 percent of unaccompanied minors facing United States immigration proceedings receive legal representation. Children with legal counsel appeared at their hearings more than 95 percent of the time.

(19) As of May 2016, 492,978 cases were pending before immigration courts, with such cases taking an average of 553 days to reach a final decision.

#### SEC. 10003. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States must address the violence and humanitarian crisis resulting in the elevated numbers of unaccompanied children, women, and refugees from the Northern Triangle arriving at the Southwestern border of the United States;

(2) the violence and humanitarian crisis has been prompted by the severe challenges posed by—

(A) high rates of homicide, sexual violence, and violent crime perpetrated by armed criminal actors;

(B) endemic corruption; and

(C) the limited ability and the lack of political will on the part of governments to protect their citizens and uphold the rule of law in the Northern Triangle;

(3) the United States must work with international partners—

(A) to address the complicated conditions in the Northern Triangle that contribute to the violence and humanitarian crisis; and

(B) to protect vulnerable populations, particularly women and children, fleeing violence in the region;

(4) the Plan of the Alliance for Prosperity in the Northern Triangle, which was developed by the Governments of El Salvador, Guatemala, and Honduras, with the technical assistance of the Inter-American Development Bank, represents a comprehensive approach to address the complex situation in the Northern Triangle;

(5) the U.S. Strategy for Engagement in Central America, as articulated by President Obama and Vice President Biden, provides important support for the Alliance for Prosperity and other United States national security priorities, including rule of law and anti-corruption initiatives;

(6) combating corruption in the Northern Triangle must remain a critical priority and the United Nation’s Commission Against Impunity in Guatemala (CICIG) and the Organization of American States’ Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH) are important contributions to this effort;

(7) the CAM Program provides a safe, legal, and orderly alternative to children fleeing violence in the Northern Triangle;

(8) the United States must—

(A) expand the CAM Program to ensure the safe and orderly processing of refugee children in the region;

(B) strengthen internal asylum systems in Mexico and other countries in the region to protect and process eligible children and families, including establishing and expanding in-country reception centers;

(C) expand access to legal representation for unaccompanied alien children facing United States immigration proceedings; and

(D) reduce delays in immigration courts, which contribute to misinformation that migrants who come to the United States will not be removed; and

(9) it is imperative for the United States to sustain a long-term commitment to addressing the factors causing Central Americans to flee their countries by strengthening citizen security, the rule of law, democratic governance, the protection of human rights, and inclusive economic growth in the Northern Triangle.

#### SEC. 10004. DEFINITIONS.

In this division:

(1) CAM PROGRAM.—The term “CAM Program” means the Central American Minors Refugee/Parole Program administered by U.S. Citizenship and Immigration Services.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(3) NORTHERN TRIANGLE.—The term “Northern Triangle” means El Salvador, Guatemala, and Honduras.

(4) PLACEMENT.—The term “placement” means the placement of an unaccompanied alien child with a sponsor.

(5) PLAN.—The term “Plan” means the Plan of the Alliance for Prosperity in the Northern Triangle.

(6) SPONSOR.—The term “sponsor” means a sponsor referred to in section 462(b)(4) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(4)).

(7) UNACCOMPANIED ALIEN CHILD.—The term “unaccompanied alien child” has the meaning given the term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

#### TITLE XI—ADVANCING REFORMS IN CENTRAL AMERICA TO ADDRESS THE FACTORS DRIVING MIGRATION

##### Subtitle A—Strengthening the Capacity of Central American Governments To Protect and Provide for Their Own People

#### SEC. 10111. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES STRATEGY FOR ENGAGEMENT IN CENTRAL AMERICA.

(a) IN GENERAL.—There are authorized to be appropriated \$1,040,000,000 for fiscal year 2019 to carry out the United States Strategy for Engagement in Central America, as defined by the objectives set forth in subsection (b). Amounts appropriated pursuant to this subsection shall remain available until expended.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) may be made available for assistance to Central American countries to implement the United States Strategy for Engagement in Central America in support of the Plan, including efforts—

(1) to strengthen the rule of law and bolster the effectiveness of judicial systems, public prosecutors’ offices, and civilian police forces;

(2) to combat corruption and improve public sector transparency;

(3) to confront and counter the violence and crime perpetrated by armed criminal



gangs, illicit trafficking organizations, and organized crime;

(4) to disrupt money laundering operations and the illicit financial networks of armed criminal gangs, illicit trafficking organizations, and human smugglers;

(5) to strengthen democratic governance and promote greater respect for internationally recognized human rights, labor rights, fundamental freedoms, and the media;

(6) to enhance the capability of Central American governments to protect and provide for vulnerable and at-risk populations;

(7) to address the underlying causes of poverty and inequality; and

(8) to address the constraints to inclusive economic growth in Central America.

(c) **PRIORITIZATION.**—The Secretary of State and the Administrator of the United States Agency for International Development shall prioritize the provision of assistance authorized under this section to address the key factors in Central American countries that contribute to the flight of unaccompanied alien children and other individuals to the United States.

**SEC. 10112. STRENGTHENING THE RULE OF LAW AND COMBATING CORRUPTION.**

(a) **IN GENERAL.**—Of the amounts appropriated pursuant to section 10111(a), \$260,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development to strengthen the rule of law, combat corruption, consolidate democratic governance, and defend human rights.

(b) **ASSISTANCE FOR CENTRAL AMERICA.**—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) **AUTHORIZED ACTIVITIES.**—Activities described in this section include—

(1) strengthening the rule of law in Central American countries by providing support for—

(A) the Office of the Attorney General and public prosecutors in each such country, including the enhancement of their forensics and communications interception capabilities;

(B) reforms leading to independent, merit-based, selection processes for judges and prosecutors, and relevant ethics and professional training;

(C) the improvement of victim and witness protection; and

(D) the reform and improvement of prison facilities and management;

(2) combating corruption by providing support for—

(A) inspectors general and oversight institutions, including relevant training for inspectors and auditors;

(B) international commissions against impunity, including the International Commission Against Impunity in Guatemala (CICIG) and the Support Mission Against Corruption and Impunity in Honduras (MACCIH);

(C) civil society watchdogs conducting oversight of executive branch officials and functions, police and security forces, and judicial officials and public prosecutors; and

(D) the enhancement of freedom of information mechanisms;

(3) consolidating democratic governance by providing support for—

(A) the reform of civil services, related training programs, and relevant career laws and processes that lead to independent, merit-based selection processes;

(B) national legislatures and their capacity to conduct oversight of executive branch functions;

(C) the reform of political party and campaign finance laws; and

(D) local governments and their capacity to provide critical safety, education, health, and sanitation services to citizens; and

(4) defending human rights by providing support for—

(A) human rights ombudsman offices;

(B) government protection programs that provide physical protection to human rights defenders, journalists, trade unionists, and civil society activists at risk;

(C) civil society organizations that promote and defend human rights, freedom of expression, freedom of the press, labor rights, and LGBT rights; and

(D) civil society organizations that address sexual, domestic, and inter-partner violence against women and protect victims of such violence.

**SEC. 10113. COMBATING CRIMINAL VIOLENCE AND IMPROVING CITIZEN SECURITY.**

(a) **IN GENERAL.**—Of the amounts appropriated pursuant to section 10111(a), \$260,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development to counter the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations and human smugglers.

(b) **ASSISTANCE FOR CENTRAL AMERICA.**—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) **AUTHORIZED ACTIVITIES.**—Activities described in this section include—

(1) professionalizing civilian police forces by providing support for—

(A) the reform of personnel vetting and dismissal processes, including the enhancement of polygraph capability for use in such processes;

(B) inspectors general and oversight offices, including relevant training for inspectors and auditors;

(C) community policing policies and programs;

(D) the establishment of special vetted units;

(E) training on the appropriate use of force and human rights;

(F) training on civilian intelligence collection, investigative techniques, forensic analysis, and evidence preservation; and

(G) equipment, such as nonintrusive inspection equipment and communications interception technology;

(2) countering illicit trafficking by providing assistance to the civilian law enforcement and armed forces of Central American countries, including support for—

(A) the establishment of special vetted units;

(B) the enhancement of intelligence collection capacity;

(C) the reform of personnel vetting and dismissal processes, including the enhancement of polygraph capability for use in such processes; and

(D) port, airport, and border security equipment, including—

(i) computer infrastructure and data management systems;

(ii) secure communications technologies;

(iii) communications interception technology;

(iv) nonintrusive inspection equipment; and

(v) radar and aerial surveillance equipment;

(3) disrupting illicit financial networks by providing support for—

(A) finance ministries, including the enhancement of the capacity to use financial sanctions to block the assets of individuals and organizations involved in money laundering and the financing of armed criminal

gangs, illicit trafficking networks, human smugglers, and organized crime;

(B) financial intelligence units, including the establishment and enhancement of anti-money laundering programs; and

(C) the reform of bank secrecy laws; and

(4) improving crime prevention by providing support for—

(A) programs that address domestic violence and violence against women;

(B) the enhancement of programs for at-risk and criminal-involved youth, including the improvement of community centers; and

(C) alternative livelihood programs.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) operational technology transferred to governments in Central America for intelligence or law enforcement purposes should be used solely for the purposes for which the technology was intended; and

(2) the United States should take all necessary steps to ensure that the use of operation technology described in paragraph (1) is consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

**SEC. 10114. TACKLING EXTREME POVERTY AND ADVANCING ECONOMIC DEVELOPMENT.**

(a) **IN GENERAL.**—Of the amounts appropriated pursuant to section 10111(a), \$230,000,000 may be made available to the Secretary of State and the Administrator of the United States Agency for International Development—

(1) to address the underlying causes of poverty and inequality; and

(2) to improve economic development.

(b) **ASSISTANCE FOR CENTRAL AMERICA.**—The Secretary and the Administrator may use the amounts made available under subsection (a) to provide assistance for Central American countries through the activities described in subsection (c).

(c) **AUTHORIZED ACTIVITIES.**—Activities described in this section include—

(1) strengthening human capital by providing support for—

(A) workforce development and entrepreneurship training programs that are driven by market demand, specifically programs that prioritize women, at-risk youth, and minorities;

(B) improving early-grade literacy and the improvement of primary and secondary school curricula;

(C) relevant professional training for teachers and educational administrators; and

(D) educational policy reform and improvement of education sector budgeting;

(2) enhancing economic competitiveness and investment climate by providing support for—

(A) small business development centers and programs that strengthen supply chain integration;

(B) trade facilitation and customs harmonization programs;

(C) reducing energy costs through investments in clean technologies and the reform of energy policies and regulations;

(D) the improvement of protections for investors, including dispute resolution and arbitration mechanisms; and

(E) the improvement of labor and environmental standards, in accordance with the Dominican Republic–Central America Free Trade Agreement (CAFTA–DR);

(3) strengthening food security by providing support for—

(A) small-scale agriculture, including technical training and programs that facilitate access to credit;

(B) agricultural value chain development for farming communities;

(C) nutrition programs to reduce childhood stunting rates; and

(D) investment in scientific research on climate change and climate resiliency; and

(4) improving the state of fiscal and financial affairs by providing support for—

(A) domestic revenue generation, including programs to improve tax administration, collection, and enforcement;

(B) strengthening public sector financial management, including strategic budgeting and expenditure tracking; and

(C) reform of customs and procurement policies and processes.

**Subtitle B—Conditions, Limitations, and Certifications on United States Assistance**

**SEC. 10121. ASSISTANCE FUNDING AVAILABLE WITHOUT CONDITION.**

The Secretary of State may obligate up to 25 percent of the amounts appropriated pursuant to section 10111(a) to carry out the United States Strategy for Engagement in Central America in support of the Plan.

**SEC. 10122. CONDITIONS ON ASSISTANCE RELATED TO SMUGGLING, SCREENING, AND SAFETY OF MIGRANTS.**

(a) NOTIFICATION AND COOPERATION.—In addition to the amounts authorized to be obligated under sections 10121 and 10123, the Secretary of State may obligate an additional 25 percent of the amounts appropriated pursuant to section 10111(a) for assistance to the Government of El Salvador, the Government of Guatemala, and the Government of Honduras after the Secretary of State, in consultation with the Secretary of Homeland Security, certifies and reports to Congress that such governments are taking effective steps, in addition to steps taken during previous years, to—

(1) combat human smuggling and trafficking, including investigating, prosecuting, and increasing penalties for individuals responsible for such crimes;

(2) improve border security and border screening to detect and deter illicit smuggling and trafficking, while respecting the rights of individuals fleeing violence and seeking humanitarian protection asylum, in accordance with international law;

(3) cooperate with United States Government agencies and other governments in the region to facilitate the safe and timely repatriation of migrants who do not qualify for refugee or other protected status, in accordance with international law;

(4) improve reintegration services for repatriated migrants in a manner that ensures the safety and well-being of the individual and reduces the likelihood of remigration; and

(5) cooperate with the United Nations High Commissioner for Refugees to improve protections for, and the processing of, vulnerable populations, particularly women and children fleeing violence.

**SEC. 10123. CONDITIONS ON ASSISTANCE RELATED TO PROGRESS ON SPECIFIC ISSUES.**

(a) EFFECTIVE IMPLEMENTATION.—In addition to the amounts authorized to be obligated under sections 10121 and 10122, the Secretary of State may obligate an additional 50 percent of the amounts appropriated pursuant to section 10111 for assistance to the Government of El Salvador, the Government of Guatemala, and the Government of Honduras after the Secretary consults with, and subsequently certifies and reports to, the appropriate congressional committees that such governments are taking effective steps in their respective countries, in addition to steps taken during the previous calendar year, to—

(1) establish an autonomous, publicly accountable entity to provide oversight of the Plan;

(2) combat corruption, including investigating and prosecuting government officials, military personnel, and civil police officers credibly alleged to be corrupt;

(3) implement reforms and strengthen the rule of law, including increasing the capacity and independence of the judiciary and public prosecutors;

(4) counter the activities of armed criminal gangs, illicit trafficking networks, and organized crime;

(5) establish and implement a plan to create a professional, accountable civilian police force and curtail the role of the military in internal policing;

(6) investigate and prosecute, through the civilian justice system, military and police personnel who are credibly alleged to have violated human rights, and to ensure that the military and the police are cooperating in such cases;

(7) cooperate with international commissions against impunity, as appropriate, and with regional human rights entities;

(8) implement reforms related to improving the transparency of financing political campaigns and political parties;

(9) protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

(10) increase government revenues, including by enhancing tax collection, strengthening customs agencies, and reforming procurement processes;

(11) implement reforms to strengthen educational systems, vocational training programs, and programs for at-risk youth;

(12) resolve commercial disputes, including the confiscation of real property, between United States entities and the respective governments; and

(13) implement a policy by which local communities, civil society organizations (including indigenous and marginalized groups), and local governments are consulted in the design, implementation and evaluation of the activities of the Plan that affect such communities, organizations, or governments.

**Subtitle C—Effectively Coordinating United States Engagement in Central America**

**SEC. 10131. UNITED STATES COORDINATOR FOR ENGAGEMENT IN CENTRAL AMERICA.**

(a) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the President shall designate a senior official to coordinate all of the Federal Government's efforts and the efforts of international partners to strengthen citizen security, the rule of law, and economic prosperity in Central America and to protect vulnerable populations in the region.

(b) SUPERVISION.—The official designated under subsection (a) shall report directly to the President.

(c) DUTIES.—The official designated under subsection (a) shall coordinate all of the efforts, activities, and programs related to United States engagement in Central America, including—

(1) coordinating with the Department of State, the Department of Justice (including the Federal Bureau of Investigation), the Department of Homeland Security, the intelligence community, and international partners regarding United States efforts to confront armed criminal gangs, illicit trafficking networks, and organized crime responsible for high levels of violence, extortion, and corruption in Central America;

(2) coordinating with the Department of State, the United States Agency for International Development, and international partners regarding United States efforts to prevent and mitigate the effects of violent criminal gangs and transnational criminal

organizations on vulnerable Central American populations, including women and children;

(3) coordinating with the Department of State, the Department of Homeland Security, and international partners regarding United States efforts to counter human smugglers illegally transporting Central American migrants to the United States;

(4) coordinating with the Department of State, the Department of Homeland Security, the United States Agency for International Development, and international partners, including the United Nations High Commissions for Refugees, to increase protections for vulnerable Central American populations, improve refugee processing, and strengthen asylum systems throughout the region;

(5) coordinating with the Department of State, the Department of Defense, the Department of Justice (including the Drug Enforcement Administration), the Department of the Treasury, the intelligence community, and international partners regarding United States efforts to combat illicit narcotics traffickers, interdict transshipments of illicit narcotics, and disrupt the financing of the illicit narcotics trade;

(6) coordinating with the Department of State, the Department of the Treasury, the Department of Justice, the intelligence community, the United States Agency for International Development, and international partners regarding United States efforts to combat corruption, money laundering, and illicit financial networks;

(7) coordinating with the Department of State, the Department of Justice, the United States Agency for International Development, and international partners regarding United States efforts to strengthen the rule of law, democratic governance, and human rights protections; and

(8) coordinating with the Department of State, the Department of Agriculture, the United States Agency for International Development, the Overseas Private Investment Corporation, the United States Trade and Development Agency, the Department of Labor, and international partners, including the Inter-American Development Bank, to strengthen the foundation for inclusive economic growth and improve food security, investment climate, and protections for labor rights.

(d) CONSULTATION.—The official designated under subsection (a) shall consult with Congress, multilateral organizations and institutions, foreign governments, and domestic and international civil society organizations.

**Subtitle D—United States Leadership for Engaging International Donors and Partners**  
**SEC. 10141. REQUIREMENT FOR STRATEGY TO SECURE SUPPORT OF INTERNATIONAL DONORS AND PARTNERS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a 3-year strategy to the appropriate congressional committees that—

(1) describes how the United States will secure support from international donors and regional partners (including Colombia and Mexico) for the implementation of the Plan;

(2) identifies governments that are willing to provide financial and technical assistance for the implementation of the Plan and a description of such assistance; and

(3) identifies the financial and technical assistance to be provided by multilateral institutions, including the Inter-American Development Bank, the World Bank, the International Monetary Fund, the Andean Development Corporation—Development Bank of Latin America, and the Organization of

American States, and a description of such assistance.

(b) **DIPLOMATIC ENGAGEMENT AND COORDINATION.**—The Secretary of State, in coordination with the Secretary of the Treasury, as appropriate, shall—

(1) carry out diplomatic engagement to secure contributions of financial and technical assistance from international donors and partners in support of the Plan; and

(2) take all necessary steps to ensure effective cooperation among international donors and partners supporting the Plan.

(c) **REPORT.**—Not later than 1 year after submitting the strategy submitted under subsection (a), the Secretary of State shall submit a report to the appropriate congressional committees that describes—

(1) the progress made in implementing the strategy; and

(2) the financial and technical assistance provided by international donors and partners, including the multilateral institutions listed in subsection (a)(3).

(d) **BRIEFINGS.**—Upon a request from one of the appropriate congressional committees, the Secretary of State shall provide a briefing to the committee that describes the progress made in implementing the strategy submitted under subsection (a).

(e) **DEFINED TERM.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

## **TITLE XII—CRACKING DOWN ON SMUGGLERS, CARTELS, AND TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES**

### **Subtitle A—Strengthening Cooperation Among Law Enforcement Agencies To Target Smugglers and Traffickers**

#### **SEC. 10211. ENHANCED INTERNATIONAL COOPERATION TO COMBAT HUMAN SMUGGLING AND TRAFFICKING.**

(a) **PARTNERSHIP EXPANSION.**—The Secretary of Homeland Security, in coordination with the Secretary of State, shall expand partnership efforts with law enforcement entities in El Salvador, Guatemala, Honduras, and Mexico seeking to combat human smuggling and trafficking in those countries, including—

(1) the creation or expansion of transnational criminal investigative units to identify, disrupt, and prosecute human smuggling and trafficking operations;

(2) participation by U.S. Immigration and Customs Enforcement and the Department of Justice in the Bilateral Human Trafficking Enforcement Initiative with their Mexican law enforcement counterparts; and

(3) advanced training programs for investigators and prosecutors from El Salvador, Guatemala, Honduras, and Mexico.

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

#### **SEC. 10212. ENHANCED INVESTIGATION AND PROSECUTION OF HUMAN SMUGGLING AND TRAFFICKING.**

(a) **IN GENERAL.**—The Attorney General and the Secretary of Homeland Security shall expand collaborative programs aimed at investigating and prosecuting human smugglers and traffickers targeting Central American children and families and operating at the Southwestern border, including the continuation and expansion of anti-trafficking coordination teams.

(b) **HOMELAND SECURITY INVESTIGATIONS.**—The Secretary of Homeland Security, in con-

sultation with the Director of U.S. Immigration and Customs Enforcement, shall increase the resources available to Homeland Security Investigations to facilitate the expansion of its smuggling and trafficking investigations.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out subsections (a) and (b).

#### **SEC. 10213. INFORMATION CAMPAIGN ON DANGERS OF MIGRATION.**

(a) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with the Secretary of State, shall design and implement public information campaigns in El Salvador, Guatemala, and Honduras—

(1) to disseminate information about the dangers of travel across Mexico to the United States; and

(2) to combat misinformation about United States immigration law or policy.

(b) **ELEMENTS.**—The information campaigns implemented pursuant to subsection (a) shall, to the greatest extent possible—

(1) be targeted at populations and localities with high migration rates;

(2) employ a variety of communications media; and

(3) be developed in consultation with program officials at the Department of Homeland Security, the Department of State, or other government, nonprofit, or academic entities in close contact with migrant populations from El Salvador, Guatemala, and Honduras, including repatriated migrants.

#### **Subtitle B—Strengthening the Ability of the United States Government To Crack Down on Smugglers, Traffickers, and Drug Cartels**

#### **SEC. 10221. ENHANCED PENALTIES FOR ORGANIZED SMUGGLING SCHEMES.**

(a) **IN GENERAL.**—Section 274(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(2) by inserting after clause (ii) the following:

“(iii) in the case of a violation of subparagraph (A)(i) during and in relation to which the person, while acting for profit or other financial gain, knowingly directs or participates in an effort or scheme to assist or cause 10 or more persons (other than a parent, spouse, or child of the offender) to enter or to attempt to enter the United States at the same time at a place other than a designated port of entry or place other than designated by the Secretary, be fined under title 18, United States Code, imprisoned not more than 15 years, or both;”;

(3) in clause (iv), as redesignated, by inserting “commits or attempts to commit sexual assault of,” after “section 1365 of title 18, United States Code) to,”.

(b) **BULK CASH SMUGGLING.**—Section 5332(b)(1) of title 31, United States Code, is amended—

(1) in the paragraph heading, by striking “TERM OF IMPRISONMENT” and inserting “IN GENERAL”; and

(2) by inserting “, fined under title 18, or both” after “5 years”.

#### **SEC. 10222. EXPANDING FINANCIAL SANCTIONS ON NARCOTICS TRAFFICKING AND MONEY LAUNDERING.**

(a) **FINDINGS.**—Congress finds the following:

(1) In July 2011, President Obama released “Strategy to Combat Transnational Organized Crime”, which articulates a multidimensional response to combat transnational organized crime, including drug trafficking networks, armed criminal gangs, and money laundering.

(2) The Strategy calls for expanded efforts to dismantle illicit financial networks, in-

cluding through maximizing the use of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.).

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Senate should immediately confirm pending nominations to key national security positions, including Mr. Adam Szubin, who was nominated by President Obama on April 16, 2015, to the position of Undersecretary for Terrorism and Financial Crimes within the Department of the Treasury, a critical position focused on identifying and confronting illicit financial networks.

(c) **FINANCIAL SANCTIONS EXPANSION.**—

(1) **IN GENERAL.**—The Secretary of the Treasury, the Attorney General, the Secretary of State, the Secretary of Defense, and the Director of Central Intelligence shall expand investigations, intelligence collection, and analysis pursuant to the Foreign Narcotics Kingpin Designation Act to increase the identification and application of sanctions against—

(A) significant foreign narcotics traffickers, their organizations and networks; and

(B) the foreign persons who provide material, financial, or technological support to such traffickers, organizations, and networks.

(2) **TARGETS.**—The efforts described in paragraph (1) shall specifically target foreign narcotics traffickers, their organizations and networks, and the foreign persons who provide material, financial, or technological support to such traffickers, organizations and networks that are present and operating in Central or South America.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

#### **Subtitle C—Creating New Penalties for Hindering Immigration, Border, and Customs Controls**

#### **SEC. 10231. HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.**

(a) **IMMIGRATION AND NATIONALITY ACT.**—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 274D the following:

#### **“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.**

“(a) **ILLCIT SPOTTING.**—

“(1) **IN GENERAL.**—It shall be unlawful to knowingly surveil, track, monitor, or transmit the location, movement, or activities of any officer or employee of a Federal, State, or tribal law enforcement agency—

“(A) with the intent to gain financially; and

“(B) in furtherance of any violation of the immigration laws, the customs and trade laws of the United States (as defined in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125)), any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States, or any Federal law relating to border controls measures of the United States.

“(2) **PENALTY.**—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

“(b) **DESTRUCTION OF UNITED STATES BORDER CONTROLS.**—

“(1) **IN GENERAL.**—It shall be unlawful to knowingly and without lawful authorization—

“(A) destroy or significantly damage any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; or

“(B) otherwise seek to construct, excavate, or make any structure intended to defeat, circumvent or evade such a fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States.

“(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of contents of such Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 274D the following:

“Sec. 274E. Hindering immigration, border, and customs controls.”.

### **TITLE XIII—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY AND IN THE REGION**

#### **Subtitle A—Providing Alternative Safe Havens in Mexico and the Region**

#### **SEC. 10311. STRENGTHENING INTERNAL ASYLUM SYSTEMS IN MEXICO AND OTHER COUNTRIES.**

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall work with international partners, including the United Nations High Commissioner for Refugees, to support and provide technical assistance to strengthen the domestic capacity of Mexico and other countries in the region to provide asylum to eligible children and families by—

(1) establishing and expanding temporary and long-term in-country reception centers and shelter capacity to meet the humanitarian needs of those seeking asylum or other forms of international protection;

(2) improving the asylum registration system to ensure that all individuals seeking asylum or other humanitarian protection—

(A) are properly screened for security, including biographic and biometric capture;

(B) receive due process and meaningful access to existing legal protections; and

(C) receive proper documents in order to prevent fraud and ensure freedom of movement and access to basic social services;

(3) creating or expanding a corps of trained asylum officers capable of evaluating and deciding individual asylum claims consistent with international law and obligations; and

(4) developing the capacity to conduct best interest determinations for unaccompanied alien children to ensure that their needs are properly met, which may include family reunification or resettlement based on international protection needs.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that describes the plans of the Secretary of State to assist in developing the asylum processing capabilities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate;

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

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives;

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

(6) the Committee on the Judiciary of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

### **Subtitle B—Expanding Refugee Processing in Mexico and Central America for Third Country Resettlement**

#### **SEC. 10321. EXPANDING REFUGEE PROCESSING IN MEXICO AND CENTRAL AMERICA FOR THIRD COUNTRY RESETTLEMENT.**

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall coordinate with the United Nations High Commissioner for Refugees to support and provide technical assistance to the Government of Mexico and the governments of other countries in the region to increase access to global resettlement for eligible children and families with protection needs by—

(1) establishing and expanding in-country refugee reception centers to meet the humanitarian needs of those seeking international protection;

(2) improving the refugee registration system to ensure that all refugees—

(A) are properly screened for security, including biographic and biometric capture;

(B) receive due process and meaningful access to existing legal protections; and

(C) receive proper documents in order to prevent fraud and ensure freedom of movement and access to basic social services;

(3) creating or expanding a corps of trained refugee officers capable of evaluating and deciding individual claims for protection, consistent with international law and obligations; and

(4) developing the capacity to conduct best interest determinations for unaccompanied alien children to ensure that—

(A) such children with international protection needs are properly registered; and

(B) their needs are properly met, which may include family reunification or resettlement based on international protection needs.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report to the committees listed in section 10311(b) that describes the plans of the Secretary of State to assist in developing the refugee processing capabilities described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

#### **Subtitle C—Improving the Efficiency of the Central American Minors Program**

#### **SEC. 10331. EXPANSION.**

The Director of U.S. Citizenship and Immigration Services shall increase the resources directed to the CAM Program, including—

(1) increasing the number of refugee officers available for in-country processing; and

(2) establishing additional site locations.

#### **SEC. 10332. EXPEDITED PROCESSING.**

Not later than 180 days after receiving a completed application from an unaccompanied alien child seeking protection under the CAM Program, the Director of U.S. Citizenship and Immigration Services shall make a final determination on such application unless the security screening for such child cannot be completed during the 180-day period.

#### **SEC. 10333. REFERRAL TO UNHCR.**

The Director of U.S. Citizenship and Immigration Services or the Assistant Secretary of State for the Bureau of Population, Refugees, and Migration shall refer any child who is the proposed beneficiary of an application under the CAM Program and is facing immediate risk of harm to the United Nations High Commissioner for Refugees for registration and safe passage to an established emergency transit center for refugees.

### **TITLE XIV—MONITORING AND SUPPORTING UNACCOMPANIED ALIEN CHILDREN AFTER PROCESSING AT THE BORDER**

#### **SEC. 10401. DEFINITIONS; AUTHORIZATION OF APPROPRIATIONS.**

(a) DEFINITIONS.—In this title:

(1) DEPARTMENT.—Except as otherwise indicated, the term “Department” means the Department of Health and Human Services.

(2) DIRECTOR.—The term “Director” means the Director of the Office of Refugee Resettlement of the Department.

(3) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) RESIDENT ADULT.—The term “resident adult” means any individual age 18 or older who regularly lives, shares common areas, and sleeps in a sponsor or prospective sponsor's home.

(5) SECRETARY.—Except as otherwise indicated, the term “Secretary” means the Secretary of Health and Human Services.

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

#### **Subtitle A—Strengthening the Government's Ability To Oversee the Safety and Well-Being of Children**

#### **SEC. 10411. BACKGROUND CHECKS TO ENSURE THE SAFE PLACEMENT OF UNACCOMPANIED ALIEN CHILDREN.**

(a) CRIMINAL AND CIVIL RECORD CHECKS.—

(1) REQUIREMENT.—In carrying out the functions transferred to the Director under section 462(a) of the Homeland Security Act of 2002 (6 U.S.C. 279(a)), from amounts appropriated pursuant to section 10401(b) to carry out this section, the Director shall perform, consistent with best practices in the field of child welfare, and a prospective sponsor and all resident adults in the home of the prospective sponsor shall submit to the following record checks (which shall be completed as expeditiously as possible):

(A) Fingerprint-based checks (except as described in paragraph (2)) in national crime information databases, as defined in section 534(e)(3) of title 28, United States Code.

(B) A search of the State criminal registry or repository for any State (except as described in paragraph (3)) in which the prospective sponsor or resident adult has resided during the 5 years preceding the search.

(C) A search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919).

(D) A search (except as described in paragraphs (2) and (3)) of State-based child abuse and neglect registries and databases for any State in which the prospective sponsor or resident adult has resided during the 5 years preceding the search.

(2) PARENTS AND GUARDIANS.—For purposes of paragraph (1), if the prospective sponsor is the parent or guardian of the child involved, the Director shall have discretion to determine whether the Director shall perform, and the prospective sponsor and resident adults described in paragraph (1) shall submit to, a check described in subparagraph (A) or (D) of paragraph (1).

(3) WAIVERS.—

(A) IN GENERAL.—If the Secretary determines that it is not feasible to conduct the check described in subparagraph (B) or (D) of paragraph (1) for a State, including infeasibility due to a State's refusal or nonresponse in response to a request for related information, or that the average time to receive results from a State for such a check is more

than 10 business days, the Secretary may waive the requirements of that subparagraph with respect to the State involved for a period of not more than 1 year. The Secretary may renew the waiver in accordance with this subparagraph.

(B) **PROHIBITION ON DELEGATION.**—The Secretary may not delegate the responsibility under subparagraph (A) to another officer or employee of the Department.

(C) **STATES WHERE WAIVERS APPLY.**—The Secretary shall make available, on a website of the Department, the list of States for which the requirements of subparagraph (B) or (D) of paragraph (1) are waived under this paragraph.

(4) **USE OF RECORD CHECKS.**—The information revealed by a record check performed pursuant to this section shall be used only by the Director for the purpose of determining whether a potential sponsor is a suitable sponsor for a placement for an unaccompanied alien child.

(b) **PLACEMENT DETERMINATIONS GENERALLY.**—

(1) **DENIALS REQUIRED FOR CERTAIN CRIMES.**—The Director shall deny any placement for a prospective sponsor (other than the parent or guardian of the child involved), and may deny any placement for a prospective sponsor who is the parent or guardian of the child involved subject to subsection (c), if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of the prospective sponsor was convicted at age 18 or older of a crime that is a felony consisting of any of the following:

(A) Domestic violence, stalking, child abuse, child neglect, or child abandonment, if the prospective sponsor or resident adult served at least 1 year imprisonment for a crime specified in this subparagraph, or if the prospective sponsor or resident adult was convicted of 2 or more crimes specified in this subparagraph, not arising out of a single scheme of criminal misconduct.

(B) A crime against a child involving pornography.

(C) Human trafficking.

(D) Rape or sexual assault.

(E) Homicide.

(2) **DENIALS CONSIDERED FOR CERTAIN OFFENSES.**—The Director may deny a placement for a prospective sponsor if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of a prospective sponsor was adjudged guilty of a civil offense or was convicted of a crime not covered by paragraph (1). The Director, in making a determination about whether to approve or deny the placement, shall consider all of the following factors:

(A) The type of offense.

(B) The number of offenses the sponsor or resident adult has been adjudged guilty or convicted of.

(C) The length of time that has elapsed since the adjudication or conviction.

(D) The nature of the offense.

(E) The age of the individual at the time of the adjudication or conviction.

(F) The relationship between the offense and the capacity to care for a child.

(G) Evidence of rehabilitation of the individual.

(H) Opinions of community and family members concerning the individual.

(c) **PLACEMENT DETERMINATIONS CONCERNING PARENTS OR GUARDIANS.**—The Director may deny a placement for a prospective sponsor who is the parent or guardian of the child involved if the record checks performed pursuant to this section reveal that the prospective sponsor or a resident adult in the home of a prospective sponsor was adjudged guilty of a civil offense or was convicted of

a crime. The Director, in making a determination about whether to approve or deny the placement, shall consider all of the factors described in subsection (b)(2).

(d) **APPEALS PROCESS.**—

(1) **INFORMATION.**—The Secretary shall provide information to each prospective sponsor on how such sponsor may appeal—

(A) a placement determination under this section, including—

(i) prompt notice of the opportunity to so appeal; and

(ii) instructions about how to participate in the appeals process; and

(B) the results of a record check performed pursuant to this section or the accuracy or completeness of the information yielded by the record check, as provided in paragraph (2), including—

(i) prompt notice of the opportunity to so appeal; and

(ii) instructions about how to participate in the appeals process.

(2) **APPEAL.**—Each Federal agency responsible for administering or maintaining the information in a database, registry, or repository used in a record check performed pursuant to this section or responsible for the accuracy or completeness of the information yielded by the record check shall—

(A) establish a process for an appeal concerning the results of that record check, or that accuracy or completeness; and

(B) complete such process not later than 30 days after the date on which such an appeal is filed.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit the Director from establishing additional checks or procedures (besides the checks required in this section) for sponsors, to enable the Director to—

(1) oversee and promote the health, safety, and well-being of unaccompanied alien children; or

(2) prevent the exploitation, neglect, or abuse of unaccompanied alien children.

**SEC. 10412. RESPONSIBILITY OF SPONSOR FOR IMMIGRATION COURT COMPLIANCE AND CHILD WELL-BEING.**

(a) **IN GENERAL.**—Using amounts appropriated pursuant to section 10401(b) to carry out this section, the Secretary, in consultation with the Attorney General, shall establish procedures to ensure that legal orientation programs regarding immigration court and rights and responsibilities for the well-being of unaccompanied alien children are provided to all prospective sponsors of unaccompanied alien children prior to an unaccompanied alien child's placement with such a sponsor.

(b) **PROGRAM ELEMENTS.**—The procedures described in subsection (a) shall include a requirement that each legal orientation program described in such subsection shall provide information on the sponsor's rights and responsibilities to—

(1) ensure the unaccompanied alien child appears at immigration proceedings and communicate with the court involved regarding the child's change of address and other relevant information; and

(2) immediately enroll the child in school, and shall provide information and resources if the sponsor encounters difficulty enrolling such child in school;

(3) provide access to health care, including mental health care as needed, and any necessary age-appropriate health screening to the child;

(4) report potential child traffickers and other persons seeking to victimize or exploit unaccompanied alien children, or otherwise engage such children in criminal, harmful, or dangerous activity;

(5) seek assistance from the Department regarding the health, safety, and well-being of the child placed with the sponsor; and

(6) file a complaint, if necessary, with the Secretary or the Secretary of Homeland Security regarding treatment of unaccompanied alien children while under the care of the Office of Refugee Resettlement or the Department of Homeland Security, respectively.

**SEC. 10413. MONITORING UNACCOMPANIED ALIEN CHILDREN.**

(a) **RISK-BASED POST-PLACEMENT SERVICES.**—

(1) **IN GENERAL.**—Using amounts appropriated pursuant to section 10401(b) to carry out this section, the Secretary shall, to assist each unaccompanied alien child in a placement with a sponsor—

(A) complete an individualized assessment of the need for services to be provided after placement; and

(B) provide such post-placement services during the pendency of removal proceedings or until no longer necessary.

(2) **MINIMUM SERVICES.**—For the purposes of paragraph (1), the services shall, at a minimum, include—

(A) for the unaccompanied alien child, at least one post-placement case management services visit within 30 days after placement with a sponsor and the referral of unaccompanied alien children to service providers in the community; and

(B) for the family of the child's sponsor, orientation and other functional family support services, as determined to be necessary in the individualized assessment.

(b) **EFFECTIVE USE OF CHILD ADVOCATES FOR THE MOST VULNERABLE UNACCOMPANIED ALIEN CHILDREN.**—The Secretary shall—

(1) direct the Director—

(A) to identify and track the referral rates of unaccompanied alien children to child advocates by care providers and investigate instances in which such a rate is low;

(B) to ensure that the referral criteria established by the Director are appropriately applied when a care provider determines if such a child is eligible for referral to a child advocate;

(C) to provide technical assistance to care providers to ensure compliance with such criteria; and

(D) to establish a process for stakeholders and the public to refer unaccompanied alien children, including those placed with a sponsor, to the child advocate program to determine if such child meets the referral criteria for appointment of a child advocate; and

(2) ensure that each child advocate for an unaccompanied alien child shall—

(A) be provided access to materials necessary to advocate effectively for the best interest of the child, including direct access to significant incident reports, home studies, and similar materials and information; and

(B) be notified when new materials and information described in subparagraph (A) relating to the child are created or become available.

**Subtitle B—Funding to States and School Districts; Supporting Education and Safety**

**SEC. 10421. FUNDING TO STATES TO CONDUCT STATE CRIMINAL CHECKS AND CHILD ABUSE AND NEGLECT CHECKS.**

(a) **DEFINITION.**—In this section, the term “State” means each of the 50 States of the United States and the District of Columbia.

(b) **PAYMENTS TO STATES TO CONDUCT STATE CRIMINAL REGISTRY OR REPOSITORY SEARCHES AND TO CONDUCT CHILD ABUSE AND NEGLECT CHECKS.**—

(1) **IN GENERAL.**—Using amounts appropriated pursuant to section 10401(b) to carry out this section, the Secretary shall, in accordance with this subsection, make payments to States, through each agency in each State tasked with administering the

State criminal registry or repository required under section 10411(a)(1)(B) or the State child abuse and neglect registry required under section 10411(a)(1)(D), to assist with searches of such registries, repositories, or databases for prospective sponsors of unaccompanied alien children and resident adults in the home of such prospective sponsors, in accordance with section 10411.

(2) ALLOTMENTS.—

(A) STATE CRIMINAL REGISTRY AND REPOSITORY SEARCHES.—In each fiscal year, using amounts appropriated pursuant to section 10401(b) to carry out this section with respect to the program providing payments to States to assist with criminal registry or repository searches, the Secretary shall allot to each State participating in such program, through the agency in each such State tasked with administering the State criminal registry or repository described in section 10411(a)(1)(B), an amount that bears the same relationship to such funds as the number of searches of such State criminal registry or repository conducted in accordance with section 10411(a)(1)(B) in the State bears to the total number of such searches in all States participating in the program.

(B) CHILD ABUSE AND NEGLECT CHECKS.—In each fiscal year, using amounts appropriated pursuant to section 10401(b) to carry out this section with respect to the program providing payments to States to assist with child abuse and neglect registry and database searches, the Secretary shall allot to each State participating in such program, through the agency in each such State tasked with administering the State child abuse and neglect registries and databases described in section 10411(a)(1)(D), an amount that bears the same relationship to such funds as the number of searches of such child abuse and neglect registries and databases conducted in accordance with section 10411(a)(1)(D) in the State bears to the total number of such searches in all States participating in the program.

(C) TRANSITION RULE.—In the first fiscal year in which funds are made available under this title to carry out this section, the Secretary shall make allotments to each State participating in the programs under this section in accordance with subparagraphs (A) and (B), based on the Secretary's estimate of the number of the searches described in each such subparagraph, respectively, that each of the States are expected to conduct in such fiscal year.

(3) STATE APPLICATIONS.—Each State agency described in paragraph (1) desiring an allotment under subparagraph (A) or (B) of paragraph (2) shall submit an application at such time, in such manner, and containing such information as the Secretary may require, which shall include an assurance that the State agency will respond promptly to all requests from the Director, within a reasonable time period determined by the Director, to conduct a search required under section 10411 in a timely manner, and a description of how funds will be used to meet such assurance.

**SEC. 10422. FUNDING TO SCHOOL DISTRICTS FOR UNACCOMPANIED ALIEN CHILDREN.**

(a) GRANTS AUTHORIZED.—Using amounts appropriated pursuant to section 10401(b) to carry out this section, the Secretary of Education shall award grants, on a competitive basis, to eligible local educational agencies, or consortia of neighboring local educational agencies, described in subsection (b) to enable the local educational agencies or consortia to enhance opportunities for, and provide services to, immigrant children and youth, including unaccompanied alien children, in the area served by the local educational agencies or consortia.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—A local educational agency, or a consortium of neighboring local educational agencies, is eligible for a grant under subsection (a) if, during the fiscal year for which a grant is awarded under this section, there are 50 or more unaccompanied alien children enrolled in the public schools served by the local educational agency or the consortium, respectively.

(2) DETERMINATIONS OF NUMBER OF UNACCOMPANIED ALIEN CHILDREN.—The Secretary of Education shall determine the number of unaccompanied alien children for purposes of paragraph (1) based on the most accurate data available that is provided to the Secretary of Education by the Director or the Department of Homeland Security.

(c) APPLICATIONS.—A local educational agency, or a consortia of neighboring local educational agencies, desiring a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information, as the Secretary of Education may require, including a description of how the grant will be used to enhance opportunities for, and provide services to, immigrant children and youth (including unaccompanied alien children) and their families.

**SEC. 10423. IMMEDIATE ENROLLMENT OF UNACCOMPANIED ALIEN CHILDREN IN SCHOOLS.**

To be eligible for funding under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), a local educational agency shall—

(1) ensure that unaccompanied alien children in the area served by the local educational agency are immediately enrolled in school following placement with a sponsor; and

(2) remove barriers to enrollment and full participation in educational programs and services offered by the local educational agency for unaccompanied alien children (including barriers related to documentation, age, and language), which shall include reviewing and revising policies that may have a negative effect on such children.

**TITLE XV—ENSURING ORDERLY AND HUMAN MANAGEMENT OF CHILDREN AND FAMILIES SEEKING PROTECTION**

**Subtitle A—Providing a Fair and Efficient Legal Process for Children and Vulnerable Families Seeking Asylum**

**SEC. 10511. COURT APPEARANCE COMPLIANCE AND LEGAL ORIENTATION.**

(a) ACCESS TO LEGAL ORIENTATION PROGRAMS TO ENSURE COURT APPEARANCE COMPLIANCE.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, shall establish procedures, consistent with the procedures established pursuant to section 10412, to ensure that legal orientation programs are available for all aliens detained by the Department of Homeland Security.

(2) PROGRAM ELEMENTS.—Programs under paragraph (1) shall inform aliens described in such paragraph regarding—

(A) the basic procedures of immigration hearings;

(B) their rights and obligations relating to such hearings under Federal immigration laws to ensure appearance at all immigration proceedings;

(C) their rights under Federal immigration laws, including available legal protections and the procedure for requesting such protection;

(D) the consequences of filing frivolous legal claims and of failing to appear for proceedings; and

(E) any other subject that the Attorney General considers appropriate, such as a con-

tact list of potential legal resources and providers.

(3) ELIGIBILITY.—An alien shall be given access to legal orientation programs under this subsection regardless of the alien's current immigration status, prior immigration history, or potential for immigration relief.

**(b) PILOT PROJECT FOR NONDETAINED ALIENS IN REMOVAL PROCEEDINGS.—**

(1) IN GENERAL.—The Attorney General shall develop and administer a 2-year pilot program at not fewer than 2 immigration courts to provide nondetained aliens with pending asylum claims access to legal information.

(2) REPORT.—At the conclusion of the pilot program under this subsection, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the extent to which nondetained aliens are provided with access to counsel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office of Immigration Review of the Department of Justice such sums as may be necessary to carry out this section.

**SEC. 10512. FAIR DAY IN COURT FOR KIDS.**

(a) IMPROVING IMMIGRATION COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.—

(1) APPOINTMENT OF COUNSEL IN CERTAIN CASES; RIGHT TO REVIEW CERTAIN DOCUMENTS IN REMOVAL PROCEEDINGS.—Section 240(b) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)) is amended—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking “, at no expense to the Government,”; and

(II) by striking the comma at the end and inserting a semicolon;

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

(iii) by inserting after subparagraph (A) the following:

“(B) the Attorney General may appoint or provide counsel to aliens in immigration proceedings;

“(C) at the beginning of the proceedings or as expeditiously as possible, the alien shall automatically receive a complete copy of the alien's Alien File (commonly known as an ‘A-file’) and Form I-862 (commonly known as a ‘Notice to Appear’) in the possession of the Department of Homeland Security (other than documents protected from disclosure by privilege, including national security information referred to in subparagraph (D), law enforcement sensitive information, and information prohibited from disclosure pursuant to any other provision of law) unless the alien waives the right to receive such documents by executing a knowing and voluntary written waiver in a language that he or she understands fluently,”; and

(iv) in subparagraph (D), as redesignated, by striking “, and” and inserting “; and”; and

(B) by adding at the end the following:

“(8) FAILURE TO PROVIDE ALIEN REQUIRED DOCUMENTS.—In the absence of a waiver under paragraph (4)(C), a removal proceeding may not proceed until the alien—

“(A) has received the documents as required under such paragraph; and

“(B) has been provided meaningful time to review and assess such documents.”.

(2) CLARIFICATION REGARDING THE AUTHORITY OF THE ATTORNEY GENERAL TO APPOINT COUNSEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended—

(A) by striking “In any” and inserting the following:



“(a) IN GENERAL.—In any”;

(B) in subsection (a), as redesignated—

(i) by striking “(at no expense to the Government)”;

(ii) by striking “he shall” and inserting “the person shall”; and

(C) by adding at the end the following:

“(b) APPOINTMENT OF COUNSEL.—

“(1) IN GENERAL.—The Attorney General may appoint or provide counsel to aliens in any proceeding conducted under section 235(b), 236, 238, 240, or 241 or any other section of this Act.

“(2) ACCESS TO COUNSEL.—The Secretary of Homeland Security shall facilitate access to counsel for—

“(A) aliens in any proceeding conducted under section 235(b), 236, 238, 240, or 241; and

“(B) any individual detained inside an immigration detention facility or a border facility.”

(3) APPOINTMENT OF COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN AND VULNERABLE ALIENS.—

(A) IN GENERAL.—Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), as amended by paragraph (2), is further amended by adding at the end the following:

“(c) UNACCOMPANIED ALIEN CHILDREN AND VULNERABLE ALIENS.—Notwithstanding subsection (b), the Attorney General shall appoint counsel, at the expense of the Government if necessary, at the beginning of the proceedings or as expeditiously as possible, to represent in such proceedings any alien who has been determined by the Secretary of Homeland Security or the Attorney General to be—

“(1) an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)));

“(2) a particularly vulnerable individual, such as—

“(A) a person with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); or

“(B) a victim of abuse, torture, or violence; or

“(3) an individual whose circumstances are such that the appointment of counsel is necessary to help ensure fair resolution and efficient adjudication of the proceedings.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Executive Office for Immigration Review of the Department of Justice such sums as may be necessary to carry out this section.”

(B) RULEMAKING.—The Attorney General shall promulgate regulations to implement section 292(c) of the Immigration and Nationality Act, as added by subparagraph (A), in accordance with the requirements set forth in section 3006A of title 18, United States Code.

(b) CASE MANAGEMENT PILOT PROGRAM TO INCREASE COURT APPEARANCE RATES.—

(1) CONTRACT AUTHORITY.—The Secretary of Homeland Security shall establish a pilot program, which shall include the services set forth in section 10413(a)(2), to increase the court appearance rates of aliens described in paragraphs (2) and (3) of section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), by contracting with nongovernmental, community-based organizations to provide appropriate case management services to such aliens.

(2) SCOPE OF SERVICES.—Case management services provided under paragraph (1) shall include assisting aliens with—

(A) accessing legal counsel;

(B) complying with court-imposed deadlines and other legal obligations; and

(C) accessing social services, as appropriate.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Homeland Security such sums

as may be necessary to carry out this subsection.

(c) REPORT ON ACCESS TO COUNSEL.—

(1) REPORT.—Not later than December 31 of each year, the Secretary of Homeland Security, in consultation with the Attorney General, shall prepare and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the extent to which aliens described in section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), have been provided access to counsel.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the immediately preceding 1-year period—

(A) the number and percentage of aliens described in paragraphs (1), (2), and (3), respectively, of section 292(c) of the Immigration and Nationality Act, as added by subsection (a)(3)(A), who were represented by counsel, including information specifying—

(i) the stage of the legal process at which the alien was represented; and

(ii) whether the alien was in government custody; and

(B) the number and percentage of aliens who received legal orientation presentations.

#### Subtitle B—Reducing Significant Delays in Immigration Court

#### SEC. 10521. ELIMINATE IMMIGRATION COURT BACKLOGS.

(a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—The Attorney General shall increase the total number of immigration judges to adjudicate pending cases and efficiently process future cases by at least—

(1) 55 judges during fiscal year 2019;

(2) an additional 55 judges during fiscal year 2020; and

(3) an additional 55 judges during fiscal year 2021.

(b) NECESSARY SUPPORT STAFF FOR IMMIGRATION JUDGES.—To address the shortage of support staff for immigration judges, the Attorney General shall ensure that each immigration judge has sufficient support staff, adequate technological and security resources, and appropriate courtroom facilities.

(c) ANNUAL INCREASES IN BOARD OF IMMIGRATION APPEALS PERSONNEL.—The Attorney General shall increase the number of Board of Immigration Appeals staff attorneys (including necessary additional support staff) to efficiently process cases by at least—

(1) 23 attorneys during fiscal year 2019;

(2) an additional 23 attorneys during fiscal year 2020; and

(3) an additional 23 attorneys during fiscal year 2021.

(d) GAO REPORT.—The Comptroller General of the United States shall—

(1) conduct a study of the hurdles to efficient hiring of immigration court judges within the Department of Justice; and

(2) propose solutions to Congress for improving the efficiency of the hiring process.

#### SEC. 10522. IMPROVED TRAINING FOR IMMIGRATION JUDGES AND MEMBERS OF THE BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—To ensure efficient and fair proceedings, the Director of the Executive Office for Immigration Review shall facilitate robust training programs for immigration judges and members of the Board of Immigration Appeals.

(b) MANDATORY TRAINING.—Training facilitated under subsection (a) shall include—

(1) expanding the training program for new immigration judges and Board members;

(2) continuing education regarding current developments in immigration law through regularly available training resources and an annual conference; and

(3) methods to ensure that immigration judges are trained on properly crafting and dictating decisions and standards of review, including improved on-bench reference materials and decision templates.

#### SEC. 10523. NEW TECHNOLOGY TO IMPROVE COURT EFFICIENCY.

The Director of the Executive Office for Immigration Review will modernize its case management and related electronic systems, including allowing for electronic filing, to improve efficiency in the processing of immigration proceedings.

#### Subtitle C—Reducing the Likelihood of Remigration

#### SEC. 10531. ESTABLISHING REINTEGRATION AND MONITORING SERVICES FOR REPATRIATING CHILDREN.

(a) CONSULTATION WITH UNHCR.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of State, shall consult with the United Nations High Commissioner for Refugees (referred to in this section as the “UNHCR”) to develop a child-centered repatriation process for unaccompanied children being returned to their country of origin.

(b) COLLABORATION WITH REGIONAL GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of State and the Administrator of the United States Agency for International Development, in coordination with the Secretary of Homeland Security, shall collaborate with regional governments and international and domestic nongovernmental organizations to reduce children's need to remigrate by—

(1) establishing and expanding comprehensive reintegration services for repatriated unaccompanied children once returned to their communities of origin;

(2) establishing monitoring and verification services to determine the well-being of repatriated children in order to determine if United States protection and screening functioned effectively in identifying persecuted and trafficked children; and

(3) providing emergency referrals to the UNHCR for registration and safe passage to an established emergency transit center for refugees for any repatriated children who are facing immediate risk of harm.

SA 2032. Mr. HOEVEN (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. TREATMENT OF CONTROLLED SUBSTANCE ANALOGUES.

Section 203 of the Controlled Substances Act (21 U.S.C. 813) is amended by striking “shall, to the extent intended for human consumption,” and inserting the following: “that is not a chemical substance subject to the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) shall”.

SA 2033. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REPORT ON THE EFFECTS OF DEPORTATION OF ALIENS SERVING IN THE ARMED FORCES ON MILITARY READINESS.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment by the Secretary of the effects on military readiness of the deportation of aliens who are serving in the Armed Forces, or who are about to commence initial entry training in the Armed Forces, as of the time of deportation.

**SA 2034.** Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PAROLE IN PLACE OF SPOUSES, CHILDREN, AND PARENTS OF CERTAIN MEMBERS AND FORMER OF THE ARMED FORCES.**

(a) **PAROLE IN PLACE REQUIRED.**—The Secretary of Homeland Security shall, pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(a)), parole in place any alien who is the spouse, child, or parent of the following:

(1) A current or former member of a regular component of the Armed Forces.

(2) A current or former member of the Selected Reserve of the Ready Reserve.

(b) **EXCEPTION.**—Parole is not required under subsection (a) to an alien otherwise described in that subsection if the Secretary, in the Secretary's discretion, determines that parole under this section is inadvisable based on the Secretary's determination that the alien—

(1) has been convicted of a criminal offense; or

(2) presents another serious adverse factor.

(c) **DEFINITIONS.**—In this section, the terms “spouse”, “child”, and “parent” have the meaning given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C.

**SA 2035.** Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PLAN ON THE HUMANE TREATMENT OF DETAINEES BY IMMIGRATION AND CUSTOMS ENFORCEMENT.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, acting through the Assistant Secretary of Homeland Security for Immigration and Customs Enforcement, submit to Congress and implement a plan for Immigration and Customs Enforcement to address deficiencies in its detainee classification, use of segregation and disciplinary actions, compliance with grievance procedures, detainee care, and other deficiencies cited in the report of the Inspector General of the Department of Homeland Security entitled “Concerns About ICE Detainee Treatment and Care at Detention Facilities” and dated December 11, 2017.

**SA 2036.** Ms. WARREN submitted an amendment intended to be proposed by

her to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

**SEC. \_\_\_\_ . PAROLE IN PLACE OF SPOUSES, CHILDREN, AND PARENTS OF CITIZENS AND LAWFUL PERMANENT RESIDENTS SERVING IN CERTAIN PUBLIC SERVICE PROFESSIONS.**

(a) **PAROLE IN PLACE REQUIRED.**—The Secretary of Homeland Security shall, pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(a)), parole in place any alien who is the spouse, child, or parent of a citizen or lawful permanent resident serving as any of the following:

(1) Law enforcement officer, official, or agent.

(2) Firefighter.

(3) Emergency medical technician.

(4) Doctor, physician assistant, nurse, or other healthcare provider.

(5) First responder.

(6) Teacher.

(b) **EXCEPTION.**—Parole is not required under subsection (a) to an alien otherwise described in that subsection if the Secretary, in the Secretary's discretion, determines that parole under this section is inadvisable based on the Secretary's determination that the alien—

(1) has been convicted of a criminal offense; or

(2) presents another serious adverse factor.

(c) **DEFINITIONS.**—In this section, the terms “spouse”, “child”, and “parent” have the meaning given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

**SA 2037.** Mr. UDALL submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DISTRICT JUDGES FOR THE DISTRICT COURTS.**

(a) **ADDITIONAL PERMANENT DISTRICT COURT JUDGESHIPS.**—The President shall appoint, by and with the advice and consent of the Senate—

(1) 7 additional district judges for the central district of California;

(2) 3 additional district judges for the eastern district of California;

(3) 2 additional district judges for the district of New Mexico;

(4) 2 additional district judges for the southern district of Texas; and

(5) 4 additional district judges for the western district of Texas.

(b) **CONVERSIONS OF TEMPORARY DISTRICT COURT JUDGESHIPS.**—The existing judgeships for the district of Arizona, the central district of California, and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 28 U.S.C. 133 note), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(c) **TABLES.**—In order that the table contained in section 133(a) of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a)—

(1) the item relating to Arizona is amended to read as follows:

“Arizona ..... 13”;

(2) the item relating to California is amended to read as follows:

“California:  
Northern ..... 14  
Eastern ..... 9  
Central ..... 35  
Southern ..... 13”;

(3) the item relating to New Mexico is amended to read as follows:

“New Mexico ..... 9”;

and

(4) by striking the item relating to Texas and inserting the following:

“Texas:  
Northern ..... 12  
Southern ..... 21  
Eastern ..... 7  
Western ..... 17”.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect on January 21, 2021.

**SA 2038.** Mr. UDALL submitted an amendment intended to be proposed to amendment SA 1959 proposed by Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. TILLIS, Mr. LANKFORD, Mr. COTTON, Mr. PERDUE, Mr. CORNYN, Mr. ALEXANDER, and Mr. ISAKSON) to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIMITATION ON CONSTRUCTION OF NEW ELEMENTS OF THE PHYSICAL BARRIERS ALONG THE SOUTHERN BORDER PENDING A CERTIFICATION ON THE ACHIEVEMENT BY THE DEPARTMENT OF HOMELAND SECURITY OF CERTAIN STAFFING LEVELS.**

Notwithstanding any other provision of this Act, construction of any new element of the physical barriers along the southern border (other than construction for repair or replacement of existing barrier elements) may not commence until the Secretary of Homeland Security certifies, in writing, to Congress that the total number of officers in the Office of Field Operations of U.S. Customs and Border Protection equals the number required for the fiscal year in which the certification is submitted in the Workload Staffing Model of U.S. Customs and Border Protection.

**SA 2039.** Mr. CARPER (for himself, Mr. HEINRICH, and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 1958 proposed by Mr. SCHUMER (for himself, Mr. ROUNDS, Mr. KING, Ms. COLLINS, Mr. MANCHIN, Mr. GRAHAM, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. GARDNER, Ms. HEITKAMP, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. WARNER) to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROTECTION OF CERTAIN NATIONAL WILDLIFE REFUGES AND WILDLIFE CORRIDORS.**

(a) **IN GENERAL.**—The Secretary of Homeland Security may not use any funds for the design and construction of physical barriers along the border between the United States and Mexico for pedestrian barriers at any of the following:

(1) National Wildlife Refuge System land in the Lower Rio Grande Valley, Texas.

(2) The wildlife corridor in Hidalgo County, New Mexico, from coordinates N. 31.3331, W. 108.714 to N. 31.3324, W. 108.786.

(3) The wildlife corridor in the Chiricahua Mountains, from coordinates N. 31.3324, W. 108.982 to N. 31.3328, W. 109.092.

(4) San Bernardino National Wildlife Refuge, Arizona.

(5) The wildlife corridor in the Coronado National Forest, Arizona, from coordinates N. 31.3336, W. 110.246 to N. 31.336, W. 110.782.

(6) The wildlife corridor in the Buenos Aires National Wildlife Refuge and the Coronado National Forest, Arizona, from coordinates N. 31.3322, W. 111.038 to N. 31.3992, W. 111.283.

(7) Cabeza Prieta National Wildlife Refuge, Arizona.

(8) The wildlife corridor in Jacumba, California, from coordinates N. 32.6272, W. 115.995 to N. 32.6242, W. 116.035.

(b) **LIMITATION.**—The only physical barrier that may be constructed at a wildlife refuge or wildlife corridor described in subsection (a) shall be a vehicle barrier or other barrier that—

(1) meets operational needs;

(2) does not impede the free movement of wildlife; and

(3) does not create or exacerbate the potential for flooding in the area.

**SA 2040.** Mr. REED (for himself, Mr. WHITEHOUSE, Ms. KLOBUCHAR, and Ms. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF LIBERIA.**

(a) **ADJUSTMENT OF STATUS.**—

(1) **IN GENERAL.**—

(A) **ELIGIBILITY.**—Except as provided in subparagraph (B), the Secretary of Homeland Security shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(i) applies for adjustment not later than 1 year after the date of the enactment of this Act; and

(ii) is otherwise eligible to receive an immigrant visa and admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) **INELIGIBLE ALIENS.**—An alien shall not be eligible for adjustment of status under this section if the Secretary of Homeland Security determines that the alien—

(i) has been convicted of any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)));

(ii) has been convicted of 2 or more crimes involving moral turpitude; or

(iii) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(2) **RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.**—

(A) **IN GENERAL.**—An alien present in the United States who has been subject to an order of exclusion, deportation, or removal, or has been ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1) if otherwise qualified under such paragraph.

(B) **SEPARATE MOTION NOT REQUIRED.**—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the order described in subparagraph (A).

(C) **EFFECT OF DECISION BY SECRETARY.**—If the Secretary of Homeland Security adjusts the status of an alien pursuant to an application under paragraph (1), the Secretary shall cancel the order described in subparagraph (A). If the Secretary of Homeland Security makes a final decision to deny such adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) **ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.**—

(1) **IN GENERAL.**—The benefits provided under subsection (a) shall apply to any alien—

(A) who is—

(i) a national of Liberia; and

(ii) has been continuously present in the United States between November 20, 2014, and the date on which the alien submits an application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) **DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.**—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(A)(ii), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) **STAY OF REMOVAL.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall promulgate regulations establishing procedures through which an alien, who is subject to a final order of deportation, removal, or exclusion, may seek a stay of such order based upon the filing of an application under subsection (a).

(2) **DURING CERTAIN PROCEEDINGS.**—Notwithstanding any provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a) unless the Secretary has made a final determination to deny the application.

(3) **WORK AUTHORIZATION.**—

(A) **IN GENERAL.**—The Secretary of Homeland Security may—

(i) authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States while a determination regarding such application is pending; and

(ii) provide the alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment.

(B) **PENDING APPLICATIONS.**—If an application for adjustment of status under subsection (a) is pending for a period exceeding 180 days and has not been denied, the Secretary shall authorize such employment.

(d) **RECORD OF PERMANENT RESIDENCE.**—Upon the approval of an alien's application for adjustment of status under subsection (a), the Secretary of Homeland Security shall establish a record of the alien's admission for permanent residence as of the date of the alien's arrival in the United States.

(e) **AVAILABILITY OF ADMINISTRATIVE REVIEW.**—The Secretary of Homeland Security shall provide applicants for adjustment of status under subsection (a) with the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); and

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(f) **LIMITATION ON JUDICIAL REVIEW.**—A determination by the Secretary of Homeland Security regarding the adjustment of status of any alien under this section is final and shall not be subject to review by any court.

(g) **NO OFFSET IN NUMBER OF VISAS AVAILABLE.**—The Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) to offset the adjustment of status of an alien who has been lawfully admitted for permanent residence pursuant to this section.

(h) **APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.**—

(1) **DEFINITIONS.**—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply in this section.

(2) **SAVINGS PROVISION.**—Nothing in this section may be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary of Homeland Security in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

(3) **EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS.**—An alien's eligibility to be lawfully admitted for permanent residence under this section shall not preclude the alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

**SA 2041.** Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . USING ILLICIT DRUG TRAFFICKING PROCEEDS FOR BORDER SECURITY ENHANCEMENTS.**

(a) **PURPOSE.**—The purpose of this section is to authorize the use of illicit drug trafficking proceeds to pay for physical barriers, tactical infrastructure, and technology in the vicinity of the United States border, which will achieve situational awareness and operational control of the border, and increase the interdiction of illicit drugs entering the United States and reduce bulk cash smuggling and trade-based money laundering along the border.

(b) **SECURE AMERICA FINANCING CORPORATION.**—

(1) **ESTABLISHMENT.**—There is established, as a special purpose, public corporate entity, the Secure America Financing Corporation (referred to in this subsection as the “Corporation”), which shall operate as an independent instrumentality of the Federal Government.

(2) **BOARD.**—

(A) **COMPOSITION.**—The Corporation shall be overseen by a Board, consisting of the Secretary of Homeland Security, the Secretary of the Treasury, the Attorney General, or their respective designees, as appointed by the President.

(B) **TERMS.**—Members of the Board shall serve, at the pleasure of the President, for 4-year terms, or until a successor is appointed by the President. Members of the Board may be appointed to 1 additional 4-year term.

(C) **COMPENSATION.**—Members of the Board shall serve without additional compensation.

(D) **CHAIRPERSON.**—The Board shall annually elect a Chairperson from among its members.

(E) **MEETINGS.**—The Board shall meet not less frequently than annually.

(3) **PURPOSES.**—The purposes of the Corporation shall be—

(A) to issue Secure America Bonds, in accordance with paragraph (4);

(B) to make the proceeds of such bonds available to the Homeland Security Investigations directorate of U.S. Immigration and Customs Enforcement and to U.S. Border Patrol to enhance technological capacity; and

(C) to manage surplus Asset Forfeiture Funds to redeem such bonds.

(4) **BONDS.**—

(A) **ISSUANCE AUTHORIZED.**—The Corporation may issue bonds (referred to in this section as “Secure America Bonds”) in such amounts and for such terms as the Board shall authorize to provide the necessary funding for the technological capacity enhancements that the Homeland Security Investigations directorate determines appropriate.

(B) **REDEMPTION.**—Bonds issued pursuant to subparagraph (A) may only be paid from funds managed by the Corporation, including—

(i) surplus amounts from the Asset Forfeiture Fund;

(ii) proceeds of the sales of any such bonds;

(iii) earnings on funds invested by the Corporation or the indenture trustee;

(iv) income generated by the activities of the Corporation; and

(v) such other funds as may become available.

(C) **BANKRUPTCY PROHIBITED.**—The Corporation may not file for bankruptcy protection while any of the bonds issued by the Corporation remain outstanding.

(D) **LIMITATION.**—Bonds issued pursuant to subparagraph (A)—

(i) are not a debt or obligation of the Federal Government; and

(ii) are not backed by the full faith and credit of the Federal Government.

(5) **STAFFING.**—

(A) **IN GENERAL.**—Employees of the Department of Homeland Security and employees of the Department of the Treasury may provide administrative support to the Corporation.

(B) **PROFESSIONAL SERVICES.**—The Attorney General, or designee, may serve as counsel to the Corporation and may employ or retain such other attorneys as necessary. The Corporation may employ or retain any other professionals, consultants, agents, financial advisors, and accountants as may be necessary to carry out the purposes set forth in paragraph (3). The Board may determine the duties and compensation of those employed or retained under this subparagraph.

(6) **FINANCIAL MANAGEMENT.**—

(A) **AUTHORITY.**—The Corporation is authorized to sell and convey any of the assets of the Corporation, subject to the approval of the Board.

(B) **EXEMPTION FROM TAXATION.**—The Corporation shall be exempt from any taxation, fees, assessments, or similar charges based on the real property or assets of the Corporation.

(7) **EFFECT OF DISSOLUTION.**—Upon the dissolution of the Corporation, title to all assets and properties of the Corporation shall vest in and become the property of the United States Treasury and shall be deposited into and credited to the Asset Forfeiture Fund.

(C) **USE OF CERTAIN FORFEITED CRIMINAL PROCEEDS FOR BORDER SECURITY MEASURES.**—Notwithstanding any other provision of law, any funds that are criminally forfeited to the United States pursuant to an order relating to a sentence of a felony conviction by a district court of the United States of an individual engaging in a continuing criminal enterprise involving knowingly and intentionally distributing a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States from a place outside of the United States shall be used for security measures along the international border between the United States and Mexico, including the construction, installation, deployment, operation, and maintenance of physical barriers, tactical infrastructure, and technology in the vicinity of such border, for the purpose of stemming the flow of illegal narcotics into the United States and furthering the security of the United States.

(D) **RESERVATION OF PORTION OF FORFEITS IN THE DEPARTMENT OF JUSTICE CIVIL ASSET FORFEITURE FUND FOR BUILDING A PHYSICAL BARRIER OR ADVANCED TECHNOLOGY TO PREVENT ILLEGAL ENTRY ACROSS THE SOUTHERN BORDER.**—

(1) **IN GENERAL.**—Section 524(c) of title 28, United States Code, is amended—

(A) in paragraph (1), by inserting “, except as provided in paragraph (12),” before “be available to the Attorney General”; and

(B) in paragraph (8)(E), in the first sentence, by inserting “the construction, installation, deployment, operation, and maintenance of physical barriers, tactical infrastructure, and technology in the vicinity of the United States border,” after “law enforcement,”; and

(C) by adding at the end the following:

“(12)(A) Not later than on December 1 of each year, the Attorney General shall submit to Congress a report on the total of any amount in the Fund as of October 1 that are derived from Mexican cartels.

“(B) Not later than 180 days after the date of enactment of this paragraph, and occasionally thereafter, the Attorney General shall submit to Congress a report on the amount in the Fund that has historically been derived from Mexican cartels.

“(C) Of the amount described in subparagraph (A), 50 percent shall be made available without fiscal year limitation to install additional physical barriers and roads (including the removal of obstacles to detection of illegal entrants) in the vicinity of the United States border to deter illegal crossings in areas of high illegal entry into the United States.”.

(2) **LIMITATION ON RELEASE OF PROPERTY.**—Section 983(f)(8) of title 18, United States Code, is amended—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(E) is currency or contraband likely to belong to or used in support of a foreign, illegal trafficking organization.”.

(e) **USE OF BOND PROCEEDS.**—

(1) **IMPROVING DATA ANALYTICS.**—The Secretary of Homeland Security, in consultation with the Executive Associate Director for Homeland Security Investigations and the Chief, U.S. Border Patrol, may use proceeds from Secure America Bonds—

(A) to improve the use of data and advanced analytics to target drugs entering the United States, bulk cash smugglers, and trade-based money laundering;

(B) to prioritize the use of “big data” to enhance the analysis of information that may lead to an increase in drug seizures near the border, the interdiction of smuggled bulk cash, and the identification of invoice misrepresentation that leads to trade-based money laundering;

(C) to increase the technological capacity to gather and develop information about persons, events, and cargo of interest;

(D) to integrate data with analytical tools capable of—

(i) detecting trends, patterns, and emerging threats; and

(ii) identifying nonobvious relationships between persons, events, and cargo to generate the necessary tools to increase seizures; and

(E) to procure technology for advanced analytics to target drugs coming into the United States, bulk cash smuggling, and trade-based money laundering.

(2) **PHYSICAL BARRIERS.**—The Secretary of Homeland Security, in consultation with the Chief, U.S. Border Patrol, may use proceeds from Secure America Bonds—

(A) to achieve situational awareness and operational control of the southwest border using terrain, barriers, and technological and human resources to force smugglers to use certain routes and border crossings;

(B) to construct, install, deploy, operate, and permanently maintain physical barriers, tactical infrastructure, and technology in the vicinity of the southwest border.

(3) **STAFFING.**—The Secretary of Homeland Security, in consultation with the Executive Associate Director for Homeland Security Investigations, may use proceeds from Secure America Bonds to employ the necessary analysts to carry out the data analytics described in paragraph (1).

(f) **RULES OF CIVIL FORFEITURE.**—

(1) **CIVIL FORFEITURE.**—Section 983(b) of title 18, United States Code, is amended by adding at the end the following:

“(5) In any law enforcement action in which assets may be seized under this subsection, the law enforcement officer may not barter with or otherwise pressure the owner of the assets to be seized to waive any rights relating to the recovery of such assets.”.

(2) **GENERAL RULES FOR CIVIL FORFEITURE PROCEEDINGS.**—Section 983(c) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking “a preponderance of the evidence” and inserting “clear and convincing evidence”; and

(B) in paragraph (2), by striking “a preponderance of the evidence” and inserting “clear and convincing evidence”; and

(C) in paragraph (3), by inserting “, by clear and convincing evidence,” after “establish”.

(3) **REPORTING REQUIREMENT.**—The Attorney General shall submit an annual report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that includes a detailed record, for the reporting period, of all civil and

criminal asset seizures and forfeitures authorized under chapter 46 of title 18, United States Code, including—

(A) the specific assets seized, including the quantity and value of such assets;

(B) the alleged criminal conduct giving rise to the seizure or forfeiture;

(C) whether anyone was arrested or convicted of the alleged criminal conduct;

(D) whether the forfeiture action was challenged by the owner of the assets;

(E) the final disposition of the assets; and

(F) if the assets were sold, how the proceeds of the assets were used.

(g) DEPARTMENT OF THE TREASURY FORFEITURE FUND.—Section 9705 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(K) Payment to enhance border security.”; and

(2) in subsection (g)(4)(B), by inserting “, including the construction, installation, deployment, operation, and maintenance of physical barriers, tactical infrastructure, and technology in the vicinity of such border,” after “law enforcement activities”.

**SA 2042.** Mr. ALEXANDER (for Mr. FLAKE) proposed an amendment to the bill S. 946, to require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Treatment Court Improvement Act of 2018”.

#### SEC. 2. HIRING BY DEPARTMENT OF VETERANS AFFAIRS OF ADDITIONAL VETERANS JUSTICE OUTREACH SPECIALISTS.

(a) HIRING OF ADDITIONAL VETERANS JUSTICE OUTREACH SPECIALISTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall hire not fewer than 50 Veterans Justice Outreach Specialists and place each such Veterans Justice Outreach Specialist at an eligible Department of Veterans Affairs medical center in accordance with this section.

(2) REQUIREMENTS.—The Secretary shall ensure that each Veterans Justice Outreach Specialist employed under paragraph (1)—

(A) serves, either exclusively or in addition to other duties, as part of a justice team in a veterans treatment court or other veteran-focused court; and

(B) otherwise meets Department hiring guidelines for Veterans Justice Outreach Specialists.

(3) SUPPLEMENT NOT SUPPLANT.—The Secretary shall ensure that the total number of Veterans Justice Outreach Specialists employed by the Department is not less than the sum of—

(A) the total number of Veterans Justice Outreach Specialists that were employed by the Department on the day before the date of the enactment of this Act; and

(B) the number of Veterans Justice Outreach Specialists set forth in paragraph (1).

(b) ELIGIBLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.—For purposes of this section, an eligible Department of Veterans Affairs medical center is any Department of Veterans Affairs medical center that—

(1) complies with all Department guidelines and regulations for placement of a Veterans Justice Outreach Specialist;

(2) works within a local criminal justice system with justice-involved veterans;

(3) maintains an affiliation with one or more veterans treatment courts or other veteran-focused courts; and

(4) either—

(A) routinely provides Veterans Justice Outreach Specialists to serve as part of a justice team in a veterans treatment court or other veteran-focused court; or

(B) establishes a plan that is approved by the Secretary to provide Veterans Justice Outreach Specialists employed under subsection (a)(1) to serve as part of a justice team in a veterans treatment court or other veteran-focused court.

(c) PLACEMENT PRIORITY.—The Secretary shall prioritize the placement of Veterans Justice Outreach Specialists employed under subsection (a)(1) at eligible Department of Veterans Affairs medical centers that have or intend to establish an affiliation, for the purpose of carrying out the Veterans Justice Outreach Program, with a veterans treatment court, or other veteran-focused court, that—

(1) was established on or after the date of the enactment of this Act; or

(2)(A) was established before the date of the enactment of this Act; and

(B) is not fully staffed with Veterans Justice Outreach Specialists.

(d) REPORTS.—

(1) PERIODIC REPORTS BY SECRETARY OF VETERANS AFFAIRS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act and not less frequently than once every year thereafter, the Secretary of Veterans Affairs shall submit to Congress a report on the implementation of this section and its effect on the Veterans Justice Outreach Program.

(B) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(i) The status of the efforts of the Secretary to hire Veterans Justice Outreach Specialists pursuant to subsection (a)(1), including the total number of Veterans Justice Outreach Specialists hired by the Secretary pursuant to such subsection and the number that the Secretary expects to hire pursuant to such subsection.

(ii) The total number of Veterans Justice Outreach Specialists assigned to each Department of Veterans Affairs medical center that participates in the Veterans Justice Outreach Program, including the number of Veterans Justice Outreach Specialists hired under subsection (a)(1) disaggregated by Department of Veterans Affairs medical center.

(iii) The total number of eligible Department of Veterans Affairs medical centers that sought placement of a Veterans Justice Outreach Specialist under subsection (a)(1), how many Veterans Justice Outreach Specialists each such center sought, and how many of such medical centers received no placement of a Veterans Justice Outreach Specialist under subsection (a)(1).

(iv) The total number of justice-involved veterans who were served or are expected to be served by a Veterans Justice Outreach Specialist hired under subsection (a)(1).

(2) REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation of this section and the effectiveness of the Veterans Justice Outreach Program.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An assessment of whether the Secretary has fulfilled the Secretary's obligations under this section.

(ii) The number of veterans who are served by Veterans Justice Outreach Specialists

hired under subsection (a)(1), disaggregated by demographics (including discharge status).

(iii) An identification of any subgroups of veterans who underutilize services provided under laws administered by the Secretary and to which they are referred by a Veterans Justice Outreach Specialist.

(iv) Such recommendations as the Comptroller General may have for the Secretary to improve the effectiveness of the Veterans Justice Outreach Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out subsection (a) \$5,500,000 for each of fiscal years 2018 through 2028.

(2) IDENTIFICATION OF OFFSETS.—The Secretary shall submit to Congress a report that identifies such legislative or administrative actions as the Secretary determines will result in a reduction in expenditures by the Department of Veterans Affairs that is equal to or greater than the amounts authorized to be appropriated by paragraph (1).

(f) DEFINITIONS.—In this section:

(1) JUSTICE TEAM.—The term “justice team” means the group of individuals, which may include a judge, court coordinator, prosecutor, public defender, treatment provider, probation or other law enforcement officer, program mentor, and Veterans Justice Outreach Specialist, who assist justice-involved veterans in a veterans treatment court or other veteran-focused court.

(2) JUSTICE-INVOLVED VETERAN.—The term “justice-involved veteran” means a veteran with active, ongoing, or recent contact with some component of a local criminal justice system.

(3) LOCAL CRIMINAL JUSTICE SYSTEM.—The term “local criminal justice system” means law enforcement, jails, prisons, and Federal, State, and local courts.

(4) VETERANS JUSTICE OUTREACH PROGRAM.—The term “Veterans Justice Outreach Program” means the program through which the Department of Veterans Affairs identifies justice-involved veterans and provides such veterans with access to Department services.

(5) VETERANS JUSTICE OUTREACH SPECIALIST.—The term “Veterans Justice Outreach Specialist” means an employee of the Department of Veterans Affairs who serves as a liaison between the Department and the local criminal justice system on behalf of a justice-involved veteran.

(6) VETERANS TREATMENT COURT.—The term “veterans treatment court” means a Federal, State, or local court that is participating in the veterans treatment court program (as defined in section 2991(i)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(i)(1))).

**SA 2043.** Mr. THUNE (for himself, Mr. PORTMAN, and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill H.R. 2579, to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PROVIDING LEGAL PROTECTION FOR CERTAIN CHILDHOOD ARRIVALS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means an individual who meets the eligibility criteria described in subsection (b)(2).

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

## (b) DEFERRED ACTION STATUS.—

(1) PROGRAM AUTHORIZED.—The Secretary shall establish a program through which an eligible individual may apply for deferred action status.

(2) ELIGIBILITY CRITERIA.—An individual shall be eligible for deferred action status under the program established under paragraph (1) if the individual—

(A) on June 15, 2012, was under the age of 31 years;

(B) entered the United States—

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

(ii) without inspection or lawful status before June 15, 2012;

(C) has continuously resided in the United States since June 15, 2007;

(D) was physically present in the United States—

(i) on June 15, 2012; and

(ii) on the date on which the Secretary makes a determination with respect to the eligibility of the individual for deferred action status;

(E)(i) is in school;

(ii) has—

(I) graduated from high school; or

(II) obtained—

(aa) a certificate of completion from a high school; or

(bb) a general education development certificate; or

(iii) is—

(I) a member of the armed forces (as defined in section 101(a) of title 10, United States Code), including a member of the National Guard or Reserves; or

(II) a veteran, as defined in section 101 of title 38, United States Code, except that an individual discharged other than honorably is excluded;

(F) has not been convicted of—

(i) a felony;

(ii) a significant misdemeanor; or

(iii) 3 or more misdemeanor offenses;

(G) does not pose a threat to national security or public safety; and

(H) was granted deferred action status before the date of the enactment of this Act.

## (3) PERIOD OF DEFERRED ACTION STATUS.—

(A) IN GENERAL.—Subject to subparagraph (B), deferred action status granted under this subsection shall be valid for a period of 2 years beginning on the date on which the Secretary grants deferred action status to the eligible individual.

## (B) RENEWAL.—

(1) IN GENERAL.—On application to the Secretary, deferred action status granted under this subsection may be renewed for additional 2-year periods.

(ii) RENEWAL APPLICATION.—Not more than 120 days before the date on which the deferred action status of an eligible individual expires, the eligible individual may submit to the Secretary an application for renewal of deferred action status.

## SEC. \_\_\_\_ BORDER SECURITY TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Border Security Trust Fund (in this section referred to as the “Trust Fund”), consisting of amounts appropriated to the Trust Fund under subsection (b) and any amounts that may be credited to the Trust Fund under subsection (c).

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

## (c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

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

## (d) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), amounts in the Trust Fund shall be available to the Secretary of Homeland Security, without further appropriation, for—

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

(B) installation of additional physical barriers;

(C) construction and maintenance of access and patrol roads;

(D) lighting;

(E) an interlocking surveillance camera system;

(F) remote sensors; and

(G) the purchase from the Secretary of Defense of surplus aircraft and unmanned aircraft systems.

(2) LIMITATION.—Not more than \$5,000,000,000 of the amount in the Trust Fund may be obligated and expended in any fiscal year.

## SEC. \_\_\_\_ ANNUAL REPORT ON BORDER SECURITY.

Not less frequently than once each fiscal year, the Secretary of Homeland Security shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that describes for the applicable fiscal year—

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

(2) the estimated number of unlawful border crossings.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. GRASSLEY. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

## COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, February 15, 2018, at 9:30 a.m., to conduct a hearing.

## COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, February 15, 2018, at 9:30 a.m., to conduct a hearing.

## COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, February 15, 2018, at 9 a.m., to conduct a hearing entitled “The President's Fiscal Year 2019 Budget.”

## COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, February 15, 2018, at 10 a.m., to conduct a

hearing on the following nominations: Andrea L. Thompson, of South Dakota, to be Under Secretary for Arms Control and International Security, Susan A. Thornton, of Maine, to be an Assistant Secretary (East Asian and Pacific Affairs), and Francis R. Fannon, of Virginia, to be an Assistant Secretary (Energy Resources), all of Department of State.

## COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, February 14, at 10 a.m. to conduct a hearing on S. 1917 and the following nominations: Michael B. Brennan, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Susan Paradise Baxter, and Marilyn Jean Horan, both to be a United States District Judge for the Western District of Pennsylvania, Daniel Desmond Domenico, to be United States District Judge for the District of Colorado, Adam I. Klein, of the District of Columbia, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board, McGregor W. Scott, to be United States Attorney for the Eastern District of California, Gary G. Schofield, to be United States Marshal for the District of Nevada, and Jonathan F. Mitchell, of Washington, to be Chairman of the Administrative Conference of the United States.

## SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, February 14, 2018, at 2 p.m., to conduct a closed hearing

## CELEBRATING BLACK HISTORY MONTH

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 413, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 413) celebrating Black History Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. I further ask unanimous consent that 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. 413) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)