Whereas the American Academy of Pediatrics supported and informed the meal pattern revisions issued by the Department of Agriculture, which highlighted the continual importance of updated and accurate nutritional information for children;

Whereas, in 2016, the CACFP provided daily meals and snacks to 4,400,000 children and adults in child care centers, adult day care homes, and after-school programs, providing almost 2,100,000,000 meals and snacks in total;

Whereas the CACFP not only provides nutritional meals and education but also increases the quality of child care in general, especially for children in low-income areas;

Whereas the innovative approach to oversight of the CACFP, which pairs child care centers, adult day care homes, and after-school sites with either a non-profit sponsoring organization or a State agency, highlights a unique public-private partnership that supports working families and small businesses;

Whereas, although child care can be expensive in many locations throughout the United States, the CACFP increases the effectiveness and viability of child care centers and adult day care homes for many providers, especially in rural areas; and

Whereas an increasing number of studies demonstrate that access to the CACFP can measurably and positively impact the cognitive, social, emotional, and physical health and development of children, leading to more favorable outcomes such as—

(1) a decreased likelihood of being hospitalized;

(2) an increased likelihood of healthy weight gain; and

(3) an increased likelihood of a more varied diet: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on March 11, 2018, as ''National CACFP Week''; and

(2) recognizes the role of the Child Adult Care Food Program (commonly referred to as the ''CACFP'') in improving the health of the country's most vulnerable children and adults in child care centers, adult day care homes, and after-school care by providing nutritious meals and snacks.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1943. Mr. KENNEDY 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 1944. Mr. KENNEDY 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 1945. Mr. KENNEDY 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 1946. Mr. KENNEDY 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 1947. Mr. KENNEDY 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 1948. Mr. TOOMEY (for himself, Mr. CRUZ, Mr. INHOFE, and Mr. BARRASSO) 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 1949. Mr. INHOFE 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 1950. Mr. INHOFE 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 1951. Mr. PAUL 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 1952. Mr. PAUL 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 1953. Mr. HELLER 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 1954. Mr. HELLER 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 1955. Mr. COONS (for himself and Mr. MCCAIN) 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 1956. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2579, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1943. Mr. KENNEDY 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. _____. TERMINATION OF DIVERSITY IMMIGRANT VISA PROGRAM.

(a) REPEAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by striking subsection (c).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended—

(1) in section 201—

(A) in subsection (a)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) in paragraph (2), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3); and

(B) by striking subsection (e);

(2) in section 203—

(A) by striking subsection (c);

(B) in subsection (d), by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)'';

(C) in subsection (e)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2);

(D) in subsection (f), by striking ''subsection (a), (b), or (c) of this section'' and inserting ''subsection (a) or (b)'';

(E) in subsection (g), by striking ''subsections (a), (b), and (c)'' and inserting ''subsections (a) and (b)''; and

(F) in subsection (h)(2)(B), by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)''; and

(3) in section 204—

(A) in subsection (a)(1), by striking subparagraph (I);

(B) in subsection (e), by striking ''subsection (a), (b), or (c)'' and inserting ''subsection (a) or (b)''; and

(C) in subsection (l)(2)(B), by striking ''section 203 (a) or (d)'' and inserting ''subsection (a) or (d) of section 203''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(2) SELECTEES.—Notwithstanding paragraph (1), any alien who registered for the Diversity Immigrant Visa Program and received notification before the date of the enactment of this Act that he or she has been selected to apply for a diversity immigrant visa under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) may submit an application for such visa under the applicable provisions of law in effect on the day before such date of enactment.

SA 1944. Mr. KENNEDY 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. ___. STATUS VERIFICATION FOR REMITTANCE TRANSFERS.

(a) IN GENERAL.—Section 919 of the Electronic Fund Transfer Act (relating to remittance transfers) (15 U.S.C. 1693o–1) is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) STATUS VERIFICATION OF SENDER.—

''(1) REQUEST FOR PROOF OF STATUS.—

''(A) IN GENERAL.—Each remittance transfer provider shall request from each sender of a remittance transfer, the recipient of which is located in any country other than the United States, proof of the status of that sender under the immigration laws, prior to the initiation of the remittance transfer.

''(B) ACCEPTABLE DOCUMENTATION.—Acceptable documentation of the status of the sender under this paragraph—

''(i) shall be, in any State that requires proof of legal residence—

''(I) a State-issued driver's license or Federal passport; or

''(II) the same documentation as required by the State for proof of identity for the issuance of a driver's license, or as required for a passport;

''(ii) shall be, in any State that does not require proof of legal residence, such documentation as the Bureau shall require, by rule; and

''(iii) does not include any matricula consular card.

''(2) FINE FOR NONCOMPLIANCE.—Each remittance transfer provider shall impose on any sender who is unable to provide the proof of status requested under paragraph (1) at the time of transfer, a fine equal to 7 percent of the United States dollar amount to be transferred (excluding any fees or other charges imposed by the remittance transfer provider).

''(3) SUBMISSION OF FINES TO BUREAU.—All fines imposed and collected by a remittance transfer provider under paragraph (2) shall be submitted to the Bureau, in such form and in such manner as the Bureau shall establish, by rule.

''(4) ADMINISTRATIVE AND ENFORCEMENT COSTS.—The Bureau shall use fines submitted under paragraph (3) to pay the administrative and enforcement costs to the Bureau in carrying out this subsection.

''(5) USE OF FINES FOR BORDER PROTECTION.—Amounts from the collection of fines under this subsection that remain available

after the payment of expenses described in paragraph (4), shall be transferred by the Bureau to the Treasury, to be used to pay expenses relating to United States Customs and Border Protection for border security fencing, infrastructure, and technology.

''(6) DEFINITION RELATING TO IMMIGRATION STATUS.—In this subsection, the term 'immigration laws' has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).''.

(b) STUDY AND REPORT REGARDING REMITTANCE TRANSFER PROCESSING FINES AND IDENTIFICATION PROGRAM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the effects of the enactment of section 919(g) of the Electronic Fund Transfer Act, as amended by this section.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under paragraph (1) that includes—

(A) an analysis of the costs and benefits of complying with section 919(g) of the Electronic Fund Transfer Act, as amended by this section; and

(B) recommendations about whether the fines imposed under that section 919(g) should be extended or increased.

SA 1945. Mr. KENNEDY 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. ___. ASCERTAINING CITIZENSHIP AND IMMIGRATION STATUS IN DECENNIAL CENSUS OF POPULATION.

Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) Notwithstanding section 5 of this title, the Secretary shall include in each questionnaire used for the conduct of a decennial census of population under subsection (a) a question to ascertain United States citizenship and immigration status.''.

SA 1946. Mr. KENNEDY 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. ___. RESTRICTION OF COPS FUNDING FOR SANCTUARY CITIES.

None of the amounts appropriated in any Act for the Community Oriented Policing Services Program may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SA 1947. Mr. KENNEDY 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. _____. CRIMINAL PENALTIES FOR ALIENS FOR FAILURE TO DEPART AT THE EXPIRATION OF THEIR VISAS.

(a) IN GENERAL.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following new section:

''SEC. 274E. CRIMINAL PENALTIES FOR FAILURE TO DEPART.

''(a) IN GENERAL.—Any alien who—

''(1) is required to depart from the United States as a result of the expiration of the alien's visa; and

''(2) fails to depart from the United States, shall be fined under title 18, United States Code, imprisoned for not more one year, or both.

''(b) CONSTRUCTION.—Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 243(a) of any other provision of this Act.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by inserting after the item relating to section 274D the following new item:

''Sec. 274E. Criminal penalties for failure to depart.''.

SA 1948. Mr. TOOMEY (for himself, Mr. CRUZ, Mr. INHOFE, and Mr. BARRASSO) 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. ___. STOP DANGEROUS SANCTUARY CITIES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Stop Dangerous Sanctuary Cities Act''.

(b) ENSURING THAT LOCAL AND FEDERAL LAW ENFORCEMENT OFFICERS MAY COOPERATE TO SAFEGUARD OUR COMMUNITIES.—

(1) AUTHORITY TO COOPERATE WITH FEDERAL OFFICIALS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) shall be deemed to be acting as an agent of the Department of Homeland Security; and

(B) with regard to actions taken to comply with the detainer, shall have all authority available to officers and employees of the Department of Homeland Security.

(2) LEGAL PROCEEDINGS.—In any legal proceeding brought against a State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357)—

(A) no liability shall lie against the State or political subdivision of a State for actions taken in compliance with the detainer; and

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(i) the officer, employee, or agent shall be deemed—

(I) to be an employee of the Federal Government and an investigative or law enforcement officer; and

(II) to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(ii) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(iii) the United States shall be substituted as defendant in the proceeding.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to provide immunity to any person who knowingly violates the civil or constitutional rights of an individual.

(c) SANCTUARY JURISDICTION DEFINED.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of this section the term ''sanctuary jurisdiction'' means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from—

(A) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual; or

(B) complying with a request lawfully made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer for, or notify about the release of, an individual.

(2) EXCEPTION.—A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on its having a policy whereby its officials will not share information regarding, or comply with a request made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.

(d) SANCTUARY JURISDICTIONS INELIGIBLE FOR CERTAIN FEDERAL FUNDS.—

(1) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—

(A) GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.—Section 201(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(b)) is amended—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)(B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) the area in which the project is to be carried out is not a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(B) GRANTS FOR PLANNING AND ADMINISTRATION.—Section 203(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(a)) is amended by adding at the end the following: ''A sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act) may not be deemed an eligible recipient under this subsection.''.

(C) SUPPLEMENTARY GRANTS.—Section 205(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(a)) is amended—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)(B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) will be carried out in an area that does not contain a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(D) GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.—Section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147) is amended by adding at the end the following:

''(c) INELIGIBILITY OF SANCTUARY JURISDICTIONS.—Grants funds under this section may not be used to provide assistance to a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(2) COMMUNITY DEVELOPMENT BLOCK GRANTS.—Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

(A) in section 102(a) (42 U.S.C. 5302(a)), by adding at the end the following:

''(25) The term 'sanctuary jurisdiction' has the meaning provided in subsection (c) of the Stop Dangerous Sanctuary Cities Act.''.

(B) in section 104 (42 U.S.C. 5304)—

(i) in subsection (b)—

(I) in paragraph (5), by striking ''and'' at the end;

(II) by redesignating paragraph (6) as paragraph (7); and

(III) by inserting after paragraph (5) the following:

''(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title; and''.

(ii) by adding at the end the following:

''(n) PROTECTION OF INDIVIDUALS AGAINST CRIME.—

''(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended for any State or unit of general local government that is a sanctuary jurisdiction.

''(2) RETURNED AMOUNTS.—

''(A) STATE.—If a State is a sanctuary jurisdiction during the period for which it receives amounts under this title, the Secretary—

''(i) shall direct the State to immediately return to the Secretary any such amounts that the State received for that period; and

''(ii) shall reallocate amounts returned under clause (i) for grants under this title to other States that are not sanctuary jurisdictions.

''(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which it receives amounts under this title, any such amounts that the unit of general local government received for that period—

''(i) in the case of a unit of general local government that is not in a nonentitlement area, shall be returned to the Secretary for grants under this title to States and other units of general local government that are not sanctuary jurisdictions; and

''(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State for grants under this title to other units of general local government in the State that are not sanctuary jurisdictions.

''(C) REALLOCATION RULES.—In reallocating amounts under subparagraphs (A) and (B), the Secretary shall—

''(i) apply the relevant allocation formula under subsection (b), with all sanctuary jurisdictions excluded; and

''(ii) shall not be subject to the rules for reallocation under subsection (c).''.

(3) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on October 1, 2018.

SA 1949. Mr. INHOFE 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:

Subtitle ____—Extensions of Detention of Certain Aliens Ordered Removed

SEC. _____1. SHORT TITLE.

This subtitle may be cited as the ''Keep Our Communities Safe Act of 2018''.

SEC. _____

2. SENSE OF CONGRESS.—

It is the sense of Congress that—

(1) Constitutional rights should be upheld and protected;

(2) Congress intends to uphold the Constitutional principle of due process; and

(3) due process of the law is a right afforded to everyone in the United States.

SEC. _____3. DETENTION OF DANGEROUS ALIENS DURING REMOVAL PROCEEDINGS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by striking ''Attorney General'' each place such term appears (except in the second place it appears in subsection (a)) and inserting ''Secretary of Homeland Security'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General—''; and

(B) in paragraph (2)(B), by striking ''conditional parole;'' and inserting ''recognizance;'';

(3) in subsection (b)—

(A) in the subsection heading, by striking ''PAROLE'' and inserting ''RECOGNIZANCE''; and

(B) by striking ''parole'' and inserting ''recognizance'';

(4) in subsection (c)(1), by striking the undesignated matter following subparagraph (D) and inserting the following:

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

(5) in subsection (e), by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(6) by adding at the end the following:

''(f) LENGTH OF DETENTION.—

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

''(2) The length of detention under this section shall not affect a detention under section 241.

''(g) ADMINISTRATIVE REVIEW.—

''(1) LIMITATION.—The Attorney General's review of the Secretary's custody determinations under subsection (a) shall be limited to whether the alien may be detained, released on bond (of at least $1,500 with security approved by the Secretary), or released with no bond. Any review involving an alien described in paragraph (2)(D) shall be limited to a determination of whether the alien is properly included in such category.

''(2) CLASSES OF ALIENS.—The Attorney General shall review the Secretary's custody determinations for the following classes of aliens:

''(A) Aliens in exclusion proceedings.

''(B) Aliens described in sections 212(a)(3) and 237(a)(4).

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

''(D) Aliens in deportation proceedings subject to section 242(a)(2) (as in effect between April 24, 1996, and April 1, 1997).

''(h) RELEASE ON BOND.—

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

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

SEC. _____4. ALIENS ORDERED REMOVED.

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

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

(2) in paragraph (1)—

(A) by amending subparagraphs (B) and (C) to read as follows:

''(B) BEGINNING OF PERIOD.—The removal period begins on the latest of—

''(i) the date on which the order of removal becomes administratively final;

''(ii) the date on which the alien is taken into such custody if the alien is not in the custody of the Secretary on the date on which the order of removal becomes administratively final; and

''(iii) the date on which the alien is taken into the custody of the Secretary after the alien is released from detention or confinement if the alien is detained or confined (except for an immigration process) on the date on which the order of removal becomes administratively final.

''(C) SUSPENSION OF PERIOD.—

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

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

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

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

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

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

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

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

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

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

''(iv) SOLE FORM OF RELIEF.—An alien may only seek relief from detention under this subparagraph by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.'';

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by inserting ''or is not detained pursuant to paragraph (6)'' after ''the removal period''; and

(B) by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding;

''(ii) for the protection of the community; or

''(iii) for other purposes related to the enforcement of Federal immigration laws.'';

(4) in paragraph (4)(A), by striking ''paragraph (2)'' and inserting ''subparagraph (B)''; and

(5) by amending paragraph (6) to read as follows:

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

''(A) DETENTION REVIEW PROCESS FOR COOPERATIVE ALIENS ESTABLISHED.—

''(i) IN GENERAL.—The Secretary shall establish an administrative review process to determine whether an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who has not conspired or acted to prevent removal should be detained or released on conditions.

''(ii) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B), which—

''(I) shall include consideration of any evidence submitted by the alien; and

''(II) may include consideration of any other evidence, including—

''(aa) any information or assistance provided by the Secretary of State or other Federal official; and

''(bb) any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(B) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(i) IN GENERAL.—The Secretary of Homeland Security may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall not have the right to seek release on bond.

''(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security may continue to detain an alien beyond the 90 days authorized under clause (i)—

''(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

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

''(bb) would be removed in the reasonably foreseeable future; or

''(cc) would have been removed if the alien had not—

''(AA) failed or refused to make all reasonable efforts to comply with the removal order;

''(BB) failed or refused to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure; or

''(CC) conspired or acted to prevent removal;

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

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

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

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

''(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or of any person; and

''(AA) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)) or of 1 or more crimes identified by the Secretary of Homeland Security by regulation, or of 1 or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(BB) the alien has committed 1 or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

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

''(iii) NO RIGHT TO BOND HEARING.—An alien whose detention is extended under this subparagraph shall not have a right to seek release on bond, including by reason of a certification under clause (ii)(II).

''(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

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

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

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

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

''(E) REDETENTION.—

''(i) IN GENERAL.—The Secretary of Homeland Security, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who is released from custody if—

''(I) removal becomes likely in the reasonably foreseeable future;

''(II) the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (A); or

''(III) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B).

''(ii) APPLICABILITY.—This section shall apply to any alien returned to custody pursuant to this subparagraph as if the removal period terminated on the day of the redetention.

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

SEC. ____5. SEVERABILITY.

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

SEC. ____6. EFFECTIVE DATES.

(a) APPREHENSION AND DETENTION OF ALIENS.—The amendments made by section ____3 shall take effect on the date of the enactment of this Act. Section 236 of the Immigration and Nationality Act, as amended by section ____3, shall apply to any alien in detention under the provisions of such section on or after such date of enactment.

(b) ALIENS ORDERED REMOVED.—The amendments made by section ____4 shall take effect on the date of the enactment of this Act. Section 241 of the Immigration and Nationality Act, as amended by section ____4, shall apply to—

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

(2) acts and conditions occurring or existing before, on, or after such date of enactment.

SA 1950. Mr. INHOFE 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. ___. ENGLISH LANGUAGE UNITY.

(a) ENGLISH AS THE OFFICIAL LANGUAGE OF THE UNITED STATES.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

''CHAPTER 6—OFFICIAL LANGUAGE

''SEC. 161. OFFICIAL LANGUAGE OF THE UNITED STATES.

''The official language of the United States is English.

''SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE OFFICIAL LANGUAGE.

''Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

''SEC. 163. OFFICIAL FUNCTIONS OF GOVERNMENT TO BE CONDUCTED IN ENGLISH.

''(a) SCOPE.—For the purposes of this section—

''(1) the term 'official' refers to any function that—

''(A) binds the Government;

''(B) is required by law; or

''(C) is otherwise subject to scrutiny by either the press or the public; and

''(2) the term 'United States' means the several States and the District of Columbia.

''(b) OFFICIAL FUNCTIONS.—The official functions of the Government of the United States shall be conducted in English.

''(c) PRACTICAL EFFECT.—This section—

''(1) shall apply to all laws, public proceedings, regulations, publications, orders, actions, programs, and policies; and

''(2) shall not apply to—

''(A) teaching of languages;

''(B) requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

''(C) actions, documents, or policies necessary for national security, international relations, trade, tourism, or commerce;

''(D) actions or documents that protect the public health and safety;

''(E) actions or documents that facilitate the activities of the Bureau of the Census in compiling any census of population;

''(F) actions that protect the rights of victims of crimes or criminal defendants; or

''(G) using terms of art or phrases from languages other than English.

''SEC. 164. UNIFORM ENGLISH LANGUAGE RULE FOR NATURALIZATION.

''(a) UNIFORM LANGUAGE TESTING STANDARD.—All citizens of the United States should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution of the United States, and the laws of the United States made in pursuance of the Constitution of the United States.

''(b) CEREMONIES.—All naturalization ceremonies shall be conducted in English.

''SEC. 165. RULES OF CONSTRUCTION.

''Nothing in this chapter shall be construed—

''(1) to prohibit a Member of Congress or any officer or agent of the Federal Government, while performing official functions under section 163, from communicating unofficially through any medium with another person in a language other than English (as long as official functions are performed in English);

''(2) to limit the preservation or use of Native Alaskan or Native American languages (as defined in the Native American Languages Act (25 U.S.C. 2901 et seq.));

''(3) to disparage any language or to discourage any person from learning or using a language; or

''(4) to be inconsistent with the Constitution of the United States.

''SEC. 166. STANDING.

''A person injured by a violation of this chapter may in a civil action (including an action under chapter 151 of title 28) obtain appropriate relief.''.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 4, United States Code, is amended by inserting after the item relating to chapter 5 the following:

''CHAPTER 6. OFFICIAL LANGUAGE''.

(b) GENERAL RULES OF CONSTRUCTION FOR ENGLISH LANGUAGE TEXTS OF THE LAWS OF THE UNITED STATES.—

(1) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

''§ 9. General rules of construction for laws of the united states

''(a) English language requirements and workplace policies, whether in the public or private sector, shall be presumptively consistent with the laws of the United States.

''(b) Any ambiguity in the English language text of the laws of the United States shall be resolved, in accordance with the last two articles of the Bill of Rights, not to deny or disparage rights retained by the people, and to reserve powers to the States respectively, or to the people.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 8 the following:

''9. General rules of construction for laws of the United States.''.

(c) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue for public notice and comment a proposed rule for uniform testing English language ability of candidates for naturalization, which shall be based upon the principles that—

(1) all citizens of the United States should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution of the United States, and the laws of the United States which are made in pursuance thereof; and

(2) any exceptions to the standard described in paragraph (1) should be limited to extraordinary circumstances, such as asylum.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 1951. Mr. PAUL 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. _____. ELECTRONIC FILING AND APPEALS SYSTEM FOR H-2A PETITIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a process for filing petitions for nonimmigrant visas under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) that ensures that—

(1) petitioners may file such petitions through the website of United States Citizenship and Immigration Services;

(2) any software developed to process such petitions indicates to the petitioner any technical deficiency in the application before submission; and

(3) any petitioner may file such petition in a paper format if such petitioner prefers such format.

(b) REQUEST FOR EVIDENCE.—Section 218(h) of the Immigration and Nationality Act (8 U.S.C. 1188(h)) is amended by adding at the end the following:

''(3) If U.S. Citizenship and Immigration Services issues a Request for Evidence to an employer—

''(A) the employer may request such Request for Evidence to be delivered in an online format; and

''(B) if the employer makes the request described in subparagraph (A)—

''(i) the Request for Evidence shall be provided to the employer in an online format; and

''(ii) not later than 10 business days after the employer submits the requested evidence online, U.S. Citizenship and Immigration Services shall provide an online response to the employer—

''(I) indicating that the submitted evidence is sufficient; or

''(II) explaining the reasons that such evidence is not sufficient and providing the employer with an opportunity to address any such deficiency.''.

SEC. _____. H–2A PROGRAM UPDATES.

(a) IN GENERAL.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting '', labor as a year-round equine worker, labor as a year-round livestock worker (including as a dairy or poultry worker)'' before '', and the pressing of apples''.

(b) JOINT APPLICATION; DEFICIENCY REMEDY.—Section 214(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B) Multiple employers may submit a joint petition under subparagraph (A) to import aliens as nonimmigrants described in section 101(a)(15)(H)(ii)(a). Upon the approval of such petition, each joint employer shall be subject to the provisions under section 218 with respect to each alien listed in such petition. If any individual party to such a joint contract violates any condition for approval with respect to the application or provisions under section 218 with respect to each alien listed in such petition, after notice and opportunity for a hearing, the contract may be modified to remove the party in violation from the contract at no penalty to the remaining parties.

''(C) If a petition to import aliens as nonimmigrants described in section 101(a)(15)(H)(ii)(a) is denied or if the issuance of visas requested through such petition is delayed due to a problem with the petition, the Director of U.S. Citizenship and Immigration Services shall promptly notify the petitioner of the reasons for such denial or delay and provide the petitioner with reasonable time to remedy the problem.

''(D) The period of authorized admission for a nonimmigrant described in section 101(a)(15)(H)(ii)(a) under this paragraph may not exceed the shorter of—

''(i) the period for which a petitioner under this paragraph has contracted to employ the nonimmigrant; or

''(ii) three years.''.

(c) LABOR CERTIFICATION; STAGGERED EMPLOYMENT DATES.—Section 218(h) of the Immigration and Nationality Act (8 U.S.C.

1188(h)), as amended by section _____(b), is further amended by adding at the end the following:

''(4) An employer that is seeking to rehire aliens as H–2A workers who previously worked for the employer as H–2A workers may submit a simplified petition, to be developed by the Director of U.S. Citizenship and Immigration Services, in consultation with the Secretary of Labor, which shall include a certification that the employer maintains compliance with all applicable requirements with respect to the employment of such aliens. Such petitions shall be approved upon completion of applicable security screenings.

''(5) An employer that is seeking to hire aliens as H–2A workers during different time periods in a given fiscal year may submit a single petition to U.S. Citizenship and Immigration Services that details the time period during which each such alien is expected to be employed.

''(6) Upon receiving notification from an employer that the employer's H-2A worker has prematurely abandoned employment or has failed to appear for employment and such employer wishes to replace such worker—

''(A) the Secretary of State shall promptly issue a visa under section 101(a)(15)(H)(ii)(a) to an eligible alien designated by the employer to replace that worker; and

''(B) the Secretary of Homeland Security shall promptly admit such alien into the United States upon completion of applicable security screenings.''.

(d) SATISFACTION OF HOUSING REQUIREMENTS BY VOUCHER.—Section 218(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1188(c)(4)) is amended—

(1) in the matter preceding the first proviso—

(A) by inserting ''or a voucher for housing'' after ''furnish housing'';

(B) by striking ''or to secure'' and inserting '', to secure'';

(C) by inserting '', or to provide a voucher to be used by workers in securing such housing'' before the semicolon;

(2) in the fourth proviso, by inserting ''or a voucher for family housing'' after ''family housing'' the second place it appears; and

(3) in the fifth proviso—

(A) by inserting ''or housing vouchers'' after ''secure housing''; and

(B) by inserting ''or housing voucher'' after ''whether the housing''.

SA 1952. Mr. PAUL 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. ____. ALLOCATION OF EMPLOYMENT-BASED VISAS.

(a) WORLDWIDE LEVEL.—Section 201(d)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(d)(1)(A)) is amended by striking ''140,000'' and inserting ''270,000''.

(b) PREFERENCE ALLOCATIONS FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''28.6 percent'' and inserting ''29.63 percent'';

(2) in paragraph (2)(A), by striking ''28.6 percent'' and inserting ''29.63 percent'';

(3) in paragraph (3)(A), in the matter preceding clause (i), by striking ''28.6 percent'' and inserting ''29.63 percent'';

(4) in paragraph (4), by striking ''7.1 percent'' and inserting ''3.7 percent''; and

(5) in paragraph (5)(A), in the matter preceding clause (i), by striking ''7.1 percent'' and inserting ''7.41 percent''.

(c) TREATMENT OF FAMILY MEMBERS.—Section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) is amended by adding at the end the following: ''Visas issued to a spouse or child of an immigrant described in subsection (b) shall not be counted against the worldwide level of such visas set forth in section 201(d)(1) or the per country level set forth in section 202(a)(2).''.

SA 1953. Mr. HELLER 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. ____. IMMIGRATION ENFORCEMENT JOBS FOR VETERANS.

(a) EXPEDITED HIRING OF APPROPRIATE SEPARATING SERVICE MEMBERS.—Section 3 of the Border Jobs for Veterans Act of 2015 (Public Law 114–68) is amended by inserting ''or an Immigration and Customs Enforcement agent'' after ''Customs and Border Protection officer''.

(b) ENHANCEMENTS TO EXISTING PROGRAMS TO RECRUIT SERVICE MEMBERS SEPARATING FROM MILITARY SERVICE FOR IMMIGRATION AND CUSTOMS ENFORCEMENT AGENT VACANCIES.—Section 4 of the Border Jobs for Veterans Act of 2015 (Public Law 114–68) is amended—

(1) in subsection (a), by inserting ''or Immigration and Customs Enforcement agents'' before the period at the end; and

(2) in subsection (b)—

(A) by inserting ''and Immigration and Customs Enforcement agent'' after ''Customs and Border Protection officer'' each place it appears;

(B) by inserting ''and Immigration and Customs Enforcement agents'' after ''Customs and Border Protection officers'' each place it appears;

(C) by inserting ''and U.S. Immigration and Customs Enforcement officials'' after ''U.S. Customs and Border Protection officials'' each place it appears; and

(D) in paragraph (3), by inserting ''and U.S. Immigration and Customs Enforcement field offices'' after ''U.S. Customs and Border Protection field offices''.

(c) REPORTS TO CONGRESS.—Section 5 of the Border Jobs for Veterans Act of 2015 (Public Law 114–68) is amended—

(1) in subsection (a), by inserting ''or Immigration and Customs Enforcement agents'' after ''Customs and Border Protection officers''; and

(2) in subsection (b), by inserting ''Immigration and Customs Enforcement agent vacancies'' after ''Customs and Border Protection officer vacancies'' each place it appears.

SA 1954. Mr. HELLER 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. ____. CRIMINAL ALIEN GANG MEMBER REMOVAL.

(a) SHORT TITLE.—This section may be cited as the ''Criminal Alien Gang Member Removal Act''.

(b) GROUNDS OF INADMISSIBILITY AND DEPORTABILITY FOR ALIEN GANG MEMBERS.—

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

''(53) The term 'criminal gang' means an ongoing group, club, organization, or association of 2 or more persons that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses listed in subparagraphs (A) through (F), whether in violation of Federal, State, or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of this paragraph, and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses, or that has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting such criteria.

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

''(B) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

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

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

''(E) Any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery, and trafficking in persons), section 1951 of such title (relating to interference with commerce by threats or violence), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(F) Any aggravated felony.

''(G) Any criminal offense described in section 212(a) or 237(a).

''(H) Any offense under Federal, State, or tribal law that has, as an element of the offense, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

''(I) Any offense that has, as an element of the offense, the use, attempted use, or threatened use of any physical object to inflict or cause (either directly or indirectly) serious bodily injury, including an injury that may ultimately result in the death of a person.

''(J) A conspiracy to commit an offense described in subparagraphs (A) through (E).''.

(2) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

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

''(i) is or has been a member of a criminal gang; or

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

(3) DEPORTABILITY.—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) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is deportable who—

''(i) is or has been a member of a criminal gang); or

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

(c) DESIGNATION OF CRIMINAL GANG.—

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

''SEC. 220. DESIGNATION OF CRIMINAL GANG.

''(a) DESIGNATION.—

''(1) IN GENERAL.—The Secretary, in consultation with the Attorney General, may designate a group, club, organization, or association of 2 or more persons as a criminal gang if the Secretary finds that their conduct is described in section 101(a)(53).

''(2) PROCEDURE.—

''(A) NOTIFICATION.—Not later than 7 days before making a designation under this subsection, the Secretary, by classified communication, shall submit written notification to the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate of the intent to designate a group, club, organization, or association of 2 or more persons under this subsection and the factual basis for such designation.

''(B) PUBLICATION IN THE FEDERAL REGISTER.—Not later than 7 days after submitting the notification under subparagraph (A), the Secretary shall publish each designation under this subsection in the Federal Register.

''(3) RECORD.—

''(A) IN GENERAL.—In making a designation under this subsection, the Secretary shall create an administrative record.

''(B) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a designation under this subsection. Classified information may not be subject to disclosure while it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(4) PERIOD OF DESIGNATION.—

''(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c).

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a criminal gang under the procedures set forth in clauses (iii) and (iv) if the designated group, club, organization, or association of 2 or more persons files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated group, club, organization, or association of 2 or more persons has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated group, club, organization, or association of 2 or more persons has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any group, club, organization, or association of 2 or more persons that submits a petition for revocation under this subparagraph of its designation as a criminal gang must provide evidence in that petition that the group, club, organization, or association is not described in section 101(a)(53).

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination regarding such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If no review has taken place under subparagraph (B) during a 5-year period, the Secretary shall review the designation of the criminal gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, a review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures are not reviewable by any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made under this subparagraph in the Federal Register.

''(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

''(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

''(A) IN GENERAL.—The Secretary may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted under subparagraphs (B) and (C) of paragraph (4) if the Secretary determines that—

''(i) the group, club, organization, or association of 2 or more persons that has been designated as a criminal gang is no longer described in section 101(a)(53); or

''(ii) the national security or the law enforcement interests of the United States warrants a revocation.

''(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

''(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

''(8) USE OF DESIGNATION IN TRIAL OR HEARING.—If a designation under this subsection has become effective under paragraph (2), an alien in a removal proceeding may not raise any question concerning the validity of the issuance of such designation as a defense or an objection.

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary determines that the group, club, organization, or association of 2 or more persons has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another group, club, organization, or association of 2 or more persons.

''(2) PROCEDURE.—Amendments made to a designation under paragraph (1) shall be effective upon publication in the Federal Register. Paragraphs (2), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments and any additional relevant information that supports such amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure while it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(c) JUDICIAL REVIEW OF DESIGNATION.—

''(1) IN GENERAL.—Not later than 30 days after publication in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated group, club, organization, or association of 2 or more persons may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit.

''(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation.

''(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition for revocation the court finds to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2); or

''(E) not in accord with the procedures required by law.

''(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation, amended designation, or determination in response to a petition for revocation shall not affect the application of this section, unless the court issues a final order setting aside the designation, amended designation, or determination in response to a petition for revocation.

''(d) DEFINITIONS.—As used in this section—

''(1) the term 'classified information' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

''(2) the term 'national security' means the national defense, foreign relations, or economic interests of the United States;

''(3) the term 'relevant committees' means the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

''(4) the term 'Secretary' means the Secretary of Homeland Security, in consultation with the Attorney General.''.

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

''Sec. 220. Designation of criminal gang.''.

(d) MANDATORY DETENTION OF CRIMINAL GANG MEMBERS.—

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

(A) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(B) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(C) in subparagraph (C), by striking '', or'' at the end and inserting a semicolon;

(D) in subparagraph (D), by striking the comma at the end and inserting ''; or''; and

(E) by inserting after subparagraph (D) the following:

''(E) is inadmissible under section 212(a)(2)(J) or deportable under section 217(a)(2)(G),''.

(2) ANNUAL REPORT.—Not later than March 1 of the first year beginning after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, 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 identifies the number of aliens detained as a result of the amendment made by paragraph (1)(E).

(e) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

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

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

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

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

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

''(vi) the alien is described in section 212(a)(2)(J)(i) or 237(a)(2)(G)(i); or''.

(f) TEMPORARY PROTECTED STATUS.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) is amended—

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

(2) in subsection (c)(2)(B)—

(A) in clause (i), by striking '', or'' at the end and inserting a semicolon;

(B) in clause (ii), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) the alien is, or at any time has been, described in section 212(a)(2)(J) or 237(a)(2)(G).''; and

(3) in subsection (d)—

(A) by striking paragraph (3); and

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

(g) SPECIAL IMMIGRANT JUVENILE VISAS.—Section 101(a)(27)(J)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

(1) in subclause (I), by striking ''and'' at the end;

(2) in subclause (II), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(III) no alien who is, or at any time has been, described in section 212(a)(2)(J) or 237(a)(2)(G) shall be eligible for any immigration benefit under this subparagraph;''.

(h) PAROLE.—An alien described in section 212(a)(2)(J) of the Immigration and Nationality Act, as added by subsection (b)(2), shall not be eligible for parole under section 212(d)(5)(A) of such Act unless—

(1) the alien is assisting or has assisted the United States Government in a law enforcement matter, including a criminal investigation; and

(2) the alien's presence in the United States is required by the Government with respect to such assistance.

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

SA 1955. Mr. COONS (for himself and Mr. MCCAIN) 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:

TITLE __—UNITING AND SECURING AMERICA

SEC. __01. SHORT TITLES.

This title may be cited as the ''Uniting and Securing America Act of 2018'' or as the ''USA Act of 2018''.

Subtitle A—Adjustment of Status for Certain Individuals Who Entered the United States as Children

SEC. __11. DEFINITIONS.

In this subtitle:

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

(2) DACA.—The term ''DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals program announced by the Secretary of Homeland Security through a memorandum issued on June 15, 2012.

(3) DISABILITY.—The term ''disability'' has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(5) ELEMENTARY SCHOOL; HIGH SCHOOL; SECONDARY SCHOOL.—The terms ''elementary school'', ''high school'', and ''secondary school'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(7) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) except as provided in subparagraph (B), has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(8) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term ''permanent resident status on a conditional basis'' means status as an alien lawfully admitted for permanent residence on a conditional basis under this subtitle.

(9) POVERTY LINE.—The term ''poverty line'' has the meaning given such term in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(10) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(11) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. __12. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section __14(c)(2), an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions under this subtitle.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, or without such conditional basis as provided in section __14(c)(2), an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) if—

(A) the alien has been continuously physically present in the United States since December 31, 2013;

(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

(C) subject to paragraphs (2) and (3), the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) other than an offense under State or local law for which an essential element was the alien's immigration status, a minor traffic offense, or a violation of this subtitle, has not been convicted of—

(I) any offense under Federal or State law punishable by a maximum term of imprisonment of more than 1 year;

(II) any combination of offenses under Federal or State law, for which the alien was sentenced to imprisonment for a total of more than 1 year; or

(III) a crime of domestic violence (as such term is defined in section 237(a)(2)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)(i))), unless the alien—

(aa) has filed an application under section 101(a)(15)(T), 101(a)(15)(U), 106, or 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T), 1101(a)(15)(U), 1105a, and 1229b(b)(2)) or section 244(a)(3) of such Act (as in effect on March 31, 1997);

(bb) is a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51));

(cc) provides evidence that the alien's crime of domestic violence is related to her or his having been a victim herself or himself of domestic violence, sexual assault, stalking, child abuse or neglect, elder abuse or neglect, human trafficking, having been battered or subjected to extreme cruelty, having been a victim of criminal activity described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)); or

(dd) is a witness involved in a pending criminal or government agency investigation or prosecution related to the crime of domestic violence; and

(D) the alien—

(i) has been admitted to an institution of higher education;

(ii) has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States; or

(iii) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a regular high school diploma or its recognized equivalent under State law; or

(II) in passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam.

(2) WAIVER.—With respect to any benefit under this subtitle, the Secretary may waive subclauses (I), (II), and (III) of subsection (b)(1)(C)(iii) and the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes, family unity, or if the waiver is otherwise in the public interest.

(3) TREATMENT OF EXPUNGED CONVICTIONS.—For purposes of cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status, the term ''conviction'' does not include an adjudication or judgment of guilt that has been dismissed, expunged, deferred, annulled, invalidated, withheld, sealed, vacated, pardoned, an order of probation without entry of judgment, or any similar rehabilitative disposition.

(4) DACA RECIPIENTS.—The Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who was granted DACA unless the alien has engaged in conduct since the alien was granted DACA that would make the alien ineligible for DACA.

(5) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary shall require an alien applying for permanent resident status on a conditional basis under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(7) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such status.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants such alien permanent resident status on a conditional basis under this section.

(8) MEDICAL EXAMINATION.—

(A) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination.

(B) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under subparagraph (A).

(9) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under such Act.

(c) DETERMINATION OF CONTINUOUS PRESENCE.—

(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(C) TRAVEL AUTHORIZED BY THE SECRETARY.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A).

(d) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section.

(2) ALIENS SUBJECT TO REMOVAL.—The Secretary shall provide an alien with a reasonable opportunity to apply for relief under this section if the alien—

(A) requests such an opportunity or appears prima facie eligible for relief under this section; and

(B) is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order.

(3) CERTAIN ALIENS ENROLLED IN ELEMENTARY OR SECONDARY SCHOOL.—

(A) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

(i) meets all of the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1), subject to paragraphs (2) and (3) of subsection (b);

(ii) is at least 5 years of age; and

(iii) is enrolled in an elementary school, a secondary school, or an early childhood education program.

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

(D) LIFT OF STAY.—The Secretary or the Attorney General may not lift the stay granted to an alien under subparagraph (A) unless the alien ceases to meet the requirements under such subparagraph.

(e) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status, on a conditional basis or otherwise, under this subtitle.

SEC. __13. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis is—

(1) valid for a period of 8 years, unless such period is extended by the Secretary; and

(2) subject to termination under subsection (c).

(b) NOTICE OF REQUIREMENTS.—At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this subtitle and the requirements to have the conditional basis of such status removed.

(c) TERMINATION OF STATUS.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

(1) determines that the alien ceases to meet the requirements under section __12(b)(1)(C), subject to paragraphs (2) and (3) of section __12(b); and

(2) before the termination, provides the alien with—

(A) notice of the proposed termination; and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis or applying for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied and who had temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) immediately before receiving or applying for such permanent resident status on a conditional basis, as appropriate, may not return to such temporary protected status if—

(A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) has been terminated; or

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for such temporary protected status.

SEC. __14. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

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

(A) is described in section __12(b)(1)(C), subject to paragraphs (2) and (3) of section __12(b);

(B) has not abandoned the alien's residence in the United States; and

(C)(i) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a post-secondary vocational program or in a program for a bachelor's degree or higher degree in the United States;

(ii) has served in the Uniformed Services for at least the period for which the alien was obligated to serve on active duty and, if discharged, received an honorable discharge; or

(iii) has been employed for periods totaling at least 3 years and at least 80 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in section __12(b)(1)(D)(iii), shall not count toward the time requirements under this clause.

(2) HARDSHIP EXCEPTION.—The Secretary shall remove the conditional basis of an alien's permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

(A) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1);

(B) demonstrates compelling circumstances for the inability to satisfy the requirements under paragraph (1)(C); and

(C) demonstrates that—

(i) the alien has a disability;

(ii) the alien is a full-time caregiver of a minor child; or

(iii) the removal of the alien from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence.

(3) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of an alien's permanent resident status granted under this subtitle may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

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

(4) APPLICATION FEE.—

(A) IN GENERAL.—The Secretary shall require aliens applying for lawful permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(B) EXEMPTION.—An applicant may be exempted from paying the fee required under subparagraph (A) if the alien—

(i)(I) is younger than 18 years of age;

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

(III) is in foster care or otherwise lacking any parental or other familial support;

(ii) is younger than 18 years of age and is homeless;

(iii)(I) cannot care for himself or herself because of a serious, chronic disability; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

(II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not remove the conditional basis of an alien's permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien's permanent resident status; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of such conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the alien's permanent resident status.

(b) TREATMENT FOR PURPOSES OF NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and be present in the United States, as an alien lawfully admitted for permanent residence.

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization while the alien is in permanent resident status on a conditional basis.

(c) TIMING OF APPROVAL OF LAWFUL PERMANENT RESIDENCE STATUS.—

(1) IN GENERAL.—An alien granted lawful permanent residence on a conditional basis under this subtitle may apply to have such conditional basis removed at any time after such alien has met the eligibility requirements set forth in subsection (a).

(2) APPROVAL WITH REGARD TO INITIAL APPLICATIONS.—The Secretary shall provide lawful permanent residence status without conditional basis to any alien who demonstrates eligibility for lawful permanent residence status on a conditional basis under section __12, if such alien has already fulfilled the requirements of subsection (a) at the time such alien first submits an application for benefits under this subtitle.

SEC. __15. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An alien's application for permanent resident status on a conditional basis may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

(2) the alien's birth certificate and an identity card that includes the alien's name and photograph;

(3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

(6) a State-issued identification card bearing the alien's name and photograph.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under section __12(b)(1)(A), or to establish that an alien has not abandoned residence in the United States, as required under section __14(a)(1)(B), the alien may submit documents to the Secretary, including—

(1) employment records that include the employer's name and contact information;

(2) records from any educational institution the alien has attended in the United States;

(3) records of service from the Uniformed Services;

(4) official records from a religious entity confirming the alien's participation in a religious ceremony;

(5) passport entries;

(6) a birth certificate for a child who was born in the United States;

(7) automobile license receipts or registration;

(8) deeds, mortgages, or rental agreement contracts;

(9) tax receipts;
(10) insurance policies;
(11) remittance records;
(12) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;
(13) copies of money order receipts for money sent in or out of the United States;
(14) dated bank transactions; or
(15) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain—
(A) the name, address, and telephone number of the affiant; and
(B) the nature and duration of the relationship between the affiant and the alien.

(c) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under section __12(b)(1)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—
(1) an admission stamp on the alien's passport;
(2) records from any educational institution the alien has attended in the United States;
(3) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States;
(4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;
(5) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address;
(6) employment records that include the employer's name and contact information;
(7) official records from a religious entity confirming the alien's participation in a religious ceremony;
(8) a birth certificate for a child who was born in the United States;
(9) automobile license receipts or registration;
(10) deeds, mortgages, or rental agreement contracts;
(11) tax receipts;
(12) travel records;
(13) copies of money order receipts sent in or out of the country;
(14) dated bank transactions;
(15) remittance records; or
(16) insurance policies.

(d) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—
(1) has been admitted to the institution; or
(2) is currently enrolled in the institution as a student.

(e) DOCUMENTS ESTABLISHING RECEIPT OF A DEGREE FROM AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—
(1) a high school diploma, certificate of completion, or other alternate award;
(2) a high school equivalency diploma or certificate recognized under State law; or
(3) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

(g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section __12(b)(1)(D)(iii), __12(d)(3)(A)(iii), or __14(a)(1)(C), the alien shall submit school records from the United States school that the alien is currently attending that include—
(1) the name of the school; and
(2) the alien's name, periods of attendance, and current grade or educational level.

(h) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section __12(b)(5)(B) or __14(a)(4)(B), the alien shall submit to the Secretary the following relevant documents:
(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.
(2) DOCUMENTS TO ESTABLISH INCOME.—To establish the alien's income, the alien shall provide—
(A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;
(B) bank records; or
(C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain—
(i) the name, address, and telephone number of the affiant; and
(ii) the nature and duration of the relationship between the affiant and the alien.
(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—
(A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate;
(B) the name, address, and telephone number of the affiant; and
(C) the nature and duration of the relationship between the affiant and the alien.
(4) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—
(A) bear the provider's name and address;
(B) bear the name of the individual receiving treatment; and
(C) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

(i) DOCUMENTS ESTABLISHING QUALIFICATION FOR HARDSHIP EXEMPTION.—To establish that an alien satisfies 1 of the criteria for the hardship exemption set forth in section __14(a)(2)(A)(iii), the alien shall submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain—
(1) the name, address, and telephone number of the affiant; and
(2) the nature and duration of the relationship between the affiant and the alien.

(j) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least the period for which the alien was obligated to serve on active duty and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—
(1) a Department of Defense Form DD–214;
(2) a National Guard Report of Separation and Record of Service Form NGB–22;
(3) personnel records for such service from the appropriate Uniformed Service; or
(4) health records from the appropriate Uniformed Service.

(k) DOCUMENTS ESTABLISHING EMPLOYMENT.—
(1) IN GENERAL.—An alien may satisfy the employment requirement under section __14(a)(1)(C)(iii) by submitting records that—
(A) establish compliance with such employment requirement; and
(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.
(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—
(A) bank records;
(B) business records;
(C) employer records;
(D) records of a labor union, day labor center, or organization that assists workers in employment;
(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—
(i) the name, address, and telephone number of the affiant; and
(ii) the nature and duration of the relationship between the affiant and the alien; and
(F) remittance records.

(l) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. __16. RULEMAKING.

(a) INITIAL PUBLICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish regulations implementing this subtitle in the Federal Register. Such regulations shall allow eligible individuals to immediately apply affirmatively for the relief available under section __12 without being placed in removal proceedings.

(b) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to subsection (a) shall be effective, on an interim basis, immediately upon publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) FINAL REGULATIONS.—Not later than 180 days after the date on which interim regulations are published under this section, the Secretary shall publish final regulations implementing this subtitle.

(d) PAPERWORK REDUCTION ACT.—The requirements under chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act''), shall not apply to any action to implement this subtitle.

SEC. __17. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—The Secretary may not disclose or use information provided in applications filed under this subtitle or in requests for DACA for the purpose of immigration enforcement.

(b) REFERRALS PROHIBITED.—The Secretary may not refer any individual who has been granted permanent resident status on a conditional basis under this subtitle or who was granted DACA to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity.

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status on a conditional basis or a request for DACA may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for permanent resident status on a conditional basis;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

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

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. __18. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the original enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

Subtitle B—Secure Miles With All Resources and Technology

SEC. __21. DEFINITIONS.

In this subtitle:

(1) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(3) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given the term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

(4) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

CHAPTER 1—INFRASTRUCTURE AND EQUIPMENT

SEC. __22. STRENGTHENING THE REQUIREMENTS FOR BORDER SECURITY TECHNOLOGY ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) in subsection (a)—

(A) by inserting ''and border technology'' before ''in the vicinity of''; and

(B) by striking ''illegal crossings in areas of high illegal entry into the United Sates'' and inserting '', impede, and detect illegal activity in high traffic areas'';

(2) in subsection (c)(1), by inserting ''and, pursuant to subsection (d), the installation, operation, and maintenance of technology'' after ''barriers and roads''; and

(3) by adding at the end the following:

''(d) INSTALLATION, OPERATION, AND MAINTENANCE OF TECHNOLOGY.—Not later than January 20, 2021, the Secretary of Homeland Security, in carrying out subsection (a), shall deploy the most practical and effective technology available along the United States border for achieving situational awareness and operational control of the border.

''(e) DEFINITIONS.—In this section:

''(1) HIGH TRAFFIC AREAS.—The term 'high traffic areas' means sectors along the northern, southern, or coastal border that—

''(A) are within the responsibility of U.S. Customs and Border Protection; and

''(B) have significant unlawful cross-border activity.

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367).

''(3) SITUATIONAL AWARENESS DEFINED.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

''(4) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including—

''(A) radar surveillance systems;

''(B) Vehicle and Dismount Exploitation Radars (VADER);

''(C) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

''(D) sensors;

''(E) unmanned cameras;

''(F) man-portable and mobile vehicle-mounted unmanned aerial vehicles; and

''(G) any other devices, tools, or systems found to be more effective or advanced than those specified in subparagraphs (A) through (F).''.

SEC. __23. COMPREHENSIVE SOUTHERN BORDER STRATEGY.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a comprehensive southern border strategy to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(b) CONTENTS.—The strategy submitted under subsection (a) shall include—

(1) a list of known physical barriers, levees, technologies, tools, and other devices that can be used to achieve and maintain situational awareness and operational control along the southern border;

(2) a projected per mile cost estimate for each physical barrier, levee, technology, tool, and other device included on the list required under paragraph (1);

(3) a detailed account of which type of physical barrier, levee, technology, tool, or other device the Secretary believes is necessary to achieve and maintain situational awareness and operational control for each linear mile of the southern border;

(4) an explanation for why such physical barrier, levee, technology, tool, or other device was chosen to achieve and maintain situational awareness and operational control for each linear mile of the southern border, including—

(A) the methodology used to determine which type of physical barrier, levee, technology, tool, or other device was chosen for such linear mile;

(B) an examination of existing manmade and natural barriers for each linear mile of the southern border;

(C) the information collected and evaluated from—

(i) the appropriate U.S. Customs and Border Protection Sector Chief;

(ii) the Joint Task Force Commander;

(iii) the appropriate State Governor;

(iv) tribal government officials;

(v) border county and city elected officials;

(vi) local law enforcement officials;

(vii) private property owners;

(viii) local community groups, including human rights organizations; and

(ix) other affected stakeholders; and

(D) a privacy evaluation conducted by the Privacy Officer of the Department of Homeland Security, in accordance with the responsibilities and authorities under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142), for each such physical barrier, levee, technology, tool, or other device;

(5) a per mile cost calculation for each linear mile of the southern border given the type of physical barrier, levee, technology, tool, or other device chosen to achieve and maintain situational awareness and operational control for each linear mile; and

(6) a cost justification for each time a more expensive physical barrier, levee, technology, tool, or other device is chosen over a less expensive option, as established by the per mile cost estimates required in paragraph (2).

SEC. __24. CONTROL OR ERADICATION OF CARRIZO CANE AND SALT CEDAR.

Not later than January 20, 2019, the Secretary, after coordinating with the heads of relevant Federal, State, and local agencies, shall begin controlling or eradicating, as appropriate, the carrizo cane plant and any salt cedar along the Rio Grande River and the Lower Colorado River.

SEC. __25. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) INCREASED FLIGHT HOURS.—The Secretary shall ensure that not fewer than 95,000 annual flight hours are executed by Air and Marine Operations of U.S. Customs and Border Protection, with adequate accountability and oversight, including strong privacy protections.

(b) UNMANNED AERIAL SYSTEM.—The Secretary shall ensure that Air and Marine Operations operate unmanned aerial systems for not less than 24 hours per day for not fewer than 5 days per week.

(c) STUDY AND REPORT.—

(1) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall commence a comprehensive study—

(A) to identify deficiencies and opportunities for improvement in the capability of Air and Marine Operations to fulfill air and marine support requirements for the U.S. Border Patrol and other components of the Department of Homeland Security, including support in critical source and transit zones;

(B) to assess whether such requirements could better be fulfilled through the realignment of Air and Marine Operations as a directorate of the U.S. Border Patrol; and

(C) to identify deficiencies and opportunities for improvement in the capabilities of the U.S. Border Patrol and other departmental components to develop rigorous estimates of such requirements.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the

Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that contains the results of the study required under paragraph (1), including recommendations and time frames for implementing the recommendations contained in such study.

SEC. _26. PORTS OF ENTRY INFRASTRUCTURE.

(a) ADDITIONAL PORTS OF ENTRY.—

(1) AUTHORITY.—The Secretary may construct new ports of entry along the northern border and the southern border and determine the location of any such new ports of entry.

(2) CONSULTATION.—

(A) REQUIREMENT TO CONSULT.—The Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Administrator of General Services, and appropriate representatives of State and local governments, tribal governments, community groups, and property owners in the United States before selecting a location for any new port constructed pursuant to paragraph (1).

(B) CONSIDERATIONS.—The purpose of the consultations required under subparagraph (A) shall be to minimize any negative impacts of any proposed new port on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.

(b) EXPANSION AND MODERNIZATION OF HIGH-VOLUME SOUTHERN BORDER PORTS OF ENTRY.—Not later than September 30, 2018, the Secretary shall submit a plan to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives for expanding the primary and secondary inspection lanes for vehicle, cargo, and pedestrian inbound and outbound inspection lanes at the top 10 high-volume ports of entry on the southern border, as determined by the Secretary.

(c) ESTIMATES OF INSPECTION PROCESSING GOALS AND WAIT-TIME STANDARDS.—The plan required under subsection (b) shall be based on estimates by the Secretary of the number of such inspection lanes required to meet inspection processing goals and wait-time standards established by the Secretary.

(d) PORT OF ENTRY PRIORITIZATION.—The Secretary shall complete the expansion and modernization of ports of entry pursuant to subsection (b), to the extent practicable, before constructing any new ports of entry pursuant to subsection (a).

CHAPTER 2—GRANTS

SEC. _27. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

"SEC. 2009. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program, which shall be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency—

''(1) shall be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border; and

''(2) shall be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a sector or field office.

''(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for—

''(1) equipment, including maintenance and sustainment costs;

''(2) any cost or activity permitted for Operation Stonegarden under the Department of Homeland Security's Fiscal Year 2017 Homeland Security Grant Program Notice of Funding Opportunity; and

''(3) any other appropriate border security activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period of not less than 3 years.

''(e) REPORT.—The Administrator shall submit an annual report, for each of the fiscal years 2018 through 2022, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that contains information on the expenditure of grants made under this section by each grant recipient.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000 for each of the fiscal years 2018 through 2022 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Section 2002(a) of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following:

''Sec. 2009. Operation Stonegarden.''.

SEC. _28. SOUTHERN BORDER REGION EMERGENCY COMMUNICATIONS GRANT.

(a) IN GENERAL.—The Secretary, in consultation with the Governors of the States that are adjacent to the southern border, shall establish a 2-year grant program to improve emergency communications in the southern border region.

(b) ELIGIBILITY FOR GRANTS.—An individual is eligible for a grant under this section if the individual—

(1) regularly resides or works in a State that is adjacent to the southern border; and

(2) is at greater risk of border violence due to a lack of cellular and LTE network service at the individual's residence or business and the individual's proximity to the southern border.

(c) USE OF GRANTS.—Grants awarded under this section may be used to purchase satellite telephone communications systems and services that—

(1) can provide access to 9–1–1 service; and

(2) are equipped with receivers for the Global Positioning System.

Subtitle C—Reducing Significant Delays in Immigration Court

SEC. _31. ELIMINATE IMMIGRATION COURT BACKLOGS.

(a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—The Attorney General of the United States shall increase the total number of immigration judges to adjudicate pending cases and efficiently process future cases by not fewer than—

(1) 55 judges during fiscal year 2018;

(2) an additional 55 judges during fiscal year 2019; and

(3) an additional 55 judges during fiscal year 2020.

(b) QUALIFICATIONS OF IMMIGRATION JUDGES.—The Attorney General shall ensure that all newly hired immigration judges—

(1) are highly qualified and trained to conduct fair, impartial hearings consistent with due process; and

(2) represent a diverse pool of individuals that includes a balance of individuals with nongovernmental, private bar, or academic experience in addition to government experience.

(c) 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.

(d) 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 2018;

(2) an additional 23 attorneys during fiscal year 2019; and

(3) an additional 23 attorneys during fiscal year 2020.

(e) 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. _32. 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) an expansion of 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;

(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;

(4) specialized training to handle cases involving other vulnerable populations including survivors of domestic violence, sexual assault, or trafficking and individuals with mental disabilities in partnership with the National Council of Juvenile and Family Court Judges; and

(5) specialized training in child interviewing, child psychology, and child trauma in partnership with the National Council of Juvenile and Family Court Judges for Immigration Judges.

SEC. _33. NEW TECHNOLOGY TO IMPROVE COURT EFFICIENCY.

The Director of the Executive Office for Immigration Review shall modernize its case management and related electronic systems, including allowing for electronic filing, to improve efficiency in the processing of immigration proceedings.

Subtitle D—Advancing Reforms in Central America to Address the Factors Driving Migration

SEC. _41. DEFINITIONS.

In this subtitle:

(1) NORTHERN TRIANGLE.—The term ''Northern Triangle'' means the countries of El Salvador, Guatemala, and Honduras.

(2) PLAN.—The term ''Plan'' means the Plan of the Alliance for Prosperity in the Northern Triangle, developed by the Governments of El Salvador, Guatemala, and Honduras, with the technical assistance of the Inter-American Development Bank, and representing a comprehensive approach to address the complex situation in the Northern Triangle.

CHAPTER 1—EFFECTIVELY COORDINATING UNITED STATES ENGAGEMENT IN CENTRAL AMERICA

SEC. __42. 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 (referred to in this section as the ''Coordinator'')—

(1) to coordinate the efforts of the Federal Government under this subtitle; and

(2) to coordinate the efforts of international partners—

(A) to strengthen citizen security, the rule of law, and economic prosperity in Central America; and

(B) to protect vulnerable populations in the region.

(b) SUPERVISION.—The Coordinator shall report directly to the President.

(c) DUTIES.—The Coordinator shall coordinate the efforts, activities, and programs related to United States engagement in Central America under this subtitle, 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 Commissioner 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 Coordinator shall consult with Congress, multilateral organizations and institutions, foreign governments, and domestic and international civil society organizations in carrying out this section.

CHAPTER 2—TARGETING ASSISTANCE TO APPROPRIATE COMMUNITIES IN THE NORTHERN TRIANGLE

SEC. __43. TARGETING ASSISTANCE TO APPROPRIATE COMMUNITIES.

Not later than 1 year after the date of the enactment of this Act and annually thereafter for each of the 5 succeeding years, the Comptroller General of the United States shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains—

(1) raw data on the number of children migrating to the United States from each community or geographic area in the Northern Triangle;

(2) an assessment of whether United States foreign assistance to the Northern Triangle is effectively reaching the communities and geographic areas from which children are migrating; and

(3) an assessment of the extent to which the Department of State and the United States Agency for International Development are adjusting programming in the Northern Triangle as migration patterns shift.

CHAPTER 3—REGIONAL MILLENNIUM CHALLENGE CORPORATION COMPACTS

SEC. __44. MILLENNIUM CHALLENGE CORPORATION COMPACTS.

(a) CONCURRENT COMPACTS.—Section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708) is amended—

(1) in subsection (a), by adding at the end the following: ''The Board may enter into a Compact with more than 1 eligible country in a region if the Board determines that a regional development strategy would further regional development objectives.'';

(2) in subsection (k)—

(A) by striking the first sentence; and

(B) by striking ''the existing'' and inserting ''an existing''; and

(3) by adding at the end the following:

''(l) CONCURRENT COMPACTS.—In accordance with the requirements under this Act, an eligible country and the United States may enter into and have in effect more than 1 Compact at any given time, including a concurrent Compact for purposes of regional economic integration or cross-border collaborations, only if the Board determines that such country is making considerable and demonstrable progress in implementing the terms of the existing Compact and any supplementary agreements to such Compact.''.

(b) CONFORMING AMENDMENTS.—The Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.; title VI of Public Law 108–199) is amended—

(1) in section 609(b) (22 U.S.C. 7708(b))—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''the national development strategy of the eligible country'' and inserting ''the national or regional development strategy of the country or countries''; and

(ii) in subparagraphs (A), (B), (E), and (J), by inserting ''or countries'' after ''country'' each place such term appears; and

(B) in paragraph (3)—

(i) by inserting ''or regional development strategy'' after ''national development strategy''; and

(ii) by inserting ''or governments of the countries in the case of regional investments'' after ''government of the country''; and

(2) in section 613(b)(2)(A) (22 U.S.C. 7712(b)(2)(A)) by striking ''the Compact'' and inserting ''any Compact''.

CHAPTER 4—UNITED STATES LEADERSHIP FOR ENGAGING INTERNATIONAL DONORS AND PARTNERS

SEC. __45. 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 required 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 specified in subsection (a)(3).

(d) BRIEFINGS.—Upon a request from any of the appropriate congressional committees, the Secretary of State shall provide a briefing to such committee that describes the progress made in implementing the strategy required 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.

SA 1956. Mr. JOHNSON 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:

SECTION ___. STATE-SPONSORED VISA PILOT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''State Sponsored Visa Pilot Program Act of 2018''.

(b) STATE-SPONSORED NONIMMIGRANT PROGRAM.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking the ''or'' at the end;

(2) in subparagraph (V), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(W)(i) an alien who is sponsored by a State and who is coming temporarily to the United States to reside in the State to perform services, provide capital investment, direct the operations of an enterprise, or otherwise contribute to the economic development agenda of the State in a manner determined by the State; and

''(ii) the alien spouse and minor children of any alien described in clause (i).''.

(c) ADMISSION OF STATE-SPONSORED NONIMMIGRANTS.—

(1) REQUIREMENTS FOR STATE-SPONSORED NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(A) in subsection (h), by striking ''(H)(i)(b) or (c), (L), or (V)'' and inserting ''(H)(i)(b), (H)(i)(c), (L), (V), or (W)''; and

(B) by adding at the end the following:

''(s) REQUIREMENTS APPLICABLE TO STATE-SPONSORED NONIMMIGRANT VISAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) RESIDE.—The term 'reside' means to live and establish a residence in a State for a consecutive period of more than 14 days (not including any period after the approval of the resident's petition for immigrant status).

''(B) SECRETARY.—Except as otherwise specifically provided in this subsection, the term 'Secretary' means the Secretary of Homeland Security.

''(C) STATE.—Notwithstanding section 101(a)(36), the term 'State' means a State of the United States and the District of Columbia.

''(D) STATE-SPONSORED NONIMMIGRANT.—The term 'State-sponsored nonimmigrant' means an alien who has been sponsored by a State for admission under section 101(a)(15)(W).

''(E) STATE-SPONSORED NONIMMIGRANT PROGRAM.—The term 'State-sponsored nonimmigrant program' means a nonimmigrant program to regulate the employment, investment, and residence of State-sponsored nonimmigrants.

''(F) STATE-SPONSORED NONIMMIGRANT STATUS.—The term 'State-sponsored nonimmigrant status' means status granted to an alien admitted as a nonimmigrant pursuant to section 101(a)(15)(W).

''(2) STATE-SPONSORED NONIMMIGRANT PROGRAM.—Any State may submit an application to the Secretary to participate in the State-sponsored nonimmigrant program by sponsoring aliens for admission to the United States.

''(3) STATE-SPONSORED NONIMMIGRANT PROGRAM APPROVAL.—The Secretary shall approve any application submitted by a State (or compact of States) under paragraph (2) for a State-sponsored nonimmigrant program that—

''(A) was approved by the legislature of the State;

''(B) regulates, in a manner determined by the State, the employment and residence of State-sponsored nonimmigrants;

''(C) implements procedures, in a manner determined by the Secretary, to inform the Secretary of the failure of a nonimmigrant to comply with the terms of State-sponsored nonimmigrant status when the State is made aware of such failure;

''(D) allows, in a manner determined by the State, a State-sponsored nonimmigrant who has been admitted to seek employment with an employer other than the employer with which the nonimmigrant was initially employed; and

''(E) implements procedures, in a manner determined by the Secretary, to annually inform the Secretary of the address and employment of all State-sponsored nonimmigrants residing in the State.

''(4) STATE PETITION.—

''(A) IN GENERAL.—A State that participates in the State-sponsored nonimmigrant program shall submit a petition in such form and containing such information as the Secretary shall specify to sponsor an alien under this subsection.

''(B) APPROVAL.—A visa may not be granted to an alien described in subparagraph (A) until the Secretary approves a petition submitted pursuant to subparagraph (A). Such approval does not, of itself, establish that the alien is a nonimmigrant.

''(C) FEE.—A State that submits a petition under subparagraph (A) shall pay a fee in amount determined by the Secretary to cover the cost of the adjudication of the application.

''(5) STATE-SPONSORED NONIMMIGRANTS.—The Secretary of State shall approve a nonimmigrant visa for an alien and the Secretary of Homeland Security shall admit the alien to the United States as a State-sponsored nonimmigrant or grant State-sponsored nonimmigrant status to the alien if the alien—

''(A) is otherwise admissible under this Act;

''(B) has not been convicted of a felony, any crime of violence (as defined in section 16 of title 18, United States Code), or any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances;

''(C) is petitioned for by a State that participates in the State-sponsored nonimmigrant program approved by the Secretary under paragraph (3);

''(D) has not previously violated any term or condition of State-sponsored nonimmigrant status; and

''(E) has paid any bond that the State may require under paragraph (13).

''(6) PERIOD OF AUTHORIZED STATUS.—

''(A) IN GENERAL.—The period of authorized status for a State-sponsored nonimmigrant shall be a period determined by the State, but may not exceed 3 years.

''(B) RENEWAL.—

''(i) LOCATION.—Subject to clause (ii), the period of authorized status under subparagraph (A) shall be renewable inside or outside of the United States.

''(ii) CONDITION.—Renewals under clause (i) may be granted only if—

''(I) the sponsoring State requests such renewal; and

''(II) the State-sponsored nonimmigrant has resided continuously in such sponsoring State, or States subject to an interstate compact (not including any period of residence after the approval of a petition for immigrant status of which the alien is a beneficiary).

''(C) TERMINATION.—The Secretary shall terminate the period of authorized status if—

''(i) the State-sponsored nonimmigrant resides or works outside of the State, or States subject to an interstate compact under paragraph (7), that sponsored the alien;

''(ii) the State-sponsored nonimmigrant fails to follow all rules and regulations required by the State, as determined by the State (following any appeals process the State may create); or

''(iii) the State that sponsored the nonimmigrant requests that the status of the nonimmigrant be terminated (following any appeals process the State may create) unless another State sponsors the nonimmigrant.

''(D) EMPLOYMENT AUTHORIZATION.—

''(i) IN GENERAL.—All aliens admitted as State-sponsored nonimmigrants under section 101(a)(15)(W)—

''(I) shall be authorized for employment for purposes of section 274A; and

''(II) shall be issued appropriate documentation evidencing such authorization.

''(ii) STATE REGULATION.—Notwithstanding clause (i), the employment of State-sponsored nonimmigrants may be regulated in a manner determined by each State that participates in the State-sponsored nonimmigrant program.

''(7) STATE COMPACTS.—

''(A) IN GENERAL.—States may enter into interstate compacts for the joint implementation or administration of the State-sponsored nonimmigrant program in such States.

''(B) CONSIDERATION.—A State-sponsored nonimmigrant shall be considered to be sponsored by a State if the State-sponsored nonimmigrant is sponsored by any State subject to an interstate compact under subparagraph (A) and resides in any such State.

''(8) APPEALS.—

''(A) FEDERAL APPEALS.—The denial of an application by a State to be a State-sponsored nonimmigrant or the request to terminate the period of authorized status by a State—

''(i) is not reviewable by any Federal department, agency, or court; and

''(ii) may not be grounds for an appeal of a termination of a visa or status for a State-sponsored nonimmigrant.

''(B) STATE APPEALS.—At the sole discretion of the State and in a manner determined by the State, a State that participates in the State-sponsored nonimmigrant program may create a process for a State-sponsored nonimmigrant or an alien that has applied for participation in the State-sponsored nonimmigrant program in the State to appeal an adjudication of an application by the State or determination by the State that the State-sponsored nonimmigrant violated the terms or conditions that were created by the State for the participation of the alien in the State-sponsored nonimmigrant program in the State.

''(9) WAIVER OF RIGHTS PROHIBITED.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), a State-sponsored nonimmigrant may not be required to waive any substantive rights or protections under this Act.

''(B) CONSTRUCTION.—Nothing under this paragraph may be construed to affect the interpretation of any other law.

''(C) EXCEPTION.—Notwithstanding subparagraph (A) or any other provision of law, an alien may not be provided State-sponsored nonimmigrant status unless the alien has waived any right—

''(i) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States; or

''(ii) to contest or appeal, other than on the basis of an application for asylum, any action for removal of the alien.

''(10) TAX RESPONSIBILITIES.—An employer shall comply with all applicable Federal, State, and local tax laws with respect to each State-sponsored nonimmigrant employed by the employer.

''(11) LABOR AND TAX LAWS.—State-sponsored nonimmigrants shall be subject to all Federal, State, and local laws regarding taxation, employment, or hiring of persons in the State.

''(12) FEDERAL PUBLIC BENEFITS.—

''(A) IN GENERAL.—State-sponsored nonimmigrants—

''(i) are not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986;

''(ii) shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section; and

''(iii)(I) shall not be allowed any credit under section 24 or 32 of the Internal Revenue Code of 1986; and

''(II) in the case of a joint return, no credit shall be allowed under either such section if both spouses are State-sponsored nonimmigrants.

''(B) EMPLOYER FEE.—For purposes of subsections (a)(2) and (b)(1)(B) of 4980H of the Internal Revenue Code of 1986, a State-sponsored nonimmigrant shall be treated as a full-time employee certified as having enrolled in a qualified health plan with respect to which an applicable premium tax credit or cost-sharing reduction is allowed or paid with respect to the employee.

''(C) OTHER BENEFITS.—Notwithstanding any other provision of law, a State-sponsored nonimmigrant shall not be eligible for—

''(i) any assistance or benefits provided under a State program funded under the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(ii) any medical assistance provided under a State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under a waiver of such plan, other than emergency medical assistance provided under paragraphs (2) and (3) of section 1903(v), and any child health assistance provided under a State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) or under a waiver of such plan;

''(iii) any benefits or assistance provided under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

''(iv) supplemental security income benefits provided under title XVI of the Social Security Act (42 U.S.C. 1381);

''(v) Federal Pell Grants under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a);

''(vi) housing vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(vii) Federal old-age, survivors, and disability insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.);

''(viii) health insurance benefits for the aged and disabled under the Medicare Program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

''(ix) assistance or benefits provided under the program of block grants to States for social services under subtitle A of title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

''(D) EMPLOYER PAYMENTS.—An employer of a State-sponsored nonimmigrant shall pay into the general fund of the Treasury an amount equivalent to the Federal tax on the wages paid to the nonimmigrants that the employer would be obligated to pay under chapters 21 and 23 of the Internal Revenue Code of 1986 had the nonimmigrants been subject to such chapters, subject to the same penalties as provided for failure to pay such tax.

''(E) INCLUSION OF NONIMMIGRANTS IN SAVE.—Not later than 30 days after the date of the enactment of the State Sponsored Visa Pilot Program Act of 2018, the Secretary shall modify the Systematic Alien Verification for Entitlements Program of the United States Citizenship and Immigration Services to add any status under section 101(a)(15)(W) as an alien category that is ineligible for any benefit program listed in subparagraph (C).

''(13) BONDS.—

''(A) IN GENERAL.—States may require State-sponsored nonimmigrants to pay a bond in an amount determined by the State to incentivize voluntary compliance with the terms and conditions of the State-sponsored nonimmigrant program.

''(B) STUDY.—

''(i) IN GENERAL.—At the end of each fiscal year, the Inspector General of the Department of Homeland Security and the Comptroller General of the United States shall each independently submit a report to the congressional committees specified in clause (iii) that identifies, for each State that participates in the State-sponsored nonimmigrant program, the percentage of State-sponsored nonimmigrants that have resided or worked illegally in a State other than the State that sponsored them (not including any State-sponsored nonimmigrants who are beneficiaries of approved immigration petitions).

''(ii) ASSIGNMENT.—A State-sponsored nonimmigrant who resides or works illegally in a State other than the State that sponsored them shall be assigned to the percentage of the State that initially sponsored the alien if the State participates in an interstate compact.

''(iii) CONGRESSIONAL COMMITTEES.—The congressional committees specified in this clause are—

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

''(II) the Committee on the Judiciary of the Senate;

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

''(IV) the Committee on the Judiciary of the House of Representatives.

''(C) MANDATORY BONDS.—

''(i) IN GENERAL.—During the first fiscal year following a determination under subparagraph (B) by the Comptroller General or the Inspector General of the Department of Homeland Security that more than 3 percent of the State-sponsored nonimmigrants sponsored by a State violated the terms and conditions of State-sponsored nonimmigrant status in the most recently completed fiscal year, the State shall require each State-sponsored nonimmigrant in the State, as a condition of participation in the State-sponsored nonimmigrant program, to post a bond equal to not less than $4,000.

''(ii) SUBSEQUENT BONDS.—The bond amount under clause (i) shall be raised by $1,000 during each fiscal year following a subsequent determination under subparagraph (B) by the Comptroller General or the Inspector General of the Department of Homeland Security that more than 3 percent of the State-sponsored nonimmigrants sponsored by the State violated the terms and conditions of State-sponsored nonimmigrant status in the most recently completed fiscal year.

''(iii) INFLATION ADJUSTMENT.—Effective for the first fiscal year that begins more than 6 months after the date of the enactment of the State Sponsored Visa Pilot Program Act of 2018, and for each fiscal year thereafter, the amounts described in this subparagraph shall be increased by the percentage (if any) by which the Consumer Price Index for the month of June preceding the date on which such increase takes effect exceeds the Consumer Price Index for all urban consumers published by the Department of Labor for the same month of the preceding calendar year.

''(D) REIMBURSEMENT OF BONDS.—

''(i) IN GENERAL.—Bonds paid to a State under this paragraph shall be reimbursed to any State-sponsored nonimmigrant that has not worked or resided in a State other than the State that sponsored the nonimmigrant or otherwise resided in the United States without status under the immigration laws in accordance with this subparagraph.

''(ii) FULL REIMBURSEMENT.—The full amount of the bond shall be reimbursed in full immediately after—

''(I)(aa) the alien applies to the Secretary of State (or the designee of such Secretary) at a United States embassy, consulate, or, if specified by the Secretary, other locations outside the United States; and

''(bb) in connection with the application, the State-sponsored nonimmigrant confirms his or her identity, or verifies his or her departure at such time from the United States pursuant to a biometric entry and exit data system;

''(II) an approved petition for lawful permanent residency is approved on behalf of the State-sponsored nonimmigrant; or

''(III) the State-sponsored nonimmigrant dies.

''(iii) PAYEE.—

''(I) DEATH OF NONIMMIGRANT.—Upon the death of a State-sponsored nonimmigrant, payment shall be immediately paid to such State-sponsored nonimmigrant's next of kin, as designated by such State-sponsored nonimmigrant on the application to be a State-sponsored nonimmigrant.

''(II) BANK ACCOUNT.—A State-sponsored nonimmigrant may specify on the application to be a State-sponsored nonimmigrant a bank account to which such amount be sent after the satisfaction of a condition specified in clause (ii).

''(iv) DENIAL OF REIMBURSEMENT.—Funds of a State-sponsored nonimmigrant held under this paragraph may not be denied by a State to the nonimmigrant unless the State demonstrates, by clear and convincing evidence, that the nonimmigrant knowingly violated a term or condition of State-sponsored nonimmigrant status—

''(I) by failing to depart the United States at the end of the period of authorized status; or

''(II) working or residing in a State that did not sponsor the nonimmigrant.

''(v) NOTICE.—The Secretary of State, in conjunction with the Secretary of Homeland Security, shall inform the State that the State-sponsored nonimmigrant has complied with clause (i).

''(14) PENALTIES.—If a State-sponsored nonimmigrant works or resides outside of the State, or any of the States under an interstate compact that sponsored the nonimmigrant or fails to comply with any term or condition of State-sponsored nonimmigrant status, the Secretary shall—

''(A) revoke the employment authorization of such nonimmigrant; and

''(B) initiate and expedited removal in accordance with section 235.

''(15) STATE ENFORCEMENT.—

''(A) IN GENERAL.—A State that participates in the State-sponsored nonimmigrant program may enforce all rules and regulations of the State-sponsored nonimmigrant program in the State against employers to the same extent as any other labor laws under State law.

''(B) APPREHENSION.—As a condition of participation in the State-sponsored nonimmigrant program, a State shall reimburse any other State and any Federal agency that has apprehended and detained a State-sponsored nonimmigrant sponsored by the State for the full costs of apprehension, detention, or removal of the nonimmigrant upon request of the apprehending State or Federal agency.

''(C) PROCESS.—The Secretary shall establish a process through which a State may seek reimbursement under subparagraph (B).

''(16) SUSPENSION OF PROGRAM APPROVAL.—The Secretary shall suspend admissions under the State-sponsored nonimmigrant program for any State that fails—

''(A) to reimburse another State or a Federal agency under paragraph (15)(B) not later than 1 year after a final judgment against the State; or

''(B) to reimburse, in accordance with paragraph (13)(D), a State-sponsored nonimmigrant who—

''(i) has departed the United States;

''(ii) did not seek employment without authorization in a State that did not sponsor the nonimmigrant; and

''(iii) did not otherwise reside in the United States without status under the immigration laws.

''(17) FEES.—

''(A) FEDERAL FEES.—A State shall pay a fee to the Secretary for each year in which the State participates in the State-sponsored nonimmigrant program in an amount determined by the Secretary to be necessary to cover the Federal costs of overseeing the State-sponsored nonimmigrant program in the State.

''(B) STATE FEES.—Nothing in this subsection may be construed to limit or regulate fees required by the State for State-sponsored nonimmigrants or employers of State-sponsored nonimmigrants.

''(18) NUMERICAL LIMITATIONS.—

''(A) IN GENERAL.—The total number of aliens who may be issued visas or otherwise provided State-sponsored nonimmigrant status under this subsection during any fiscal year may not exceed the total number of visas computed under subparagraph (B).

''(B) DISTRIBUTION.—Subject to subparagraphs (C), (D), and (E), the number of State-sponsored nonimmigrant visas made available in a fiscal year to a State that participates in the State-sponsored nonimmigrant program shall be the sum of—

''(i) 5,000;

''(ii) the sum of the amounts computed under subparagraphs (C) and (D) in the prior year; and

''(iii) the percentage of the total population in all States participating in the State-sponsored nonimmigrant program represented by the population of that State multiplied by the sum of—

''(I) 245,000;

''(II) the number of nonparticipating States multiplied by 5,000; and

''(III) the total number of visas available in the previous fiscal year that were revoked or not used.

''(C) ECONOMIC GROWTH.—The amounts computed under subparagraphs (A) and (B) for the prior fiscal year shall be adjusted annually in proportion to the percentage increase or decrease in the Gross Domestic Product of the United States in the prior year, as determined by the Bureau of Economic Analysis of the Department of Commerce.

''(D) COMPLIANCE.—

''(i) INCREASES.—The number of State-sponsored nonimmigrant visas made available to a State under subparagraph (C) shall be increased by 10 percent over the prior fiscal year in each fiscal year immediately following a fiscal year in which less than 3 percent of the State-sponsored nonimmigrants sponsored by the State violated the terms and conditions of State-sponsored nonimmigrant status, as determined by the Inspector General of the Department of Homeland Security or the Comptroller General of the United States in the reports required under paragraph (13)(B).

''(ii) DECREASES.—The number of State-sponsored nonimmigrant visas made available to a State under subparagraph (C) shall be decreased by 50 percent in each fiscal year immediately following a fiscal year in which more than 3 percent of the State-sponsored nonimmigrants sponsored by the State complied with the terms and conditions of State-sponsored nonimmigrant status, as determined by the Inspector General of the Department of Homeland Security or the Comptroller General of the United States in the reports required under paragraph (13)(B).

''(iii) SUSPENSION.—State-sponsored nonimmigrant visas shall not be made available for a State during the 5-year period following four consecutive fiscal years in which more than 3 percent of the State-sponsored nonimmigrants sponsored by the State violated the terms and conditions of State-sponsored nonimmigrant status, as determined by the Inspector General of the Department of Homeland Security or the Comptroller General of the United States in the reports required under paragraph (13)(B).

''(E) PRINCIPAL ALIENS.—

''(i) IN GENERAL.—The numerical limitations under this paragraph shall apply only to principal aliens being admitted to the United States from abroad and not to aliens accompanying or following to join the principal alien under section 101(a)(15)(W)(ii) or aliens previously admitted.

''(ii) STATE EXCLUSION.—The Secretary may not grant a visa or status to an alien who is not the principal alien sponsored by a State if the State request that no such aliens be admitted.

''(19) ADMISSIBILITY DETERMINATION.—

''(A) IN GENERAL.—At the request of a State that participates in the State-based nonimmigrant program, the Secretary shall waive the grounds of inadmissibility under subparagraphs (A), (B), (C), and (G) of section 212(a)(6), paragraphs (7) and (9) of section 212(a), and sections 240B(d)(1)(B) and 241(a)(5) and the grounds of deportability under subparagraphs (A) through (D) of section 237(a)(1) and section 237(a)(3) on behalf of an alien described in subparagraph (B).

''(B) ALIENS DESCRIBED.—An alien described in this subsection is an alien who—

''(i) was physically present in the United States on December 31, 2016;

''(ii) is sponsored by a State under the State-based nonimmigrant program;

''(iii) otherwise meets the requirements of State-based nonimmigrant status under paragraph (4); and

''(iv) fulfills the requirements under paragraph (20).

''(C) SAVINGS PROVISION.—Nothing in this paragraph may be construed to exempt an alien described in subparagraph (B) or the State from the numerical limitation under paragraph (18).

''(20) REQUIREMENTS.—

''(A) APPLICATION.—An alien may apply to the Secretary for a waiver of inadmissibility or deportability under paragraph (19) concurrently with an application for a visa or status under section 101(a)(15)(W).

''(B) EVIDENCE OF PRESENCE OR EMPLOYMENT.—

''(i) CONCLUSIVE DOCUMENTS.—An alien may conclusively demonstrate presence in the United States in compliance with paragraph (19)(B)(i) by submitting records demonstrating such presence that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency or educational institution.

''(ii) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subparagraph (A) may satisfy the requirements under this section by submitting at least three other types of reliable documents that provide evidence of presence, employment or study in the United States, including—

''(I) bank or remittance records;

''(II) business or employer records;

''(III) records of any organization that assists workers in employment;

''(IV) education records; and

''(V) deeds, mortgages, or contracts to which the alien has been a party.

''(C) FEES.—

''(i) IN GENERAL.—An alien submitting an application under subparagraph (A) shall pay a fee in an amount determined by the Secretary to be necessary to cover the cost of adjudicating the application and reviewing the application for fraud.

''(ii) PENALTY.—In addition to the fee under clause (i), an alien seeking a waiver under paragraph (19) shall pay a penalty of not less than $1,000, which shall be deposited into the Treasury of the United States after the approval of the application under subparagraph (A).

''(D) CRIMINAL PENALTY.—

''(i) VIOLATION.—It shall be unlawful for any person to knowingly—

''(I) file, or assist in filing, an application under this paragraph if such application—

''(aa) falsifies, misrepresents, conceals, or covers up a material fact;

''(bb) makes any false, fictitious, or fraudulent statements or representations; or

''(cc) makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(II) create or supply a false writing or document for use in making such an application.

''(ii) PENALTY.—Any person who violates clause (i) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(iii) INADMISSIBILITY.—An alien who is convicted of violating clause (i) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) and subject to immediate removal from the United States.

''(E) FRAUD PREVENTION PROGRAM.—The Secretary and the Attorney General shall jointly develop an administrative program to prevent fraud with respect to applications submitted under this paragraph that provides for—

''(i) fraud prevention training for administrative adjudicators;

''(ii) the regular audit of pending and approved applications for examples and patterns of fraud or abuse;

''(iii) the receipt and evaluation of reports of fraud or abuse;

''(iv) the identification of deficiencies in administrative practice or procedure that encourage fraud or abuse;

''(v) the remedy of any identified deficiencies, and

''(vi) the referral of cases of identified or suspected fraud or other misconduct for investigation.

''(F) INELIGIBLE ALIENS.—

''(i) REMOVAL AUTHORIZED.—Except as provided in clause (ii), if the Secretary makes a final determination to deny an application under this section, the Secretary shall place the applicant in removal proceedings to which the alien would otherwise be subject.

''(ii) ALIENS WITH PRIOR ORDERS.—If the final determination to deny an application concerns an alien with an existing order of exclusion, deportation, removal, or voluntary departure from the United States, such order shall be enforced to the same extent as if the application had not been made.

''(G) EMPLOYMENT RECORDS.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application under this subsection may not be used in a civil or criminal prosecution or investigation of that employer under section 247A or the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination. Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application under this title shall not be subject to civil and criminal liability pursuant to such section 274A for employing such unauthorized aliens. The protections for employers and aliens shall not apply if the aliens or employers submit employment records that are deemed to be fraudulent.

''(H) CONSTRUCTION.—Nothing in this subsection may be construed to limit the authority of the State to require additional monetary penalties, other evidence of physical presence, or any other requirement for aliens described in paragraph (19)(B) to participate in the State-based nonimmigrant program in such State.''.

(2) JUDICIAL REVIEW.—Section 242(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)) is amended by adding at the end the following:

''(E) JUDICIAL REVIEW OF CERTAIN ELIGIBILITY DETERMINATIONS.—If an alien's application under section 214(s)(20) is denied or revoked, judicial review shall be instituted in the United States District Court for the District of Columbia and shall be limited to determinations of the constitutionality of section 214(s), or any regulations implemented pursuant to such section.''.

(3) NONIMMIGRANTS WITH APPROVED IMMIGRANT PETITIONS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a)—

(i) by striking ''if (1) the alien'' and inserting the following: ''if—

''(1) the alien'';

(ii) by striking ''adjustment, (2) the alien'' and inserting the following: ''adjustment;

''(2) the alien'';

(iii) by striking ''residence, and (3) an immigrant visa'' and inserting the following: ''residence; and

''(3) an immigrant visa''; and

(iv) in paragraph (3), by striking ''him at the time his application is filed'' and inserting ''the alien at the time the alien's application is adjudicated''; and

(B) by adding at the end the following:

''(n) ADJUSTMENT OF STATUS APPLICATION AFTER AN APPROVED IMMIGRANT PETITION.—

''(1) APPLICATION.—An alien who has an approved immigrant petition may file an adjustment of status application under subsection (a), which shall remain pending until a visa number becomes available.

''(2) STATUS.—An alien who has properly filed an adjustment of status application under subsection (a) shall, throughout the pendency of such application—

''(A) have a lawful status and be considered lawfully present for purposes of section 212; and

''(B) following a biometric background check, be eligible for employment and travel authorization incident to such status.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have 5 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 10 a.m., to conduct a closed hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, February 13, at 10 a.m. to conduct a hearing entitled ''Improving Animal Health: Reauthorization of FDA Animal Drug User Fees.''

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 9:30 a.m., to conduct a hearing entitled ''Worldwide Threats''.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 13, 2018, at 2:30 p.m., to conduct a hearing.

ORDERS FOR WEDNESDAY, FEBRUARY 14, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, February 14; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; I further ask that following leader remarks, the Senate resume and vote on the motion to proceed to H.R. 2579.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator MORAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

TRIBAL LABOR SOVEREIGNTY ACT

Mr. MORAN. Mr. President, this week, the National Congress of American Indians is holding its Executive Council Winter Session here in the Nation's Capital, and Tribes and Tribal leaders throughout the Nation are here to meet and to confer and advocate on policies that are important to them and to their Tribal members. I welcome them to Washington, DC, and I encourage them to make known to us as Members of the Senate things that are important to them as Tribal leaders and things that matter directly to their Tribal members.

One of the priorities that I know exist is the issue of Tribal sovereignty. Throughout the conversations you have with Tribal leaders, there is the importance of maintaining the sovereignty of their Tribe.

Tonight, I want to highlight for my colleagues S. 140, a package of Tribal bills that includes the Tribal Labor Sovereignty Act, which I introduced here in the Senate some time ago.

By moving forward on this legislation, and with its passage, we would return to the days where the law was as it existed for 70 years after the passage of the National Labor Relations Act. That was true for 70 years until the National Labor Relations Board stripped the Tribes of their governmental status under NLRA. Passage of this legislation would correct this decade-old error made by the NRLB.

The National Labor Relations Act was passed in 1935. It exempted public sector employees of Federal, State, and local governments. Although it was not explicitly included, Tribal governments had their sovereign status respected by the NLRB for the next 70 years. This approach caused no problems and was what was expected.

Yet, in 2004, the National Labor Relations Board abruptly reversed its treatment of Tribal governments to enact right-to-work laws. Tribes have struggled to find economic success and provide for their people, and many of them still do, but the NLRB has now intruded on the gains that have been made.

The Tribal Labor Sovereignty Act that was introduced, and will be before