

114TH CONGRESS
1ST SESSION

H. R. 191

To repeal executive immigration overreach, to clarify that the proper constitutional authority for immigration policy belongs to the legislative branch, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2015

Mr. ADERHOLT (for himself, Mr. BARLETTA, Mr. SMITH of Texas, Mr. CULBERSON, Mrs. BLACKBURN, Mr. DUNCAN of South Carolina, Mr. CRAWFORD, Mr. COLLINS of Georgia, and Mr. BYRNE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Foreign Affairs, Energy and Commerce, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To repeal executive immigration overreach, to clarify that the proper constitutional authority for immigration policy belongs to the legislative branch, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as “The
5 Repeal Executive Amnesty Act of 2015”.

- 1 (b) TABLE OF CONTENTS.—The table of contents is
 2 as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Severability.

TITLE I—PAROLE AUTHORITY

Sec. 101. Parole reform.
 Sec. 102. Adjustment of status limited to aliens admitted to the United States.
 Sec. 103. Presence in the United States pursuant to parole added to priority date.
 Sec. 104. Admission and lawful presence required for employment authorization.

TITLE II—LIMITATION ON EXECUTIVE OVERREACH

Sec. 201. Denial of funds for implementation of unauthorized actions.
 Sec. 202. ICE Law Enforcement Availability Pay (LEAP) eligibility.

TITLE III—UNACCOMPANIED ALIEN CHILDREN

Sec. 301. Repatriation of unaccompanied alien children.
 Sec. 302. Special immigrant juvenile status for immigrants unable to reunite with either parent.
 Sec. 303. Modifications to preferential availability for asylum for unaccompanied alien minors.
 Sec. 304. Unaccompanied alien child defined.

TITLE IV—ELIGIBILITY CRITERIA FOR ALIENS TO RECEIVE CERTAIN BENEFITS

Sec. 401. Aliens without lawful status ineligible to receive social security and medicare benefits.
 Sec. 402. Applying citizenship and immigration status eligibility criteria for Federal programs to Affordable Care Act benefits.
 Sec. 403. Aliens paroled into the United States ineligible for Federal public benefits.

TITLE V—STATE AND LOCAL ENFORCEMENT OF THE IMMIGRATION LAWS

Sec. 501. Definitions.
 Sec. 502. Immigration law enforcement by States and localities.
 Sec. 503. Immunity.
 Sec. 504. Federal custody of inadmissible and deportable aliens in the United States apprehended by State or local law enforcement.
 Sec. 505. State Criminal Alien Assistance Program (SCAAP).
 Sec. 506. Limitation on State receipt of Federal funding.
 Sec. 507. ICE detainees.
 Sec. 508. Preservation of the Secure Communities program and removal of deportable aliens identified under the interoperable law enforcement and intelligence electronic data system.

TITLE VI—ASYLUM REFORM AND BORDER PROTECTION

Sec. 601. Clarification of intent regarding taxpayer-provided counsel.

Sec. 602. Credible fear interviews.

Sec. 603. Recording expedited removal and credible fear interviews.

Sec. 604. Safe third country.

TITLE VII—MISCELLANEOUS

Sec. 701. Suspension of effectiveness of certain laws.

Sec. 702. Temporary protected status reform.

1 **SEC. 2. SEVERABILITY.**

2 If any provision of this Act, or the application of such
3 provision to any person or circumstance, is held invalid,
4 the remainder of this Act, and the application of such pro-
5 vision to other persons not similarly situated or to other
6 circumstances, shall not be affected by such invalidation.

7 **TITLE I—PAROLE AUTHORITY**

8 **SEC. 101. PAROLE REFORM.**

9 (a) IN GENERAL.—Paragraph (5) of section 212(d)
10 (8 U.S.C. 1182(d)) is amended to read as follows:

11 “(5) HUMANITARIAN AND PUBLIC INTEREST
12 PAROLE.—

13 “(A) IN GENERAL.—Subject to the provi-
14 sions of this paragraph and section 214(f)(2),
15 the Secretary of Homeland Security, in the sole
16 discretion of the Secretary of Homeland Secu-
17 rity, may on a case-by-case basis parole an alien
18 into the United States temporarily, under such
19 conditions as the Secretary of Homeland Secu-
20 rity may prescribe, only—

1 “(i) for an urgent humanitarian rea-
2 son (as described under subparagraph
3 (B)); or

4 “(ii) for a reason deemed strictly in
5 the public interest (as described under sub-
6 paragraph (C)).

7 “(B) HUMANITARIAN PAROLE.—The Sec-
8 retary of Homeland Security may parole an
9 alien based on an urgent humanitarian reason
10 described in this subparagraph only if—

11 “(i) the alien has a medical emergency
12 and the alien cannot obtain necessary
13 treatment in the foreign state in which the
14 alien is residing or the medical emergency
15 is life-threatening and there is insufficient
16 time for the alien to be admitted through
17 the normal visa process;

18 “(ii) the alien is needed in the United
19 States in order to donate an organ or
20 other tissue for transplant into a close
21 family member; or

22 “(iii) the alien has a close family
23 member in the United States whose death
24 is imminent and the alien could not arrive
25 in the United States in time to see such

1 family member alive if the alien were to be
2 admitted through the normal visa process.

3 “(C) PUBLIC INTEREST PAROLE.—The
4 Secretary of Homeland Security may parole an
5 alien based on a reason deemed strictly in the
6 public interest described in this subparagraph
7 only if the alien has assisted the United States
8 Government in a matter, such as a criminal in-
9 vestigation, espionage, or other similar law en-
10 forcement activity, and either the alien’s pres-
11 ence in the United States is required by the
12 Government or the alien’s life would be threat-
13 ened if the alien were not permitted to come to
14 the United States.

15 “(D) LIMITATIONS ON THE USE OF PA-
16 ROLE AUTHORITY.—

17 “(i) ALIENS INELIGIBLE FOR REF-
18 UGEE STATUS.—The Secretary of Home-
19 land Security may not use the parole au-
20 thority under this paragraph to permit to
21 come to the United States aliens who have
22 applied for and have been found to be in-
23 eligible for refugee status or any alien to
24 whom the provisions of this paragraph do
25 not apply.

1 “(ii) ALIENS PRESENT IN THE
2 UNITED STATES INELIGIBLE FOR PA-
3 ROLE.—The Secretary of Homeland Secu-
4 rity may not parole into the United States
5 an alien who—

6 “(I) is physically present in the
7 United States; and

8 “(II)(aa) has not been admitted
9 to the United States; or

10 “(bb) was lawfully admitted to
11 the United States as a nonimmigrant
12 and remained in the United States
13 unlawfully after the period of author-
14 ized stay ended.

15 “(iii) LIMITATION ON WORK AUTHOR-
16 IZATION AND ADJUSTMENT OF STATUS.—
17 In the case of an alien who is present in
18 the United States pursuant to a grant of
19 parole under this paragraph, the Secretary
20 of Homeland Security may not—

21 “(I) grant employment authoriza-
22 tion to the alien; or

23 “(II) admit the alien to the
24 United States as a nonimmigrant or

1 as an alien admitted for lawful perma-
2 nent residence.

3 “(E) PAROLE NOT AN ADMISSION.—Parole
4 of an alien under this paragraph shall not be
5 considered an admission of the alien into the
6 United States. When the purposes of the parole
7 of an alien have been served, as determined by
8 the Secretary of Homeland Security, the alien
9 shall immediately return or be returned to the
10 custody from which the alien was paroled and
11 the alien shall be considered for admission to
12 the United States on the same basis as other
13 similarly situated applicants for admission.

14 “(F) REPORT TO CONGRESS.—Not later
15 than 90 days after the end of each fiscal year,
16 the Secretary of Homeland Security shall sub-
17 mit a report to the Committees on the Judici-
18 ary of the House of Representatives and the
19 Senate describing the number and categories of
20 aliens paroled into the United States under this
21 paragraph. Each such report shall contain in-
22 formation and data concerning the number and
23 categories of aliens paroled, the duration of pa-
24 role, and the current status of aliens paroled
25 during the preceding fiscal year.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the first day of the first
3 month beginning more than 60 days after the date of the
4 enactment of this Act.

5 **SEC. 102. ADJUSTMENT OF STATUS LIMITED TO ALIENS AD-**
6 **MITTED TO THE UNITED STATES.**

7 Section 245 of the Immigration and Nationality Act
8 (8 U.S.C. 1255) is amended in subsection (a) by striking
9 “or paroled”.

10 **SEC. 103. PRESENCE IN THE UNITED STATES PURSUANT TO**
11 **PAROLE ADDED TO PRIORITY DATE.**

12 Section 203(e) of the Immigration and Nationality
13 Act (8 U.S.C. 1153(e)(3)) is amended—

14 (1) in paragraph (3), by inserting before the pe-
15 riod at the end the following; “, in accordance with
16 the requirement under paragraph (4)”;

17 (2) by adding at the end the following:

18 “(4) In the case of an applicant for a visa
19 under this section who is present in the United
20 States pursuant to a grant of parole under section
21 212(d)(5) for a period of time after making such ap-
22 plication, the time period during which the applicant
23 is present in the United States pursuant to such a
24 grant of parole shall be added to the applicant’s pri-
25 ority date.”.

1 **SEC. 104. ADMISSION AND LAWFUL PRESENCE REQUIRED**
 2 **FOR EMPLOYMENT AUTHORIZATION.**

3 Section 274A(h)(3) of the Immigration and Nation-
 4 ality Act (8 U.S.C. 1324a(h)(3)) is amended—

5 (1) by inserting before “authorized to be so em-
 6 ployed by this Act” the following: “an alien other-
 7 wise admitted to the United States and present in
 8 the United States with a lawful immigration status,
 9 who is”; and

10 (2) by striking at the end the following: “or by
 11 the Attorney General”.

12 **TITLE II—LIMITATION ON**
 13 **EXECUTIVE OVERREACH**

14 **SEC. 201. DENIAL OF FUNDS FOR IMPLEMENTATION OF UN-**
 15 **AUTHORIZED ACTIONS.**

16 Notwithstanding any other provision of law, no funds
 17 or fees made available to the Secretary of Homeland Secu-
 18 rity, or to the head of any other Federal agency, may be
 19 used to implement, administer, enforce, or carry out (in-
 20 cluding through the issuance of any regulations) any of
 21 the policy changes set forth in the following memoranda:

22 (1) The memorandum from the Director of
 23 U.S. Immigration and Customs Enforcement enti-
 24 tled “Civil Immigration Enforcement: Priorities for
 25 the Apprehension, Detention, and Removal of
 26 Aliens” (March 2, 2011).

1 (2) The memorandum from the Director of
2 U.S. Immigration and Customs Enforcement enti-
3 tled “Exercising Prosecutorial Discretion Consistent
4 with the Civil Immigration Enforcement Priorities of
5 the Agency for the Apprehension, Detention, and
6 Removal of Aliens” (June 17, 2011).

7 (3) The memorandum from the Director of
8 U.S. Immigration and Customs Enforcement enti-
9 tled “Prosecutorial Discretion: Certain Victims, Wit-
10 nesses, and Plaintiffs” (June 17, 2011).

11 (4) The U.S. Citizenship and Immigration Serv-
12 ices policy memorandum entitled “Revised Guidance
13 for the Referral of Cases and Issuance of Notices to
14 Appear (NTAs) in Cases Involving Inadmissible and
15 Removable Aliens” (November 17, 2011).

16 (5) The memorandum from the Principal Legal
17 Advisor of U.S. Immigration and Customs Enforce-
18 ment entitled “Case-by-Case Review of Incoming
19 and Certain Pending Cases” (November 17, 2011).

20 (6) The recommendations included in the report
21 from the Director of U.S. Immigration and Customs
22 Enforcement entitled “ICE Response to the Task
23 Force on Secure Communities Findings and Rec-
24 ommendations” (April 27, 2012).

1 (7) The memorandum from the Secretary of
2 Homeland Security entitled “Exercising Prosecu-
3 torial Discretion with Respect to Individuals Who
4 Came to the United States as Children” (June 15,
5 2012).

6 (8) The memorandum from the Director of
7 U.S. Immigration and Customs Enforcement enti-
8 tled “Civil Immigration Enforcement: Guidance on
9 the Use of Detainers in the Federal, State, Local,
10 and Tribal Criminal Justice Systems” (December
11 21, 2012).

12 (9) The U.S. Citizenship and Immigration Serv-
13 ices policy memorandum entitled “Adjudication of
14 Adjustment of Status Applications for Individuals
15 Admitted to the United States Under the Visa Waiv-
16 er Program” (November 14, 2013).

17 (10) The memorandum from the Secretary of
18 Homeland Security entitled “Southern Border and
19 Approaches Campaign” (November 20, 2014).

20 (11) The memorandum from the Secretary of
21 Homeland Security entitled “Policies for the Appre-
22 hension, Detention and Removal of Undocumented
23 Immigrants” (November 20, 2014).

1 (12) The memorandum from the Secretary of
2 Homeland Security entitled “Secure Communities”
3 (November 20, 2014).

4 (13) The memorandum from the Secretary of
5 Homeland Security entitled “Exercising Prosecu-
6 torial Discretion with Respect to Individuals Who
7 Came to the United States as Children and with Re-
8 spect to Certain Individuals Who Are the Parents of
9 U.S. Citizens or Permanent Residents” (November
10 20, 2014).

11 (14) The memorandum from the Secretary of
12 Homeland Security entitled “Expansion of the Pro-
13 visional Waiver Program” (November 20, 2014).

14 (15) The memorandum from the Secretary of
15 Homeland Security entitled “Policies Supporting
16 U.S. High-Skilled Businesses and Workers” (No-
17 vember 20, 2014).

18 (16) The memorandum from the Secretary of
19 Homeland Security entitled “Families of U.S.
20 Armed Forces Members and Enlistees” (November
21 20, 2014).

22 (17) The memorandum from the Secretary of
23 Homeland Security entitled “Directive to Provide
24 Consistency Regarding Advance Parole” (November
25 20, 2014).

1 (18) The memorandum from the Secretary of
 2 Homeland Security entitled “Policies to Promote
 3 and Increase Access to U.S. Citizenship” (November
 4 20, 2014).

5 (19) The memorandum from the President enti-
 6 tled “Modernizing and Streamlining the U.S. Immi-
 7 grant Visa System for the 21st Century” (November
 8 21, 2014).

9 (20) The memorandum from the President enti-
 10 tled “Creating Welcoming Communities and Fully
 11 Integrating Immigrants and Refugees” (November
 12 21, 2014).

13 **SEC. 202. ICE LAW ENFORCEMENT AVAILABILITY PAY**
 14 **(LEAP) ELIGIBILITY.**

15 (a) AVAILABILITY PAY FOR LAW ENFORCEMENT.—
 16 Section 5545a of title 5, United States Code, is amended
 17 by adding at the end the following:

18 “(l) APPLICATION TO CERTAIN OFFICERS AND EM-
 19 PLOYEES OF THE DEPARTMENT OF HOMELAND SECU-
 20 RITY.—Subsections (a) through (h) of this section shall
 21 apply to a law enforcement officer of the Office of En-
 22 forcement and Removal Operations of Immigration and
 23 Customs Enforcement.”.

1 (b) ANNUITY CALCULATION FOR AVAILABILITY
 2 PAY.—Section 8331(3)(E) of title 5, United States Code,
 3 is amended—

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

5 (2) in clause (ii), by adding “or” at the end;

6 and

7 (3) by adding after clause (ii) the following:

8 “(iii) received by a law enforcement
 9 officer of the Office of Enforcement and
 10 Removal Operations of Immigration and
 11 Customs Enforcement, subject to all re-
 12 strictions and earning limitations imposed
 13 on criminal investigators under section
 14 5545a;”.

15 (c) APPLICABILITY.—The amendments made by this
 16 section shall be effective as of the first day of the first
 17 applicable pay period beginning 90 days after the date of
 18 enactment of this Act.

19 **TITLE III—UNACCOMPANIED** 20 **ALIEN CHILDREN**

21 **SEC. 301. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-** 22 **DREN.**

23 (a) IN GENERAL.—Section 235 of the William Wil-
 24 berforce Trafficking Victims Protection Reauthorization
 25 Act of 2008 (8 U.S.C. 1232) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2)—

3 (i) by amending the heading to read
4 as follows: “RULES FOR UNACCOMPANIED
5 ALIEN CHILDREN.”;

6 (ii) in subparagraph (A);

7 (I) in the matter preceding clause
8 (i), by striking “who is a national or
9 habitual resident of a country that is
10 contiguous with the United States”;

11 (II) in clause (i), by inserting
12 “and” at the end;

13 (III) in clause (ii), by striking “;
14 and” and inserting a period; and

15 (IV) by striking clause (iii);

16 (iii) in subparagraph (B)—

17 (I) in the matter preceding clause
18 (i), by striking “(8 U.S.C. 1101 et
19 seq.) may—” and inserting “(8
20 U.S.C. 1101 et seq.)—”;

21 (II) in clause (i), by inserting be-
22 fore “permit such child to withdraw”
23 the following: “may”; and

1 (III) in clause (ii), by inserting
2 before “return such child” the fol-
3 lowing: “shall”; and

4 (iv) in subparagraph (C)—

5 (I) by amending the heading to
6 read as follows: “AGREEMENTS WITH
7 FOREIGN COUNTRIES.”; and

8 (II) in the matter preceding
9 clause (i), by striking “The Secretary
10 of State shall negotiate agreements
11 between the United States and coun-
12 tries contiguous to the United States”
13 and inserting “The Secretary of State
14 may negotiate agreements between the
15 United States and any foreign country
16 that the Secretary determines appro-
17 priate”; and

18 (B) in paragraph (5)(D)—

19 (i) in the matter preceding clause (i),
20 by striking “, except for an unaccompanied
21 alien child from a contiguous country sub-
22 ject to the exceptions under subsection
23 (a)(2),” and inserting “who does not meet
24 the criteria listed in paragraph (2)(A)”;
25 and

1 (ii) in clause (i), by inserting before
2 the semicolon at the end the following: “,
3 which shall include a hearing before an im-
4 migration judge not later than 14 days
5 after being screened under paragraph (4)”;

6 (2) in subsection (b)—

7 (A) in paragraph (2)—

8 (i) in the matter preceding subpara-
9 graph (A), by striking “48 hours” and in-
10 serting “7 days”;

11 (ii) in subparagraph (A), by inserting
12 before the semicolon the following: “be-
13 lieved not to meet the criteria listed in sub-
14 section (a)(2)(A)”;

15 (iii) in subparagraph (B), by inserting
16 before the period the following: “and does
17 not meet the criteria listed in subsection
18 (a)(2)(A)”;

19 (B) in paragraph (3), by striking “an un-
20 accompanied alien child in custody shall” and
21 all that follows, and inserting the following: “an
22 unaccompanied alien child in custody—

23 “(A) in the case of a child who does not
24 meet the criteria listed in subsection (a)(2)(A),
25 shall transfer the custody of such child to the

1 Secretary of Health and Human Services not
2 later than 30 days after determining that such
3 child is an unaccompanied alien child who does
4 not meet such criteria; or

5 “(B) in the case of child who meets the
6 criteria listed in subsection (a)(2)(A), may
7 transfer the custody of such child to the Sec-
8 retary of Health and Human Services after de-
9 termining that such child is an unaccompanied
10 alien child who meets such criteria.”;

11 (3) by adding at the end the following:

12 “(5) INFORMATION SHARING.—The Secretary
13 of Health and Human Services shall share with the
14 Secretary of Homeland Security any information re-
15 quested on a child who has been determined to be
16 an unaccompanied alien child and who is or has
17 been in the custody of the Secretary of Health and
18 Human Services, including the location of the child
19 and any person to whom custody of the child has
20 been transferred, for any legitimate law enforcement
21 objective, including enforcement of the immigration
22 laws.”; and

23 (4) in subsection (c)—

24 (A) in paragraph (3), by inserting at the
25 end the following:

1 “(D) INFORMATION ABOUT INDIVIDUALS
2 WITH WHOM CHILDREN ARE PLACED.—

3 “(i) INFORMATION TO BE PROVIDED
4 TO HOMELAND SECURITY.—Before placing
5 a child with an individual, the Secretary of
6 Health and Human Services shall provide
7 to the Secretary of Homeland Security, re-
8 garding the individual with whom the child
9 will be placed, the following information:

10 “(I) The name of the individual.

11 “(II) The social security number
12 of the individual.

13 “(III) The date of birth of the in-
14 dividual.

15 “(IV) The location of the individ-
16 ual’s residence where the child will be
17 placed.

18 “(V) The immigration status of
19 the individual, if known.

20 “(VI) Contact information for
21 the individual.

22 “(ii) SPECIAL RULE.—In the case of a
23 child who was apprehended on or after
24 June 15, 2012, and before the date of the
25 enactment of the Repeal Executive Am-

1 nesty Act of 2015, who the Secretary of
2 Health and Human Services placed with
3 an individual, the Secretary shall provide
4 the information listed in clause (i) to the
5 Secretary of Homeland Security not later
6 than 90 days after the date of the enact-
7 ment of the Repeal Executive Amnesty Act
8 of 2015.

9 “(iii) ACTIVITIES OF THE SECRETARY
10 OF HOMELAND SECURITY.—Not later than
11 30 days after receiving the information
12 listed in clause (i), the Secretary of Home-
13 land Security shall—

14 “(I) in the case that the immi-
15 gration status of an individual with
16 whom a child is placed is unknown,
17 investigate the immigration status of
18 that individual; and

19 “(II) upon determining that an
20 individual with whom a child is placed
21 is unlawfully present in the United
22 States, initiate removal proceedings
23 pursuant to chapter 4 of title II of the
24 Immigration and Nationality Act (8
25 U.S.C. 1221 et seq.).”; and

1 (B) in paragraph (5)—

2 (i) by inserting after “to the greatest
3 extent practicable” the following: “(at no
4 expense to the Government)”; and

5 (ii) by striking “have counsel to rep-
6 resent them” and inserting “have access to
7 counsel to represent them”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 this section shall apply to any unauthorized alien child ap-
10 prehended on or after June 15, 2012.

11 **SEC. 302. SPECIAL IMMIGRANT JUVENILE STATUS FOR IM-**
12 **MIGRANTS UNABLE TO REUNITE WITH EI-**
13 **THER PARENT.**

14 Section 101(a)(27)(J)(i) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by
16 striking “1 or both of the immigrant’s parents” and in-
17 serting “either of the immigrant’s parents”.

18 **SEC. 303. MODIFICATIONS TO PREFERENTIAL AVAIL-**
19 **ABILITY FOR ASYLUM FOR UNACCOMPANIED**
20 **ALIEN MINORS.**

21 Section 208 of the Immigration and Nationality Act
22 (8 U.S.C. 1158) is amended—

23 (1) by striking subsection (a)(2)(E); and

24 (2) by striking subsection (b)(3)(C).

1 **SEC. 304. UNACCOMPANIED ALIEN CHILD DEFINED.**

2 Section 462(g)(2) of the Homeland Security Act of
3 2002 (6 U.S.C. 279(g)(2)) is amended to read as follows:

4 “(2) The term ‘unaccompanied alien child’—

5 “(A) means an alien who—

6 “(i) has no lawful immigration status
7 in the United States;

8 “(ii) has not attained 18 years of age;

9 and

10 “(iii) with respect to whom—

11 “(I) there is no parent or legal
12 guardian in the United States;

13 “(II) no parent or legal guardian
14 in the United States is available to
15 provide care and physical custody; or

16 “(III) no sibling over 18 years of
17 age, aunt, uncle, grandparent, or
18 cousin over 18 years of age is avail-
19 able to provide care and physical cus-
20 tody; except that

21 “(B) such term shall cease to include an
22 alien if at any time a parent, legal guardian,
23 sibling over 18 years of age, aunt, uncle, grand-
24 parent, or cousin over 18 years of age of the
25 alien is found in the United States and is avail-
26 able to provide care and physical custody (and

1 the Secretary of Homeland Security and the
 2 Secretary of Health and Human Services shall
 3 revoke accordingly any prior designation of the
 4 alien under this paragraph).”.

5 **TITLE IV—ELIGIBILITY CRITERIA FOR ALIENS TO RE-**
 6 **CEIVE CERTAIN BENEFITS**

8 **SEC. 401. ALIENS WITHOUT LAWFUL STATUS INELIGIBLE**
 9 **TO RECEIVE SOCIAL SECURITY AND MEDI-**
 10 **CARE BENEFITS.**

11 Section 401(b) of the Personal Responsibility and
 12 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
 13 1611(b)) is amended—

14 (1) in paragraph (2), by adding at the end the
 15 following: “For purposes of this paragraph, the term
 16 ‘alien who is lawfully present in the United States’
 17 means an alien who has been admitted to the United
 18 States, and whose period of lawful admission has not
 19 expired, and does not include an alien who is present
 20 in the United States pursuant to a grant of parole
 21 under section 212(d)(5) of the Immigration and Na-
 22 tionality Act (8 U.S.C. 1182(d)(5)).”; and

23 (2) in paragraph (3), by adding at the end the
 24 following: “For purposes of this paragraph, the term

1 ‘alien who is lawfully present in the United States’
 2 has the meaning given such term in paragraph (2).”.

3 **SEC. 402. APPLYING CITIZENSHIP AND IMMIGRATION STA-**
 4 **TUS ELIGIBILITY CRITERIA FOR FEDERAL**
 5 **PROGRAMS TO AFFORDABLE CARE ACT BEN-**
 6 **EFITS.**

7 (a) APPLYING QUALIFIED ALIEN ELIGIBILITY CRI-
 8 TERIA TO ACA BENEFITS.—

9 (1) TEMPORARY HIGH RISK HEALTH INSUR-
 10 ANCE POOL PROGRAM.—Section 1101(d)(1) of the
 11 Patient Protection and Affordable Care Act (42
 12 U.S.C. 18001(d)(1)) is amended by striking “or is
 13 lawfully present” and all that follows through “sec-
 14 tion 1411)” and inserting “or is a qualified alien (as
 15 defined in section 431 of the Personal Responsibility
 16 and Work Opportunity Reconciliation Act of 1996 (8
 17 U.S.C. 1641)), as determined in accordance with
 18 section 1411”.

19 (2) ELIGIBILITY TO PARTICIPATE IN EX-
 20 CHANGES.—Section 1312(f)(3) of such Act (42
 21 U.S.C. 18032(f)(3)) is amended—

22 (A) in the paragraph heading, by inserting
 23 “CERTAIN” after “LIMITED TO”; and

24 (B) by striking “an alien lawfully present
 25 in the United States” and inserting “an alien

1 who is a qualified alien (as defined in section
2 431 of the Personal Responsibility and Work
3 Opportunity Reconciliation Act of 1996 (8
4 U.S.C. 1641))”.

5 (3) STATE HEALTH PROGRAMS FOR LOW-IN-
6 COME INDIVIDUALS NOT ELIGIBLE FOR MEDICAID.—
7 Section 1331(e)(1)(B) of such Act (42 U.S.C.
8 18051(e)(1)(B)) is amended by striking “lawfully
9 present in the United States” and inserting “who is
10 a qualified alien (as defined in section 431 of the
11 Personal Responsibility and Work Opportunity Rec-
12 onciliation Act of 1996 (8 U.S.C. 1641))”.

13 (4) TAX CREDIT PROVIDING PREMIUM ASSIST-
14 ANCE FOR COVERAGE UNDER QUALIFIED HEALTH
15 PLANS.—Section 36B of the Internal Revenue of
16 1986 is amended—

17 (A) in subsection (c)(1)(B)—

18 (i) in the heading, by striking “INDI-
19 VIDUALS LAWFULLY PRESENT IN THE
20 UNITED STATES” and inserting “QUALI-
21 FIED ALIENS”; and

22 (ii) in clause (ii), by striking “an alien
23 lawfully present in the United States” and
24 inserting “an alien who is a qualified alien
25 (as defined in section 431 of the Personal

Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641))”;
and

(B) in subsection (e)(2), by striking “lawfully present in the United States” and inserting “who is a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641))”.

(5) REDUCED COST-SHARING FOR CERTAIN INDIVIDUALS UNDER QUALIFIED HEALTH PLANS.—Section 1402(e)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)(2)) is amended by striking “lawfully present in the United States” and inserting “who is a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641))”.

(6) ELIGIBILITY DETERMINATIONS.—Section 1411 of the Patient Protection and Affordable Care Act (42 U.S.C. 18081) is amended—

(A) in subsection (a)(1), by striking “an alien lawfully present in the United States” and inserting “a qualified alien (as defined in section 431 of the Personal Responsibility and

Work Opportunity Reconciliation Act of 1996
(8 U.S.C. 1641))”]; and

(B) in subsection (c)(2)(B)—

(i) in clause (i)(I), by striking “an alien lawfully present in the United States” and inserting “a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641))”]; and

(ii) in clause (ii)(II), by striking “an alien lawfully present in the United States” and inserting “a qualified alien (as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641))”.

(7) ADVANCE DETERMINATION AND PAYMENT OF PREMIUM TAX CREDITS AND COST-SHARING REDUCTIONS.—Section 1412(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18082(d)) is amended—

(A) in the heading, by striking “LAWFULLY PRESENT” and inserting “CITIZENS, NATIONALS, OR QUALIFIED ALIENS”]; and

1 (B) by striking “not lawfully present in the
2 United States” and inserting “not citizens or
3 nationals of the United States or aliens who are
4 qualified aliens (as defined in section 431 of the
5 Personal Responsibility and Work Opportunity
6 Reconciliation Act of 1996 (8 U.S.C. 1641))”.

7 (8) MINIMUM ESSENTIAL COVERAGE REQUIRE-
8 MENT.—Section 5000A(d)(3) of the Internal Rev-
9 enue Code of 1986 is amended—

10 (A) in the heading, by striking “LAWFULLY
11 PRESENT” and inserting “CITIZENS, NATION-
12 ALS, OR QUALIFIED ALIENS”; and

13 (B) by striking “an alien lawfully present
14 in the United States” and inserting “a qualified
15 alien (as defined in section 431 of the Personal
16 Responsibility and Work Opportunity Reconcili-
17 ation Act of 1996 (8 U.S.C. 1641))”.

18 (9) MEDICAID POPULATION.—Section
19 1903(v)(1) of the Social Security Act is amended by
20 striking “who is not lawfully admitted for permanent
21 residence or otherwise permanently residing in the
22 United States under color of law” and inserting
23 “who is not a qualified alien (as defined in section
24 431 of the Personal Responsibility and Work Oppor-
25 tunity Reconciliation Act of 1996 (8 U.S.C. 1641))”.

1 (b) CLARIFICATION THAT CERTAIN ACA BENEFITS
2 TREATED AS FEDERAL PUBLIC BENEFITS.—Section
3 401(c) of the Personal Responsibility and Work Oppor-
4 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)) is
5 amended by adding at the end the following new para-
6 graph:

7 “(3) In applying paragraph (1), the following
8 assistance and benefits are treated as health benefits
9 described in paragraph (1)(B):

10 “(A) Enrollment under the temporary high
11 risk health insurance pool program under sec-
12 tion 1101 of the Patient Protection and Afford-
13 able Care Act (42 U.S.C. 18001).

14 “(B) Participation in an Exchange estab-
15 lished under title I of the Patient Protection
16 and Affordable Care Act.

17 “(C) Participation in the health program
18 established under section 1331(a) of the Pa-
19 tient Protection and Affordable Care Act (42
20 U.S.C. 18051).

21 “(D) Allowance of a tax credit under sec-
22 tion 36B of the Internal Revenue Code of 1986.

23 “(E) Reduction of cost-sharing under
24 qualified health plans under section 1402 of the

1 Patient Protection and Affordable Care Act (42
2 U.S.C. 18071).

3 “(F) Provision of advance payments under
4 section 1412 of the Patient Protection and Af-
5 fordable Care Act (42 U.S.C. 18082).”.

6 (c) CLARIFICATION THAT CERTAIN ACA BENEFITS
7 TREATED AS FEDERAL MEANS-TESTED PUBLIC BENE-
8 FITS.—Section 403(c) of the Personal Responsibility and
9 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
10 1613(c)) is amended by adding at the end the following
11 new paragraph:

12 “(3) In applying this section, assistance and
13 benefits described in section 401(c)(3) are treated as
14 Federal means-tested public benefits to which sub-
15 section (a) applies.”.

16 (d) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the amendments made by this section shall apply to
19 coverage months beginning more than 120 days
20 after the date of the enactment of this Act.

21 (2) TRANSITION FOR CURRENT ENROLLEES.—

22 In the case of an individual who is being provided
23 assistance or benefits described in paragraph (3) of
24 section 401(c) of the Personal Responsibility and
25 Work Opportunity Reconciliation Act of 1996 (8

1 U.S.C. 1611(c)), as added by subsection (b), as of
 2 the date of the enactment of this Act, the amend-
 3 ments made by this section (other than the amend-
 4 ments made by subsection (a)(8)) shall not apply
 5 with respect to such assistance or benefits provided
 6 to such individual for coverage months before Janu-
 7 ary of the year after the date of enactment of this
 8 Act.

9 **SEC. 403. ALIENS PAROLED INTO THE UNITED STATES IN-**
 10 **ELIGIBLE FOR FEDERAL PUBLIC BENEFITS.**

11 Section 431(b) of the Personal Responsibility and
 12 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
 13 1641(b)) is amended by striking paragraph (4).

14 **TITLE V—STATE AND LOCAL EN-**
 15 **FORCEMENT OF THE IMMI-**
 16 **GRATION LAWS**

17 **SEC. 501. DEFINITIONS.**

18 (a) STATE DEFINED.—For the purposes of this title,
 19 the term “State” has the meaning given to such term in
 20 section 101(a)(36) of the Immigration and Nationality Act
 21 (8 U.S.C. 1101(a)(36)).

22 (b) SECRETARY DEFINED.—For the purpose of this
 23 title, the term “Secretary” means the Secretary of Home-
 24 land Security.

1 **SEC. 502. IMMIGRATION LAW ENFORCEMENT BY STATES**
2 **AND LOCALITIES.**

3 Law enforcement personnel of a State, or of a polit-
4 ical subdivision of a State, may investigate, identify, ap-
5 prehend, arrest, detain, or transfer to Federal custody
6 aliens for the purposes of enforcing the immigration laws
7 of the United States to the same extent as Federal law
8 enforcement personnel. Law enforcement personnel of a
9 State, or of a political subdivision of a State, may also
10 investigate, identify, apprehend, arrest, or detain aliens
11 for the purposes of enforcing the immigration laws of a
12 State or of a political subdivision of State. Law enforce-
13 ment personnel of a State, or of a political subdivision of
14 a State, may not remove aliens from the United States.

15 **SEC. 503. IMMUNITY.**

16 Notwithstanding any other provision of law, a law en-
17 forcement officer of a State or local law enforcement agen-
18 cy who is acting within the scope of the officer's official
19 duties shall be immune, to the same extent as a Federal
20 law enforcement officer, from personal liability arising out
21 of the performance of any duty described in this title, in-
22 cluding the authorities to investigate, identify, apprehend,
23 arrest, detain, or transfer to Federal custody, an alien for
24 the purposes of enforcing the immigration laws of the
25 United States (as defined in section 101(a)(17) of the Im-
26 migration and Nationality Act (8 U.S.C. 1101(a)(17))) or

1 the immigration laws of a State or a political subdivision
2 of a State.

3 **SEC. 504. FEDERAL CUSTODY OF INADMISSIBLE AND DE-**
4 **PORTABLE ALIENS IN THE UNITED STATES**
5 **APPREHENDED BY STATE OR LOCAL LAW EN-**
6 **FORCEMENT.**

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

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

12 “SEC. 240D.

13 “(a) TRANSFER OF CUSTODY BY STATE AND LOCAL
14 OFFICIALS.—If a State, or a political subdivision of a
15 State, exercising authority with respect to the apprehen-
16 sion or arrest of an inadmissible or deportable alien sub-
17 mits to the Secretary of Homeland Security a request that
18 the alien be taken into Federal custody, notwithstanding
19 any other provision of law, regulation, or policy the Sec-
20 retary—

21 “(1) shall take the alien into custody not later
22 than 48 hours after the request has been issued fol-
23 lowing the conclusion of the State or local charging
24 process or dismissal process, or if no State or local
25 charging or dismissal process is required, the Sec-
26 retary shall issue a detainer and take the alien into

1 custody not later than 48 hours after the alien is ap-
2 prehended, in order to determine whether the alien
3 should be detained, placed in removal proceedings,
4 released, or removed; or

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

9 “(b) POLICY ON DETENTION IN FEDERAL, CON-
10 TRACT, STATE, OR LOCAL DETENTION FACILITIES.—In
11 carrying out section 241(g)(1), the Attorney General or
12 Secretary of Homeland Security shall ensure that an alien
13 arrested under this title shall be held in custody, pending
14 the alien’s examination under this section, in a Federal,
15 contract, State, or local prison, jail, detention center, or
16 other comparable facility. Notwithstanding any other pro-
17 vision of law, regulation or policy, such facility is adequate
18 for detention, if—

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

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

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

4 “(c) REIMBURSEMENT.—The Secretary of Homeland
5 Security shall reimburse a State, or a political subdivision
6 of a State, for all reasonable expenses, as determined by
7 the Secretary, incurred by the State, or political subdivi-
8 sion, as a result of the incarceration and transportation
9 of an alien who is inadmissible or deportable as described
10 in subsections (a) and (b). Compensation provided for
11 costs incurred under such subsections shall be the average
12 cost of incarceration of a prisoner in the relevant State,
13 as determined by the chief executive officer of a State,
14 or of a political subdivision of a State, plus the cost of
15 transporting the alien from the point of apprehension to
16 the place of detention, and to the custody transfer point
17 if the place of detention and place of custody are different.

18 “(d) SECURE FACILITIES.—The Secretary of Home-
19 land Security shall ensure that aliens incarcerated pursu-
20 ant to this title are held in facilities that provide an appro-
21 priate level of security.

22 “(e) TRANSFER.—

23 “(1) IN GENERAL.—In carrying out this sec-
24 tion, the Secretary of Homeland Security shall es-
25 tablish a regular circuit and schedule for the prompt

1 transfer of apprehended aliens from the custody of
 2 States, and political subdivisions of a State, to Fed-
 3 eral custody.

4 “(2) CONTRACTS.—The Secretary may enter
 5 into contracts, including appropriate private con-
 6 tracts, to implement this subsection.”.

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

“Sec. 240D. Custody of inadmissible and deportable aliens present in the
 United States.”.

10 **SEC. 505. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM**
 11 **(SCAAP).**

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

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

16 (2) by amending paragraph (5) to read as fol-
 17 lows:

18 “(5) There are authorized to be appropriated to
 19 carry out this subsection such sums as may be nec-
 20 essary for fiscal year 2015 and each subsequent fis-
 21 cal year.”.

1 **SEC. 506. LIMITATION ON STATE RECEIPT OF FEDERAL**
2 **FUNDING.**

3 (a) IN GENERAL.—A State or political subdivision of
4 a State that has in place a law or policy described in sub-
5 section (b) may not receive—

6 (1) grants made under subpart 1 of part E of
7 title I of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (42 U.S.C. 3750 et seq.);

9 (2) grants made under part Q of title I of the
10 Omnibus Crime Control and Safe Streets Act of
11 1968 (42 U.S.C. 3796dd et seq.); or

12 (3) compensation under section 241(i) of the
13 Immigration and Nationality Act (8 U.S.C. 1231(i)).

14 (b) LAW OR POLICY DESCRIBED.—A law or policy
15 is described in this subsection if the law or policy—

16 (1) is in contravention of section 642(a) of the
17 Illegal Immigration Reform and Immigrant Respon-
18 sibility Act of 1996 (8 U.S.C. 1373(a));

19 (2) prohibits or restricts law enforcement offi-
20 cers of that State or political subdivision from col-
21 lecting information relating to an individual's immi-
22 gration status; or

23 (3) prohibits or restricts compliance with, or
24 the honoring of detainers issued by Immigration and
25 Customs Enforcement.

1 **SEC. 507. ICE DETAINERS.**

2 Section 287(d) of the Immigration and Nationality
3 Act (8 U.S.C. 1357(d)) is amended in the matter pre-
4 ceding paragraph (1), by striking “relating to controlled
5 substances”.

6 **SEC. 508. PRESERVATION OF THE SECURE COMMUNITIES**
7 **PROGRAM AND REMOVAL OF DEPORTABLE**
8 **ALIENS IDENTIFIED UNDER THE INTEROPER-**
9 **ABLE LAW ENFORCEMENT AND INTEL-**
10 **LIGENCE ELECTRONIC DATA SYSTEM.**

11 Section 202 of the Enhanced Border Security and
12 Visa Entry Reform Act of 2002 (8 U.S.C. 1722) is amend-
13 ed—

14 (1) in subsection (a)(2), by adding at the end
15 the following: “Compliance with the requirements of
16 this paragraph shall include, at a minimum, the op-
17 eration of the Secure Communities program, as in
18 effect on November 19, 2014.”; and

19 (2) by adding at the end the following:

20 “(c) **REQUIRED ACTION.**—Upon receiving notice
21 under the interoperable law enforcement and intelligence
22 electronic data system established under subsection (a)
23 that a deportable alien is in the custody of Federal, State,
24 or local law enforcement, the Secretary of Homeland Secu-
25 rity shall, following the conclusion of the charging process,
26 dismissal process, or completion of the alien’s sentence,

1 as appropriate, issue a detainer, take the alien into cus-
 2 tody, and initiate removal proceedings under section 238
 3 or 240 of the Immigration and Nationality Act (8 U.S.C.
 4 1228, 1229a), as appropriate.”.

5 **TITLE VI—ASYLUM REFORM AND** 6 **BORDER PROTECTION**

7 **SEC. 601. CLARIFICATION OF INTENT REGARDING TAX-** 8 **PAYER-PROVIDED COUNSEL.**

9 Section 292 of the Immigration and Nationality Act
 10 (8 U.S.C. 1362) is amended—

11 (1) by striking “(at no expense to the Govern-
 12 ment)”; and

13 (2) by adding at the end the following:
 14 “Notwithstanding any other provision of law, in no in-
 15 stance shall the Government bear any expense for counsel
 16 for any person in removal proceedings or in any appeal
 17 proceedings before the Attorney General from any such
 18 removal proceedings.”.

19 **SEC. 602. CREDIBLE FEAR INTERVIEWS.**

20 Section 235(b)(1)(B)(v) of the Immigration and Na-
 21 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by
 22 striking “208.” and inserting “208, and it is more prob-
 23 able than not that the statements made by the alien in
 24 support of the alien’s claim are true.”.

1 **SEC. 603. RECORDING EXPEDITED REMOVAL AND CRED-**
2 **IBLE FEAR INTERVIEWS.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity shall establish quality assurance procedures and take
5 steps to effectively ensure that questions by employees of
6 the Department of Homeland Security exercising expe-
7 dited removal authority under section 235(b) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1225(b)) are asked
9 in a uniform manner, and that both these questions and
10 the answers provided in response to them are recorded in
11 a uniform fashion.

12 (b) FACTORS RELATING TO SWORN STATEMENTS.—
13 Where practicable, any sworn or signed written statement
14 taken of an alien as part of the record of a proceeding
15 under section 235(b)(1)(A) of the Immigration and Na-
16 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-
17 panied by a recording of the interview which served as the
18 basis for that sworn statement.

19 (c) INTERPRETERS.—The Secretary shall ensure that
20 a competent interpreter, not affiliated with the govern-
21 ment of the country from which the alien may claim asy-
22 lum, is used when the interviewing officer does not speak
23 a language understood by the alien and there is no other
24 Federal, State, or local government employee available
25 who is able to interpret effectively, accurately, and impar-
26 tially.

1 (d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—
2 Recordings of interviews of aliens subject to expedited re-
3 moval shall be included in the record of proceeding and
4 shall be considered as evidence in any further proceedings
5 involving the alien.

6 (e) NO PRIVATE RIGHT OF ACTION.—Nothing in this
7 section shall be construed to create any right, benefit,
8 trust, or responsibility, whether substantive or procedural,
9 enforceable in law or equity by a party against the United
10 States, its departments, agencies, instrumentalities, enti-
11 ties, officers, employees, or agents, or any person, nor does
12 this section create any right of review in any administra-
13 tive, judicial, or other proceeding.

14 **SEC. 604. SAFE THIRD COUNTRY.**

15 Section 208(a)(2)(A) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

17 (1) by striking “Attorney General” and insert-
18 ing “Secretary of Homeland Security”; and

19 (2) by striking “removed, pursuant to a bilat-
20 eral or multilateral agreement, to” and inserting
21 “removed to”.

1 **TITLE VII—MISCELLANEOUS**

2 **SEC. 701. SUSPENSION OF EFFECTIVENESS OF CERTAIN**
3 **LAWS.**

4 (a) WAIVER OF INADMISSIBILITY OF ALIENS UNLAW-
5 FULLY PRESENT.—Section 212(a)(9)(B)(v) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(v))
7 is suspended during the period beginning on the date of
8 the enactment of this Act and ending on January 20,
9 2017.

10 (b) DESIGNATION FOR TEMPORARY PROTECTED
11 STATUS.—No foreign state may be designated or redesign-
12 nated under section 244(b) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1254a(b)) during the period begin-
14 ning on the date of the enactment of this Act and ending
15 on January 20, 2017. The preceding sentence shall not
16 be construed to affect any extension of a designation
17 under paragraph (3)(C) of such section, if the designation
18 was made prior to the date of the enactment of this Act.

19 **SEC. 702. TEMPORARY PROTECTED STATUS REFORM.**

20 Section 244 of the Immigration and Nationality Act
21 (8 U.S.C. 1254a) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (3), by striking subpara-
24 graphs (B) and (C) and redesignating subpara-
25 graph (D) as subparagraph (B); and

1 (B) in paragraph (5), by striking “to deny
2 temporary protected status to an alien based on
3 the alien’s immigration status or”;

4 (2) in subsection (b)—

5 (A) in paragraph (3)—

6 (i) in subparagraph (A), by striking “,
7 and any extended period of designation,”;

8 (ii) in subparagraph (B), by striking
9 “or, if later, the expiration of the most re-
10 cent previous extension under subpara-
11 graph (C)”;

12 (iii) in subparagraph (C), by striking
13 “is extended for” and all that follows, and
14 inserting “may be extended for one addi-
15 tional period of up to 18 months, in the
16 discretion of the Attorney General.”;

17 (B) in paragraph (5)(B), by striking the
18 second sentence;

19 (3) in subsection (c)(1)(A)—

20 (A) in clause (iii), by striking “and” at the
21 end;

22 (B) in clause (iv), by striking the period at
23 the end and inserting “; and”;

24 (C) by adding after clause (iv) the fol-
25 lowing:

1 “(v) the alien had lawful immigration
2 status in the United States on the effective
3 date of the most recent designation of that
4 state.”; and

5 (4) in subsection (g), by striking “aliens who
6 are or may become otherwise deportable or have
7 been paroled into the United States” and inserting
8 “aliens who may become otherwise deportable”.

○