A BILL

To strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Security, Enforcement, and Compassion United in Reform Efforts Act” or the “SECURE Act of 2017”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
(b) Table of Contents.—The table of contents for this Act is as follows:

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1 TITLE I—BUILDING AMERICA’S
2 TRUST ACT
3 SEC. 1001. SHORT TITLE.
4 This title may be cited as the “Building America’s
5 Trust Act”.

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Subtitle A—Border Security

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the “Border Security for America Act of 2017”.

SEC. 1102. DEFINITIONS.

In this subtitle:

(1) Advanced Unattended Surveillance Sensors.—The term “advanced unattended surveillance sensors” means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

(2) Appropriate Congressional Committee.—The term “appropriate congressional committee” has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(3) Commissioner.—The term “Commissioner” means the Commissioner of U.S. Customs and Border Protection.

(4) High Traffic Areas.—The term “high traffic areas” has the meaning given the term in section 102(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 1111 of this Act.
(5) OPERATIONAL CONTROL.—The term “operational control” has the meaning given the term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

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

(7) 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; 6 U.S.C. 223(a)(7)).

(8) TRANSIT ZONE.—The term “transit zone” has the meaning given the term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

CHAPTER 1—INFRASTRUCTURE AND EQUIPMENT

SEC. 1111. STRENGTHENING THE REQUIREMENTS FOR BARRIERS 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) by amending subsection (a) to read as follows:
“(a) In General.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to construct, install, deploy, operate, and maintain tactical infrastructure and technology in the vicinity of the United States border to achieve situational awareness and operational control of the border and deter, impede, and detect illegal activity in high traffic areas.”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “FENCING” and inserting “PHYSICAL BARRIERS”;

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting “situational awareness and” before “operational control”; and

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

“(B) Tactical Infrastructure.—

“(i) In General.—Not later than January 20, 2021, the Secretary of Homeland Security, in carrying out subsection (a), shall deploy along the United States border the most practical and effective tactical infrastructure available for achieving
situational awareness and operational control of the border.

“(ii) Exception for certain tactical infrastructure.—The deployment of tactical infrastructure under this subparagraph shall not apply in areas along the border where natural terrain features, natural barriers, or the remoteness of such area would make deployment ineffective, as determined by the Secretary, for the purposes of gaining situational awareness or operational control of such areas.”; and

(iii) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

“(i) In general.—In carrying out this section, the Secretary of Homeland Security, before deploying tactical infrastructure in a specific area or region, shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Governors of each State on the southern land border or the northern land border, other States, local governments, Indian tribes, representatives of U.S. Border Patrol and U.S. Cus-
toms and Border Protection, relevant Federal, State, local, and tribal agencies that have jurisdiction on the southern land border or in the maritime environment along the southern border, and private property owners in the United States to minimize the impact on the environment, culture, commerce, quality of life for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed.”;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i), as amended, the following:

“(ii) NOTIFICATION.—Not later than 60 days after the completion of the consultation required under clause (i), the Secretary of Homeland Security shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of the type of tactical infrastructure and tech-
nology that the Secretary has determined is most practical and effective to achieve operational control and situational awareness in a specific area and the other alternatives the Secretary considered before making such a determination.”;

(C) in paragraph (2)—

(i) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(ii) by striking “construction of fences” and inserting “the construction of physical barriers”; and

(D) by amending paragraph (3) to read as follows:

“(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when constructing tactical infrastructure, shall incorporate such safety features into the design of such tactical infrastructure that the Secretary determines, in the Secretary’s sole discretion, are necessary to maximize the safety and effectiveness of officers or agents of the Department of Homeland Security or of any other Federal agency.”;
(3) in subsection (c), by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security is authorized to waive all legal requirements that the Secretary, in the Secretary’s sole discretion, determines necessary to ensure the expeditious construction, installation, operation, and maintenance of the tactical infrastructure and technology under this section. Any such decision by the Secretary shall be effective upon publication in the Federal Register.”;

and

(4) by adding after subsection (d) the following:

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

“(f) DEFINITIONS.—In this section:

“(1) HIGH TRAFFIC AREAS.—The term ‘high traffic areas’ means areas in the vicinity of the United States border that—
“(A) are within the responsibility of U.S. Customs and Border Protection; and

“(B) have significant unlawful cross-border activity, as determined by the Secretary of Homeland Security.

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

“(3) SITUATIONAL AWARENESS DEFINED.—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; 6 U.S.C. 223(a)(7)).

“(4) TACTICAL INFRASTRUCTURE.—The term ‘tactical infrastructure’ means—

“(A) boat ramps, access gates, checkpoints, lighting, and roads; and

“(B) physical barriers (including fencing, border wall system, and levee walls).

“(5) TECHNOLOGY.—The term ‘technology’ means border surveillance and detection technology, including—

“(A) tower-based surveillance technology;
“(B) deployable, lighter-than-air ground surveillance equipment;

“(C) Vehicle and Dismount Exploitation Radars (VADER);

“(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

“(E) advanced unattended surveillance sensors;

“(F) mobile vehicle-mounted and man-portable surveillance capabilities;

“(G) unmanned aerial vehicles; and

“(H) predator-type unmanned aircraft systems.”.

SEC. 1112. LAND USE OR ACQUISITION.

Section 103(b) of the Immigration and Nationality Act (8 U.S.C. 1103 note) is amended to read as follows:

“(b)(1) The Secretary may lease, contract for, or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Secretary determines that such land is essential to control and guard the boundaries and borders of the United States against any violation of this Act.

“(2) The Secretary may lease, contract for, or buy any interest in land described in paragraph (1) when—
“(A) the lawful owner of that interest fixes a price for leasing, contracting, or buying such interest; and

“(B) the Secretary considers the price referred to in subparagraph (A) to be reasonable.

“(3) If the Secretary and the lawful owner of an interest in land described in paragraph (1) are unable to agree to lease, contract for, or buy such interest at a reasonable price for such lease, contract, or purchase, the Secretary may commence condemnation proceedings pursuant to the Act of August 1, 1888 (Chapter 728; 25 Stat. 357).”.

SEC. 1113. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) INCREASED FLIGHT HOURS.—The Secretary shall ensure that not fewer than 95,000 annual flight hours are carried out by Air and Marine Operations of U.S. Customs and Border Protection.

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

(e) CONTRACT AIR SUPPORT AUTHORIZATION.—The Commissioner shall contract for any additional aviation services needed to fulfill identified air support mission
critical hours, as identified by the Chief of the U.S. Border
Patrol.

(d) PRIMARY MISSION.—The Commissioner shall en-
sure that—

(1) the primary missions for Air and Marine
Operations are to directly support U.S. Border Pa-
trol activities along the southern border of the
United States and Joint Interagency Task Force
South operations in the transit zone; and

(2) the Executive Assistant Commissioner of
Air and Marine Operations assigns the greatest pri-
ority to support missions established by the Commiss-
ioner to carry out the requirements under this Act.

(e) HIGH-DEMAND FLIGHT HOUR REQUIREMENTS.—
In accordance with subsection (d), the Commissioner shall
ensure that U.S. Border Patrol Sector Chiefs—

(1) identify critical flight hour requirements;

and

(2) direct Air and Marine Operations to sup-
port requests from Sector Chiefs as their primary
mission.

(f) SMALL UNMANNED AERIAL VEHICLES.—

(1) IN GENERAL.—The Chief of the U.S. Bor-
der Patrol shall be the operational lead for U.S.
Customs and Border Protection’s use of small, un-
manned aerial vehicles for the purpose of meeting
the U.S. Border Patrol’s unmet flight hour oper-
ational requirements and to achieve situational
awareness and operational control.

(2) COORDINATION.—In carrying out para-
graph (1), the Chief of the U.S. Border Patrol shall
coordinate with the Executive Assistant Commiss-
ioner for Air and Marine Operations of U.S. Cus-
toms and Border Protection to ensure the safety of
other aircraft flying in the vicinity of small, un-
manned aerial vehicles operated by U.S. Border Pa-
trol.

(3) DEFINED TERM.—In this subsection, the
term “small, unmanned aerial vehicle” means any
unmanned aerial vehicle operated by U.S. Customs
and Border Protection weighing less than 55
pounds.

(4) CONFORMING AMENDMENT.—Section
411(e)(3) of the Homeland Security Act of 2002 (6
U.S.C. 211(e)(3)) is amended—

(A) in subparagraph (B), by striking
“and” at the end;

(B) by redesignating subparagraph (C) as
subparagraph (D); and
(C) by inserting after subparagraph (B) the following:

“(C) carry out the small unmanned aerial vehicle requirements under section 1112(f) of the Border Security for America Act of 2017; and”.

SEC. 1114. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND TRANSIT ZONE.

(a) IN GENERAL.—Not later than January 20, 2021, the Secretary, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 1111 of this Act), and acting through the appropriate component of the Department of Homeland Security, shall deploy to each sector or region of the southern border and the northern border, in a prioritized manner to achieve situational awareness and operational control of such borders, the following additional capabilities:

(1) SAN DIEGO SECTOR.—For the San Diego sector, the following:

(A) Tower-based surveillance technology.

(B) Subterranean surveillance and detection technologies.

(C) To increase coastal maritime domain awareness, the following:
(i) Deployable, lighter-than-air surface surveillance equipment.

(ii) Unmanned aerial vehicles with maritime surveillance capability.

(iii) U.S. Customs and Border Protection maritime patrol aircraft.

(iv) Coastal radar surveillance systems.

(v) Maritime signals intelligence capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(2) EL CENTRO SECTOR.—For the El Centro sector, the following:

(A) Tower-based surveillance technology.
(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Man-portable unmanned aerial vehicles.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(3) YUMA SECTOR.—For the Yuma sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

(E) A rapid reaction capability supported by aviation assets.
(F) Mobile vehicle-mounted and man-portable surveillance systems.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(4) TUCSON SECTOR.—For the Tucson sector, the following:

(A) Tower-based surveillance technology.

(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(C) Deployable, lighter-than-air ground surveillance equipment.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.
(5) **EL PASO SECTOR.**—For the El Paso sector, the following:

- (A) Tower-based surveillance technology.
- (B) Deployable, lighter-than-air ground surveillance equipment.
- (C) Ultralight aircraft detection capabilities.
- (D) Advanced unattended surveillance sensors.
- (E) Mobile vehicle-mounted and man-portable surveillance systems.
- (F) A rapid reaction capability supported by aviation assets.
- (G) Mobile vehicle-mounted and man-portable surveillance capabilities.
- (H) Man-portable unmanned aerial vehicles.
- (I) Improved agent communications capabilities.

(6) **BIG BEND SECTOR.**—For the Big Bend sector, the following:

- (A) Tower-based surveillance technology.
- (B) Deployable, lighter-than-air ground surveillance equipment.
(C) Improved agent communications capabilities.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(7) DEL RIO SECTOR.—For the Del Rio sector, the following:

(A) Tower-based surveillance technology.

(B) Increased monitoring for cross-river dams, culverts, and footpaths.

(C) Improved agent communications capabilities.

(D) Improved maritime capabilities in the Amistad National Recreation Area.

(E) Advanced unattended surveillance sensors.
(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.

(H) Man-portable unmanned aerial vehicles.

(I) Improved agent communications capabilities.

(8) LAREDO SECTOR.—For the Laredo sector, the following:

(A) Tower-based surveillance technology.

(B) Maritime detection resources for the Falcon Lake region.

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(D) Increased monitoring for cross-river dams, culverts, and footpaths.

(E) Ultralight aircraft detection capability.

(F) Advanced unattended surveillance sensors.

(G) A rapid reaction capability supported by aviation assets.

(H) Man-portable unmanned aerial vehicles.
(I) Improved agent communications capabilities.

(9) RIO GRANDE VALLEY SECTOR.—For the Rio Grande Valley sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(D) Ultralight aircraft detection capability.

(E) Advanced unattended surveillance sensors.

(F) Increased monitoring for cross-river dams, culverts, footpaths.

(G) A rapid reaction capability supported by aviation assets.

(H) Increased maritime interdiction capabilities.

(I) Mobile vehicle-mounted and man-portable surveillance capabilities.

(J) Man-portable unmanned aerial vehicles.

(K) Improved agent communications capabilities.
(10) **BLAINE SECTOR.**—For the Blaine sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.

(C) Increased maritime interdiction capabilities.

(D) Mobile vehicle-mounted and man-portable surveillance capabilities.

(E) Advanced unattended surveillance sensors.

(F) Ultralight aircraft detection capabilities.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications capabilities.

(11) **SPOKANE SECTOR.**—For the Spokane sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Increased maritime interdiction capabilities.
(C) Mobile vehicle-mounted and man-portable surveillance capabilities.

(D) Advanced unattended surveillance sensors.

(E) Ultralight aircraft detection capabilities.

(F) Completion of six miles of the Bog Creek road.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications systems.

(12) HAVRE SECTOR.—For the Havre sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.
(F) Improved agent communications systems.

(13) GRAND FORKS SECTOR.—For the Grand Forks sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

(14) DETROIT SECTOR.—For the Detroit sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.

(C) Increased maritime interdiction capabilities.
(D) Mobile vehicle-mounted and man-portable surveillance capabilities.

(E) Advanced unattended surveillance sensors.

(F) Ultralight aircraft detection capabilities.

(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications systems.

(15) BUFFALO SECTOR.—For the Buffalo sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Coastal radar surveillance systems.

(C) Increased maritime interdiction capabilities.

(D) Mobile vehicle-mounted and man-portable surveillance capabilities.

(E) Advanced unattended surveillance sensors.

(F) Ultralight aircraft detection capabilities.
(G) Man-portable unmanned aerial vehicles.

(H) Improved agent communications systems.

(16) Swanton sector.—For the Swanton sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

(17) Houlton sector.—For the Houlton sector, the following:

(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.

(C) Advanced unattended surveillance sensors.

(D) Ultralight aircraft detection capabilities.

(E) Man-portable unmanned aerial vehicles.

(F) Improved agent communications systems.

(18) TRANSIT ZONE.—For the transit zone, the following:

(A) Not later than 2 years after the date of the enactment of this Act, an increase in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding 3 fiscal years.

(B) Increased maritime signals intelligence capabilities.

(C) To increase maritime domain awareness—

(i) unmanned aerial vehicles with maritime surveillance capability; and
(ii) increased maritime aviation patrol hours.

(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.

(E) Coastal radar surveillance systems with long range day and night cameras capable of providing full maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.

(b) REIMBURSEMENT RELATED TO THE LOWER RIO GRANDE VALLEY FLOOD CONTROL PROJECT.—The International Boundary and Water Commission is authorized to reimburse State and local governments for any expenses incurred before, on, or after the date of the enactment of this Act by such governments in designing, constructing, and rehabilitating the Lower Rio Grande Valley Flood Control Project of the Commission.

(c) TACTICAL FLEXIBILITY.—
(1) **Southern and northern land borders.**—

(A) **In General.**—Beginning on January 20, 2020, or after the Secretary has deployed at least 25 percent of the capabilities required in each sector specified in subsection (a), whichever comes later, the Secretary may deviate from such capability deployments if the Secretary determines that such deviation is required to achieve situational awareness or operational control.

(B) **Notification.**—If the Secretary exercises the authority described in subparagraph (A), the Secretary shall, not later than 90 days after such exercise, notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the deviation under such subparagraph that is the subject of such exercise. Not later than 90 days after the Secretary makes any changes to such deviation, the Secretary shall notify such committees regarding such change.

(2) **Transit zone.**—
(A) NOTIFICATION.—The Secretary shall notify 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 regarding the capability deployments for the transit zone specified in subsection (a)(18), including information relating to—

(i) the number and types of assets and personnel deployed; and

(ii) the impact such deployments have on the capability of the Coast Guard to conduct its mission in the transit zone referred to in subsection (a)(18).

(B) ALTERATION.—The Secretary may alter the capability deployments referred to in this section if the Secretary—

(i) determines, after consultation with the committees referred to in subparagraph (A), that such alteration is necessary; and
(ii) not later than 30 days after making a determination under clause (i), notifies the committees referred to in such subparagraph regarding such alteration, including information relating to—

(I) the number and types of assets and personnel deployed pursuant to such alteration; and

(II) the impact such alteration has on the capability of the Coast Guard to conduct its mission in the transit zone referred to in subsection (a)(18).

(d) EXIGENT CIRCUMSTANCES.—

(1) IN GENERAL.—Notwithstanding subsection (b), the Secretary may deploy the capabilities referred to in subsection (a) in a manner that is inconsistent with the requirements specified in such subsection if, after the Secretary has deployed at least 25 percent of such capabilities, the Secretary determines that exigent circumstances demand such an inconsistent deployment or that such an inconsistent deployment is vital to the national security interests of the United States.
(2) Notification.—Not later than 30 days after making a determination under paragraph (1), the Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such determination and provide a detailed justification for such determination.

SEC. 1115. DEPLOYMENT OF ASSETS.

(a) Joint Briefing.—Not later than March 1 of each year, the Secretary (or the Secretary’s designees) shall conduct a joint, comprehensive briefing for all Members of the appropriate congressional committees on the deployment of Department of Homeland Security personnel and assets along the borders of the United States.

(b) Content.—Each briefing conducted pursuant to shall include—

(1) the number and types of assets and personnel to be deployed in each sector and district;

(2) the cause for any change in deployments of assets and personnel in each sector and district; and

(3) the anticipated impact that such deployments or change in deployments are to have in terms of the capacity of the Department of Home-
land Security to conduct its mission in each sector or district.

SEC. 1116. U.S. BORDER PATROL ACTIVITIES.

The Chief of the U.S. Border Patrol shall prioritize the deployment of U.S. Border Patrol agents to as close to the physical land border as possible, consistent with border security enforcement priorities and accessibility to such areas.

SEC. 1117. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) In General.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

“SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

“(a) Major Acquisition Program Defined.—In this section, the term ‘major acquisition program’ means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.

“(b) Planning Documentation.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—
“(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

“(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

“(3) have a plan for meeting program implementation objectives by managing contractor performance.

“(c) Adherence to Standards.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

“(d) Plan.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the
1 Commissioner of U.S. Customs and Border Protection,
2 shall submit to the appropriate congressional committees
3 a plan for testing, evaluating, and using independent
4 verification and validation resources for border security
5 technology. Under the plan, new border security tech-
6 nologies shall be evaluated through a series of assess-
7 ments, processes, and audits to ensure—
8 “(1) compliance with relevant departmental ac-
9 quisition policies and the Federal Acquisition Regu-
10 lation; and
11 “(2) the effective use of taxpayer dollars.”.
12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002 is
14 amended by inserting after the item relating to section
15 433 the following:
16 “Sec. 434. Border security technology program management.”.
17 (e) PROHIBITION ON ADDITIONAL AUTHORIZATION
18 OF APPROPRIATIONS.—No additional funds are author-
19 ized to be appropriated to carry out section 434 of the
20 Homeland Security Act of 2002, as added by subsection
21 (a). Such section shall be carried out using amounts other-
22 wise authorized for such purposes.
SEC. 1118. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER AND REIMBURSEMENT OF STATES FOR DEPLOYMENT OF THE NATIONAL GUARD AT THE SOUTHERN BORDER.

(a) IN GENERAL.—With the approval of the Secretary and the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, along the southern border for the purposes of assisting U.S. Customs and Border Protection to achieve situational awareness and operational control of the border.

(b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

(1) IN GENERAL.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the southern border.

(2) NATURE OF DUTY.—The duty of National Guard personnel performing operations and missions described in paragraph (1) shall be full-time duty under title 32, United States Code.

(c) RANGE OF OPERATIONS AND MISSIONS.—The operations and missions assigned under subsection (b) shall include the temporary authority to—
(1) construct reinforced fencing or other physical barriers;

(2) operate ground-based surveillance systems;

(3) operate unmanned and manned aircraft;

(4) provide radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies;

(5) construct checkpoints along the Southern border to bridge the gap to long-term permanent checkpoints; and

(6) provide intelligence support.

(d) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense shall deploy such materiel, equipment, and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section.

(e) EXCLUSION FROM NATIONAL GUARD PERSONNEL STRENGTH LIMITATIONS.—National Guard personnel deployed under subsection (a) shall not be included in—

(1) the calculation to determine compliance with limits on end strength for National Guard personnel; or
(2) limits on the number of National Guard personnel that may be placed on active duty for operational support under section 115 of title 10, United States Code.

(f) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall reimburse States for the cost of the deployment of any units or personnel of the National Guard to perform operations and missions in full-time State Active Duty in support of a southern border mission. The Secretary of Defense may not seek reimbursement from the Secretary for any reimbursements paid to States for the costs of such deployments.

(2) LIMITATION.—The total amount of reimbursements under this section may not exceed $35,000,000 in any fiscal year.

SEC. 1119. OPERATION PHALANX.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary, shall provide assistance to U.S. Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern border.

(b) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include—

(1) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based sur-
veillance systems to support continuous surveillance
of the southern border; and

(2) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Sec-
retary of Defense may deploy such materiel, equipment,
and logistics support as may be necessary to ensure the
effectiveness of the assistance provided under subsection
(a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There
are authorized to be appropriated for the Department of
Defense $75,000,000 to provide assistance under this sec-
tion. The Secretary of Defense may not seek reimburse-
ment from the Secretary for any assistance provided under
this section.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after
the date of the enactment of this Act and annually
thereafter, the Secretary of Defense shall submit a
report to the appropriate congressional defense com-
mittees (as defined in section 101(a)(16) of title 10,
United States Code) regarding any assistance pro-
vided under subsection (a) during the period speci-
fied in paragraph (3).
(2) ELEMENTS.—Each report under paragraph (1) shall include, for the period specified in paragraph (3), a description of—

(A) the assistance provided;

(B) the sources and amounts of funds used to provide such assistance; and

(C) the amounts obligated to provide such assistance.

(3) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) in the case of the first report required under paragraph (1), the 90-day period beginning on the date of the enactment of this Act; and

(B) in the case of any subsequent report submitted under paragraph (1), the calendar year for which the report is submitted.

SEC. 1120. MERIDA INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that assistance to Mexico, including assistance from the Department of State and the Department of Defense and any aid related to the Merida Initiative should—

(1) be focused on providing enhanced border security at Mexico’s northern and southern borders,
judicial reform, and support for Mexico’s anti-drug efforts; and

(2) return to its original focus and prioritize security, training, and acquisition of equipment for Mexican security forces involved in anti-drug efforts as well as be used to train prosecutors in ongoing justice reform efforts.

(b) ASSISTANCE FOR MEXICO.—The Secretary of State, in coordination with the Secretary and the Secretary of Defense, shall provide level and consistent assistance to Mexico—

(1) to combat drug production and trafficking and related violence, transnational organized criminal organizations, and corruption;

(2) to build a secure, modern border security system capable of preventing illegal migration;

(3) to support border security and cooperation with United States military, intelligence, and law enforcement agencies on border incursions;

(4) to support judicial reform, institution building, and rule of law activities to build judicial capacity, address corruption and impunity, and support human rights; and
(5) to provide for training and equipment for Mexican security forces involved in efforts to eradicate and interdict drugs.

(c) ALLOCATION OF FUNDS; REPORT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, 50 percent of any assistance appropriated in any appropriations Act to implement this section shall be withheld until after the Secretary of State submits a written report to the congressional committees specified in paragraph (3) certifying that the Government of Mexico is—

(A) significantly reducing illegal migration, drug trafficking, and cross-border criminal activities on Mexico’s northern and southern borders;

(B) taking significant action to address corruption, impunity, and human rights abuses; and

(C) improving the transparency and accountability of Mexican Federal police forces and working with Mexican State and municipal authorities to improve the transparency and accountability of Mexican State and municipal police forces.
(2) Matters to Include.—The report required under paragraph (1) shall include a description of—

(A) actions taken by the Government of Mexico to address the matters described in such paragraph;

(B) any relevant assessments by civil society and non-government organizations in Mexico relating to such matters; and

(C) any instances in which the Secretary determines that the actions taken by the Government of Mexico are inadequate to address such matters.

(3) Congressional Committees Specified.—The congressional committees specified in this paragraph are—

(A) the Committee on Appropriations of the Senate;

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

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

(D) the Committee on Foreign Relations of the Senate;
(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives; and

(H) the Committee on Foreign Affairs of the House of Representatives.

(d) NOTIFICATIONS.—Any assistance made available by the Secretary of State under this section shall be subject to—

(1) the notification procedures set forth in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1); and

(2) the notification requirements of—

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

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

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

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on the Judiciary of the House of Representatives; and
(F) the Committee on Foreign Affairs of the House of Representatives.

(c) Spending Plan.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional committees specified in subsection (c)(3) a detailed spending plan for assistance to Mexico under this section, which shall include a strategy, developed after consulting with relevant authorities of the Government of Mexico, for—

(1) combating drug trafficking and related violence and organized crime; and

(2) anti-corruption and rule of law activities, which shall include concrete goals, actions to be taken, budget proposals, and a description of anticipated results.

SEC. 1121. PROHIBITIONS ON ACTIONS THAT IMPede BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) Prohibition on Interference With U.S. Customs and Border Protection.—

(1) In general.—The Secretary concerned shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on covered Federal land to execute search and rescue operations or to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful
aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) APPLICABILITY.—The authority of U.S. Customs and Border Protection to conduct activities described in paragraph (1) on covered Federal land applies without regard to whether a state of emergency exists.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(A) the use of motorized vehicles, foot patrols, and horseback to patrol the border area, apprehend illegal entrants, and rescue individuals; and
(B) the construction, installation, operation and maintenance of tactical infrastructure and border technology described in section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 1111 of this Act.

(c) Clarification Relating to Waiver Authority.—

(1) In General.—The activities of U.S. Customs and Border Protection described in subsection (b)(2) may be carried out without regard to the provisions of law specified in paragraph (2).

(2) Provisions of Law Specified.—The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:


(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the “Clean Water Act”).
(D) Division A of subtitle III of title 54, United States Code (54 U.S.C. 300301 et seq.) (formerly known as the “National Historic Preservation Act”).


(F) The Clean Air Act (42 U.S.C. 7401 et seq.).


(H) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).


(J) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).


(L) Chapter 3125 of title 54, United States Code (formerly known as the “Archaeological and Historic Preservation Act”).

(M) The Antiquities Act (16 U.S.C. 431 et seq.).
(N) Chapter 3203 of title 54, United States Code (formerly known as the “Historic Sites, Buildings, and Antiquities Act”).

(O) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).


(Q) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(R) The Wilderness Act (16 U.S.C. 1131 et seq.).


(V) The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(X) The Otay Mountain Wilderness Act of 1999 (Public Law 106–145).
(Y) Sections 102(29) and 103 of the California Desert Protection Act of 1994 (Public Law 103–433).

(Z) Division A of subtitle I of title 54, United States Code (formerly known as the “National Park Service Organic Act”).

(AA) The National Park Service General Authorities Act (Public Law 91–383, 16 U.S.C. 1a–1 et seq.).

(BB) Sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625).

(CC) Sections 301(a) through (f) of the Arizona Desert Wilderness Act (Public Law 101–628).


(EE) The Eagle Protection Act (16 U.S.C. 668 et seq.).


(3) Applicability of waiver to successor laws.—If a provision of law specified in paragraph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2008, and before the date of the enactment of this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent the waiver applied to that provision of law.

(4) Savings clause.—The waiver authority under this subsection may not be construed as affecting, negating, or diminishing in any manner the applicability of section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), in any relevant matter.

(d) Protection of legal uses.—This section may not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or recreation or the use of
backcountry airstrips, on land under the jurisdiction
of the Secretary of the Interior or the Secretary of
Agriculture; or

(2) any additional authority to restrict legal ac-
cess to such land.

(e) Effect on State and Private Land.—This
section—

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

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

(f) Tribal Sovereignty.—Nothing in this section
may be construed to supersede, replace, negate, or dimin-
ish treaties or other agreements between the United States
and Indian tribes.

(g) Memoranda of Understanding.—The re-
quirements of this section shall not apply to the extent
that such requirements are incompatible with any memo-
randum of understanding or similar agreement entered
into between the Commissioner of U.S. Customs and Bor-
der Protection and a National Park Unit before, on, or
after the date of the enactment of this Act.

(h) Definitions.—In this section:

(1) Covered Federal Land.—The term “cov-
ered Federal land” includes all land under the con-
trol of the Secretary concerned that is located within
100 miles of the southern border or the northern
border.

(2) Secretary concerned.—The term “Secretary
concerned” means—

(A) with respect to land under the jurisdi-
tion of the Department of Agriculture, the Sec-
etary of Agriculture; and

(B) with respect to land under the jurisdi-
tion of the Department of the Interior, the Sec-
etary of the Interior.

SEC. 1122. LANDOWNER AND RANCHER SECURITY EN-
HANCEMENT.

(a) Establishment of National Border Secu-
rity Advisory Committee.—The Secretary shall estab-
lish a National Border Security Advisory Committee,
which—

(1) may advise, consult with, report to, and
make recommendations to the Secretary on matters
relating to border security matters, including—

(A) verifying security claims and the bor-
der security metrics established by the Depart-
ment of Homeland Security under section 1092
of the National Defense Authorization Act for
(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and
(2) may provide, through the Secretary, recommendations to Congress.

(b) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security.

(c) MEMBERSHIP.—The National Border Security Advisory Committee shall consist of at least 1 member from each State who—
(1) has at least 5 years practical experience in border security operations; or
(2) lives and works in the United States within 80 miles from the southern border or the northern border.

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Border Security Advisory Committee.
SEC. 1123. LIMITATION ON LAND OWNER’S LIABILITY.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

“(h) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘land’ includes roads, water, watercourses, and private ways, and buildings, structures, machinery, and equipment that is attached to real property; and

“(B) the term ‘owner’ includes the possessor of a fee interest, a tenant, a lessee, an occupant, the possessor of any other interest in land, and any person having a right to grant permission to use the land.

“(2) REIMBURSEMENT AUTHORIZED.—Notwithstanding any other provision of law, and subject to the availability of appropriations, any owner of land located in the United States within 150 miles of the southern border of the United States may seek reimbursement from the Department and the Secretary shall pay for any adverse final tort judgment for negligence (excluding attorneys’ fees and costs) authorized under Federal or State tort law, arising directly from any border patrol action, such as appre-
hensions, tracking, and detention of aliens, that is
conducted on privately-owned land if—

“(A) such land owner has been found neg-
ligent by a Federal or State court in any tort
litigation;

“(B) such land owner has not already been
reimbursed for the final tort judgment, includ-
ing outstanding attorneys’ fees and costs;

“(C) such land owner did not have or does
not have sufficient property insurance to cover
the judgment and has had an insurance claim
for such coverage denied; and

“(D) such tort action was brought against
such land owner as a direct result of activity of
law enforcement officers of the Department of
Homeland Security, acting in their official ca-
pacity, on the owner’s land.

“(3) EXCEPTIONS.—Nothing in this subsection
may be construed to require the Secretary to reim-
burse, under paragraph (2), a land owner for any
adverse final tort judgment for negligence or to limit
land owner liability which would otherwise exist
for—
“(A) willful or malicious failure to guard
or warn against a known dangerous condition,
use, structure, or activity likely to cause harm;
“(B) maintaining an attractive nuisance;
“(C) gross negligence; or
“(D) direct interference with, or hindrance
of, any agent or officer of the Federal Govern-
ment who is authorized to enforce the immigra-
tion laws during—
“(i) a patrol of such landowner’s land;
or
“(ii) any action taken to apprehend or
detain any alien attempting to enter the
United States illegally or to evade execu-
tion of an arrest warrant for a violation of
any immigration law.
“(4) SAVINGS PROVISION.—Nothing in this sub-
section may be construed to affect any right or rem-
edy available pursuant to chapter 171 of title 28,
United States Code (commonly known as the ‘Fed-
eral Tort Claims Act’).”.

SEC. 1124. ERADICATION OF CARRIZO CANE AND SALT
CEDAR.

Not later than January 20, 2021, the Secretary, after
coordinating with the heads of the relevant Federal, State,
and local agencies, shall begin eradicating the carrizo cane
plant and any salt cedar along the Rio Grande River.

SEC. 1125. PREVENTION, DETECTION, CONTROL, AND
ERADICATION OF DISEASES AND PESTS.

(a) DEFINITIONS.—In this section:

(1) ANIMAL.—The term “animal” means any
member of the animal kingdom (except a human).

(2) ARTICLE.—The term “article” means any
pest or disease or any material or tangible object
that could harbor a pest or disease.

(3) DISEASE.—The term “disease” has the
meaning given such term by the Secretary of Agri-
culture.

(4) LIVESTOCK.—The term “livestock” means
all farm-raised animals.

(5) MEANS OF CONVEYANCE.—The term
“means of conveyance” means any personal property
used for, or intended for use for, the movement of
any other personal property.

(6) PEST.—The term “pest” means any of the
following that can directly or indirectly injure, cause
damage to, or cause disease in human livestock, a
plant, or a plant part:

(A) A protozoan.

(B) A plant or plant part.
(C) An animal.

(D) A bacterium.

(E) A fungus.

(F) A virus or viroid.

(G) An infectious agent or other pathogen.

(H) An arthropod.

(I) A parasite or parasitic plant.

(J) A prion.

(K) A vector.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(7) Plant.—The term “plant” means any plant (including any plant part) capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.

(8) State.—The term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any territory or possession of the United States.

(b) Detection, Control, and Eradication of the Spread of Diseases and Pests.—
(1) IN GENERAL.—The Secretary of Agriculture may carry out operations and measures to prevent, detect, control, or eradicate the spread of any pest or disease of livestock or plant that threatens any segment of agriculture.

(2) COMPENSATION.—

(A) IN GENERAL.—The Secretary of Agriculture may pay a claim arising out of—

(i) the destruction of any animal, plant, plant part, article, or means of conveyance consistent with the purposes of this section; and

(ii) implementing measures to prevent, detect, control, or eradicate the spread of any pest disease of livestock or plant that threatens any segment of agriculture.

(B) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary of Agriculture shall compensate industry participants and State agencies that cooperate with the Secretary of Agriculture in carrying out operations and measures under this subsection for up to 100 percent of eligible costs relating to—
(i) cooperative programs involving Federal, State, or industry participants to control diseases of low or high pathogenicity and pests in accordance with regulations issued by the Secretary of Agriculture; and

(ii) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

(C) REVIEWABILITY.—The action of any officer, employee, or agent of the Secretary of Agriculture under paragraph (1) shall not be subject to review by any officer or employee of the Federal Government other than the Secretary of Agriculture or a designee of the Secretary of Agriculture.

(c) COOPERATION.—

(1) IN GENERAL.—In carrying out this section, the Secretary of Agriculture may cooperate with other Federal agencies, States, State agencies, political subdivisions of States, national and local governments of foreign countries, domestic and international organizations and associations, domestic
nonprofit corporations, Indian tribes, and other persons.

(2) RESPONSIBILITY.—The person or other entity cooperating with the Secretary of Agriculture shall be responsible for the authority necessary to carry out operations or measures—

(A) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(B) using other facilities and means, as determined by the Secretary of Agriculture.

(d) FUNDING.—For fiscal year 2018, and for each subsequent fiscal year, the Secretary of Agriculture shall use such funds from the Commodity Credit Cooperation as may be necessary to carry out operations and measures to prevent, detect, control, or eradicate the spread of any pest or disease of livestock or plant that threatens any segment of agriculture.

(e) REIMBURSEMENT.—The Secretary of Agriculture shall reimburse any Federal agency, State, State agency, political subdivision of a State, national or local government of a foreign country, domestic or international organization or association, domestic nonprofit corporation,
Indian tribe, or other person for specified costs, as prescribed by the Secretary of Agriculture, in the discretion of the Secretary of Agriculture, that result from cooperation with the Secretary of Agriculture in carrying out operations and measures under this section.

SEC. 1126. TRANSNATIONAL CRIMINAL ORGANIZATION ILICIT SPOTTER PREVENTION AND DETECTION.

(a) Unlawfully Hindering Immigration, Border, and Customs Controls.—

(1) Enhanced penalties.—Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1351 et seq.) is amended by adding at the end the following:

“SEC. 295. UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

“(a) Illicit Spotting.—Any person who knowingly transmits, by any means, to another person the location, movement, or activities of any Federal, State, local, or tribal law enforcement agency with the intent to further a Federal crime relating to United States immigration, customs, controlled substances, agriculture, monetary instruments, or other border controls shall be fined under title 18, imprisoned not more than 10 years, or both.
“(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Any person who knowingly and without lawful authorization destroys, alters, or damages any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry or otherwise seeks to construct, excavate, or make any structure intended to defeat, circumvent, or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry—

“(1) shall be fined under title 18, imprisoned not more than 10 years, or both; and

“(2) if, at the time of the offense, the person uses or carries a firearm or who, in furtherance of any such crime, possesses a firearm, shall be fined under title 18, imprisoned not more than 20 years, or both.

“(c) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) or (b) shall be punished in the same manner as a person who completes a violation of such subsection.”.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 294 the following:

“Sec. 295. Unlawfully hindering immigration, border, and customs controls.”.
(b) CARRYING OR USING A FIREARM DURING AND
IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section
924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “, alien smuggling crime,” after “crime of vio-

lence” each place that term appears; and

(B) in subparagraph (D)(ii), by inserting “, alien smuggling crime,” after “crime of vio-

lence”;

(2) by striking paragraphs (2) through (4);

(3) by redesignating paragraph (5) as para-

graph (2); and

(4) by adding at the end the following:

“(3) For purposes of this subsection—

“(A) the term ‘alien smuggling crime’ means

any felony punishable under section 274(a), 277, or

278 of the Immigration and Nationality Act (8

U.S.C. 1324(a), 1327, and 1328);

“(B) the term ‘brandish’ means, with respect to

a firearm, to display all or part of the firearm, or

otherwise make the presence of the firearm known

to another person, in order to intimidate that per-

son, regardless of whether the firearm is directly

visible to that person;
“(C) the term ‘crime of violence’ means a felony offense that—

“(i) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

“(ii) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and

“(D) the term ‘drug trafficking crime’ means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.”.

(c) STATUTE OF LIMITATIONS.—Section 3298 of title 18, United States Code, is amended by inserting “, or 295” after “274(a)”.

SEC. 1127. SOUTHERN BORDER THREAT ANALYSIS.

(a) THREAT ANALYSIS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the
House of Representatives a southern border threat analysis.

(2) CONTENTS.—The analysis submitted under paragraph (1) shall include an assessment of—

(A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(i) to unlawfully enter the United States through the southern border; or

(ii) to exploit security vulnerabilities along the southern border;

(B) improvements needed at and between ports of entry along the southern border to prevent terrorists and instruments of terror from entering the United States;

(C) gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts;

(D) the current percentage of situational awareness achieved by the Department of Homeland Security along the southern border;
(E) the current percentage of operational control achieved by the Department of Homeland Security along the southern border; and

(F) traveler crossing times and any potential security vulnerability associated with prolonged wait times.

(3) ANALYSIS REQUIREMENTS.—In compiling the southern border threat analysis under this subsection, the Secretary shall consider and examine—

(A) the technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought;

(B) the personnel needs and challenges, including such needs and challenges associated with recruitment and hiring;

(C) the infrastructure needs and challenges;

(D) the roles and authorities of State, local, and tribal law enforcement in general border security activities;

(E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security;
(F) the terrain, population density, and climate along the southern border; and

(G) the international agreements between the United States and Mexico related to border security.

(4) **CLASSIFIED FORM.**—To the extent possible, the Secretary shall submit the southern border threat analysis required under this subsection in unclassified form, but may submit a portion of the threat analysis in classified form if the Secretary determines such action is appropriate.

(b) **U.S. BORDER PATROL STRATEGIC PLAN.**—

(1) **IN GENERAL.**—Not later than the later of 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2018, and every 5 years thereafter, the Secretary, acting through the Chief of the U.S. Border Patrol, and in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall issue a Border Patrol Strategic Plan.

(2) **CONTENTS.**—The Border Patrol Strategic Plan required under this subsection shall include a consideration of—

(A) the southern border threat analysis required under subsection (a), with an emphasis
on efforts to mitigate threats identified in such
threat analysis;

(B) efforts to analyze and disseminate bor-
der security and border threat information be-
tween border security components of the De-
partment of Homeland Security and other ap-
propriate Federal departments and agencies
with missions associated with the southern bor-
der;

(C) efforts to increase situational aware-
ness, including—

(i) surveillance capabilities, including
capabilities developed or utilized by the
Department of Defense, and any appro-
priate technology determined to be excess
by the Department of Defense; and

(ii) the use of manned aircraft and
unmanned aerial systems, including cam-
era and sensor technology deployed on
such assets;

(D) efforts to detect and prevent terrorists
and instruments of terrorism from entering the
United States;
(E) efforts to detect, interdict, and disrupt aliens and illicit drugs at the earliest possible point;

(F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States;

(G) efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department of Homeland Security;

(H) any technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary determines to be necessary;

(I) operational coordination unity of effort initiatives of the border security components of the Department of Homeland Security, including any relevant task forces of the Department of Homeland Security;

(J) lessons learned from Operation Jumpstart and Operation Phalanx;
(K) cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the northern border or the southern border;

(L) border security information received from consultation with State, local, tribal, territorial, and Federal law enforcement agencies that have jurisdiction on the northern border or the southern border, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border agricultural and ranching organizations and representatives from business and civic organizations along the northern border or the southern border;

(M) staffing requirements for all departmental border security functions;

(N) a prioritized list of departmental research and development objectives to enhance the security of the southern border;

(O) an assessment of training programs, including training programs for—
(i) identifying and detecting fraudulent documents;

(ii) understanding the scope of enforcement authorities and the use of force policies; and

(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking;

and

(P) an assessment of how border security operations affect border crossing times.

SEC. 1128. AMENDMENTS TO U.S. CUSTOMS AND BORDER PROTECTION.

(a) DUTIES.—Section 411(e) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)) is amended—

(1) in paragraph (18), by striking “and” at the end;

(2) by redesignating paragraph (19) as paragraph (21); and

(3) by inserting after paragraph (18) the following:

“(19) administer the U.S. Customs and Border Protection public private partnerships under subtitle G;
“(20) administer preclearance operations under the Pree clearance Authorization Act of 2015 (19 U.S.C. 4431 et seq.); and”.

(b) Office of Field Operations Staffing.—Section 411(g)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)(A)) is amended by striking the period at the end and inserting the following: “compared to the number indicated by the current fiscal year work flow staffing model.”.

(c) Implementation Plan.—Section 814(e)(1)(B) of the Pree clearance Authorization Act of 2015 (19 U.S.C. 4433(e)(1)(B)) is amended to read as follows:

“(B) a port of entry vacancy rate which compares the number of officers identified in subparagraph (A) with the number of officers at the port at which such officer is currently assigned.”.

SEC. 1129. AGENT AND OFFICER TECHNOLOGY USE.

In carrying out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 1111 of this Act) and section 1113 of this Act, the Secretary, to the greatest extent practicable, shall ensure that technology deployed to gain situ-
be provided to front-line officers and agents of the Department of Homeland Security.

SEC. 1130. INTEGRATED BORDER ENFORCEMENT TEAMS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 1117 of this Act, is further amended by adding at the end the following:

“SEC. 435. INTEGRATED BORDER ENFORCEMENT TEAMS.

“(a) ESTABLISHMENT.—The Secretary shall establish within the Department a program, which shall be known as the Integrated Border Enforcement Team program (referred to in this section as the ‘IBET program’).

“(b) PURPOSE.—The Secretary shall administer the IBET program in a manner that results in a cooperative approach between the United States and Canada to—

“(1) strengthen security between designated ports of entry;

“(2) detect, prevent, investigate, and respond to terrorism and violations of law related to border security;

“(3) facilitate collaboration among components and offices within the Department and international partners;

“(4) execute coordinated activities in furtherance of border security and homeland security; and
“(5) enhance information-sharing, including the dissemination of homeland security information among such components and offices.

“(c) COMPOSITION AND LOCATION OF IBETS.—

“(1) COMPOSITION.—IBETs shall be led by the U.S. Border Patrol and may be comprised of personnel from—

“(A) other subcomponents of U.S. Customs and Border Protection;

“(B) U.S. Immigration and Customs Enforcement, led by Homeland Security Investigations;

“(C) the Coast Guard, for the purpose of securing the maritime borders of the United States;

“(D) other Department personnel, as appropriate;

“(E) other Federal departments and agencies, as appropriate;

“(F) appropriate State law enforcement agencies;

“(G) foreign law enforcement partners;

“(H) local law enforcement agencies from affected border cities and communities; and
“(I) appropriate tribal law enforcement agencies.

“(2) LOCATION.—The Secretary is authorized to establish IBETs in regions in which such teams can contribute to IBET missions, as appropriate. When establishing an IBET, the Secretary shall consider—

“(A) whether the region in which the IBET would be established is significantly impacted by cross-border threats;

“(B) the availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in an IBET; and

“(C) whether other joint cross-border initiatives already take place within the region in which the IBET would be established, including other Department cross-border programs such as the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

“(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new IBET or to ex-
expand an existing IBET in a given region, the Secretary shall ensure that the IBET under consideration does not duplicate the efforts of other existing interagency task forces or centers within such region, including the Integrated Cross-Border Maritime Law Enforcement Operation Program established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C. 70101 note) or the Border Enforcement Security Task Force established under section 432.

“(d) Operation.—

“(1) IN GENERAL.—After determining the regions in which to establish IBETs, the Secretary may—

“(A) direct the assignment of Federal personnel to such IBETs; and

“(B) take other actions to assist Federal, State, local, and tribal entities to participate in such IBETs, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with such participation.

“(2) LIMITATION.—Coast Guard personnel assigned under paragraph (1) may be assigned only for the purposes of securing the maritime borders of
the United States, in accordance with subsection (e)(1)(C).

“(e) COORDINATION.—The Secretary shall coordinate the IBET program with other similar border security and antiterrorism programs within the Department in accordance with the strategic objectives of the Cross-Border Law Enforcement Advisory Committee.

“(f) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into memoranda of understanding with appropriate representatives of the entities specified in subsection (e)(1) necessary to carry out the IBET program.

“(g) REPORT.—Not later than 180 days after the date on which an IBET is established, and biannually thereafter for the following 6 years, the Secretary shall submit a report to the appropriate congressional committees, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and in the case of Coast Guard personnel used to secure the maritime borders of the United States, to the Committee on Transportation and Infrastructure of the House of Representatives. The report required under this subsection shall—

“(1) describe the effectiveness of IBETs in fulfilling the purposes specified in subsection (b);
“(2) assess the impact of certain challenges on the sustainment of cross-border IBET operations, including challenges faced by international partners;
“(3) address ways to support joint training for IBET stakeholder agencies and radio interoperability to allow for secure cross-border radio communications; and
“(4) assess how IBETs, Border Enforcement Security Task Forces, and the Integrated Cross-Border Maritime Law Enforcement Operation Program can better align operations, including interdiction and investigation activities.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 434, as added by section 1117(b), the following:
“Sec. 435. Integrated Border Enforcement Teams.”.

SEC. 1131. TUNNEL TASK FORCES.

The Secretary is authorized to establish Tunnel Task Forces for the purposes of detecting and remediating tunnels that breach the international borders of the United States.
CHAPTER 2—PERSONNEL

SEC. 1141. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

(a) Border Patrol Agents.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents.

(b) CBP Officers.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection as of such date, the Commissioner shall hire, train, and assign to duty, not later than September 30, 2021—

(1) sufficient U.S. Customs and Border Protection officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers; and

(2) 350 full-time support staff distributed among all United States ports of entry.

(c) Air and Marine Operations.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Customs and Border Protection to maintain not fewer than
1,675 full-time equivalent agents and not fewer than 264
Marine and Air Interdiction Agents for southern border
air and maritime operations.

(d) U.S. CUSTOMS AND BORDER PROTECTION K–9
UNITS AND HANDLERS.—

(1) K–9 UNITS.—Not later than September 30, 2021, the Commissioner shall deploy not fewer than
300 new K–9 units, with supporting officers of U.S.
Customs and Border Protection and other required
staff, at land ports of entry and checkpoints, on the
southern border and the northern border.

(2) USE OF CANINES.—The Commissioner shall
prioritize the use of canines at the primary inspec-
tion lanes at land ports of entry and checkpoints.

(e) U.S. CUSTOMS AND BORDER PROTECTION
HORSEBACK UNITS.—

(1) INCREASE.—Not later than September 30, 2021, the Commissioner shall increase the number
of horseback units, with supporting officers of U.S.
Customs and Border Protection and other required
staff, by not fewer than 100 officers and 50 horses
for security patrol along the Southern border.

(2) HORSE UNIT SUPPORT.—The Commissioner
of U.S. Customs and Border Protection shall con-
struct new stables, maintain and improve existing
stables, and provide other resources needed to maintain the health and well-being of the horses that serve in the horseback units.

(f) U.S. CUSTOMS AND BORDER PROTECTION SEARCH TRAUMA AND RESCUE TEAMS.—Not later than September 30, 2021, the Commissioner shall increase by not fewer than 50 the number of officers engaged in search and rescue activities along the southern border.

(g) U.S. CUSTOMS AND BORDER PROTECTION TUNNEL DETECTION AND TECHNOLOGY PROGRAM.—Not later than September 30, 2021, the Commissioner shall increase by not fewer than 50 the number of officers assisting task forces and activities related to deployment and operation of border tunnel detection technology and apprehensions of individuals using such tunnels for crossing into the United States, drug trafficking, or human smuggling.

(h) AGRICULTURAL SPECIALISTS.—Not later than September 30, 2021, the Secretary shall hire, train, and assign to duty, in addition to the officers and agents authorized under subsections (a) through (g), 631 U.S. Customs and Border Protection agricultural specialists to ports of entry along the southern border and the northern border.
(i) Office of Professional Responsibility.—Not later than September 30, 2021, the Commissioner shall hire, train, and assign sufficient Office of Professional Responsibility special agents to maintain an active duty presence of not fewer than 550 full-time equivalent special agents.

(j) GAO Report.—If the staffing levels required under this section are not achieved by September 30, 2021, the Comptroller General of the United States shall conduct a review of the reasons why such levels were not achieved.

Sec. 1142. U.S. Customs and Border Protection Retention Incentives.

(a) Definitions.—In this section:

(1) Covered Area.—The term “covered area” means a geographic area that the Secretary determines is in a remote location or is an area for which it is difficult to find full-time permanent covered CBP employees, as compared to other ports of entry or Border Patrol sectors.

(2) Covered CBP Employee.—The term “covered CBP employee” means an employee of U.S. Customs and Border Protection performing activities that are critical to border security or customs enforcement, as determined by the Commissioner.
(3) RATE OF BASIC PAY.—The term “rate of basic pay”—

(A) means the rate of pay fixed by law or administrative action for the position to which an employee is appointed before deductions and including any special rate under subpart C of part 530 of title 5, Code of Federal Regulations, or similar payment under other legal authority, and any locality-based comparability payment under subpart F of part 531 of title 5, Code of Federal Regulations, or similar payment under other legal authority, but excluding additional pay of any other kind; and

(B) does not include additional pay, such as night shift differentials under section 5343(f) of title 5, United States Code, or environmental differentials under section 5343(c)(4) of such title.

(4) SPECIAL RATE OF PAY.—The term “special rate of pay” means a higher than normal rate of pay that exceeds the otherwise applicable rate of basic pay for a similar covered CBP employee at a land port of entry.

(b) HIRING INCENTIVES.—
(1) IN GENERAL.—To the extent necessary for U.S. Customs and Border Protection to hire, train, and deploy qualified officers and employees, and to the extent necessary to meet the requirements set forth in section 1141, the Commissioner, with the approval of the Secretary, may pay a hiring bonus of $10,000 to a covered CBP employee, after the covered CBP completes initial basic training and executes a written agreement required under paragraph (2).

(2) WRITTEN AGREEMENT.—The payment of a hiring bonus to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement with U.S. Customs and Border Protection to complete more than 2 years of employment with U.S. Customs and Border Protection beginning on the date on which the agreement is signed. Such agreement shall include—

(A) the amount of the hiring bonus;

(B) the conditions under which the agreement may be terminated before the required period of service is completed and the effect of such termination;
(C) the length of the required service pe-
period; and

(D) any other terms and conditions under
which the hiring bonus is payable, subject to
the requirements under this section.

(3) FORM OF PAYMENT.—A signing bonus paid
to a covered CBP employee under paragraph (1)
shall be paid in a single payment after the covered
CBP employee completes initial basic training and
enters on duty and executed the agreement under
paragraph (2).

(4) EXCLUSION OF SIGNING BONUS FROM RATE
OF PAY.—A signing bonus paid to a covered CBP
employee under paragraph (1) shall not be consid-
ered part of the rate of basic pay of the covered
CBP employee for any purpose.

(5) EFFECTIVE DATE AND SUNSET.—This sub-
section shall take effect on the date of the enactment
of this Act and shall remain in effect until the ear-
lier of—

(A) September 30, 2021; or

(B) the date on which U.S. Customs and
Border Protection has met the requirements
under subsections (a) and (b) of section 1141.

(c) RETENTION INCENTIVES.—
(1) **In General.**—To the extent necessary for U.S. Customs and Border Protection to retain qualified employees, and to the extent necessary to meet the requirements set forth in section 1141, the Commissioner, with the approval of the Secretary, may pay a retention incentive to a covered CBP employee who has been employed with U.S. Customs and Border Protection for a period exceeding 2 consecutive years, and the Commissioner determines that, in the absence of the retention incentive, the covered CBP employee would likely—

(A) leave the Federal service; or

(B) transfer to, or be hired into, a different position within the Department (other than another position in CBP).

(2) **Written Agreement.**—The payment of a retention incentive to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement with U.S. Customs and Border Protection to complete more than 2 years of employment with U.S. Customs and Border Protection beginning on the date on which the CBP employee enters on duty and the agreement is signed. Such agreement shall include—

(A) the amount of the retention incentive;
(B) the conditions under which the agreement may be terminated before the required period of service is completed and the effect of such termination;

(C) the length of the required service period; and

(D) any other terms and conditions under which the retention incentive is payable, subject to the requirements under this section.

(3) CRITERIA.—When determining the amount of a retention incentive payable to a covered CBP employee under paragraph (1), the Commissioner shall consider—

(A) the length of the Federal service and experience of the covered CBP employee;

(B) the salaries for law enforcement officers in other Federal agencies; and

(C) the costs of replacing the covered CBP employee, including the costs of training a new employee.

(4) AMOUNT OF RETENTION INCENTIVE.—A retention incentive paid to a covered CBP employee under paragraph (1)—

(A) shall be approved by the Secretary and the Commissioner;
(B) shall be stated as a percentage of the employee’s rate of basic pay for the service period associated with the incentive; and

(C) may not exceed $25,000 for each year of the written agreement.

(5) **FORM OF PAYMENT.**—A retention incentive paid to a covered CBP employee under paragraph (1) shall be paid as a single payment at the end of the fiscal year in which the covered CBP employee entered into an agreement under paragraph (2), or in equal installments during the life of the service agreement, as determined by the Commissioner.

(6) **EXCLUSION OF RETENTION INCENTIVE FROM RATE OF PAY.**—A retention incentive paid to a covered CBP employee under paragraph (1) shall not be considered part of the rate of basic pay of the covered CBP employee for any purpose.

(d) **PILOT PROGRAM ON SPECIAL RATES OF PAY IN COVERED AREAS.**—

(1) **IN GENERAL.**—The Commissioner may establish a pilot program to assess the feasibility and advisability of using special rates of pay for covered CBP employees in covered areas, as designated on the date of the enactment of this Act, to help meet the requirements under section 1141.
(2) Maximum Amount.—The rate of basic pay of a covered CBP employee paid a special rate of pay under the pilot program may not exceed 125 percent of the otherwise applicable rate of basic pay of the covered CBP employee.

(3) Termination.—

(A) In General.—Except as provided in subparagraph (B), the pilot program shall terminate on the date that is 2 years after the date of the enactment of this Act.

(B) Extension.—If the Secretary determines that the pilot program is performing satisfactorily and there are metrics that prove its success in meeting the requirements set forth in section 1141, the Secretary may extend the pilot program until the date that is 4 years after the date of the enactment of this Act.

(4) Report to Congress.—Shortly after the termination of the pilot program under paragraph (3), the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the
Committee on the Judiciary of the House of Representatives that details—

(A) the total amount paid to covered CBP employees under the pilot program; and

(B) the covered areas in which the pilot program was implemented.

(e) SALARIES.—

(1) IN GENERAL.—Section 101(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1711(b)) is amended to read as follows:

“(b) AUTHORIZATION OF APPROPRIATIONS FOR CBP EMPLOYEES.—There are authorized to be appropriated to U.S. Customs and Border Protection such sums as may be necessary to increase, effective January 1, 2018, the annual rate of basic pay for U.S. Customs and Border Protection employees who have completed at least 1 year of service—

“(1) to the annual rate of basic pay payable for positions at GS–12, step 1 of the General Schedule under subchapter III of chapter 53 of title 5, United States Code, for officers and agents who are receiving the annual rate of basic pay payable for a position at GS–5, GS–6, GS–7, GS–8, or GS–9 of the General Schedule;
“(2) to the annual rate of basic pay payable for positions at GS–12, step 10 of the General Schedule under such subchapter for supervisory CBP officers and supervisory agents who are receiving the annual rate of pay payable for a position at GS–10 of the General Schedule;

“(3) to the annual rate of basic pay payable for positions at GS–14, step 1 of the General Schedule under such subchapter for supervisory CBP officers and supervisory agents who are receiving the annual rate of pay payable for a position at GS–11 of the General Schedule;

“(4) to the annual rate of basic pay payable for positions at GS–12, step 10 of the General Schedule under such subchapter for supervisory CBP officers and supervisory Border Patrol agents who are receiving the annual rate of pay payable for a position at GS–12 or GS–13 of the General Schedule; and

“(5) to the annual rate of basic pay payable for positions at GS–8, GS–9, or GS–10 of the General Schedule for assistants who are receiving an annual rate of pay payable for positions at GS–5, GS–6, or GS–7 of the General Schedule, respectively.”.

(2) HARDSHIP DUTY PAY.—In addition to compensation to which Border Patrol agents are other-
wise entitled, Border Patrol agents who are assigned to rural areas shall be entitled to receive hardship duty pay, in lieu of a retention incentive under subsection (b), in an amount determined by the Commissioner, which may not exceed the rate of special pay to which members of a uniformed service are entitled under section 310 of title 37, United States Code.

(3) OVERTIME LIMITATION.—Section 5(e)(1) of the Act of February 13, 1911 (19 U.S.C. 267(e)(1)) is amended by striking “$25,000” and inserting “$45,000”.

SEC. 1143. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT.

(a) SHORT TITLE.—This section may be cited as the “Building America’s Trust Act”.

(b) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following:

“(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1)—

“(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—
“(A) has continuously served as a law enforcement officer for not fewer than 3 years;

“(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

“(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

“(D) has, during the past 10 years, successfully completed a polygraph examination as a condition of employment with such officer’s current law enforcement agency;

“(2) to a current, full-time Federal law enforcement officer who—

“(A) has continuously served as a law enforcement officer for not fewer than 3 years;

“(B) is authorized to make arrests, conduct investigations, conduct searches, make sei-
zures, carry firearms, and serve orders, warrants, and other processes;

“(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

“(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; and

“(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

“(A) has served in the Armed Forces for not fewer than 3 years;

“(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

“(C) holds, or has undergone within the past 5 years, a current Tier 4 background investigation or current Tier 5 background investigation;
“(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

“(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

“(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is 4 years after the date of the enactment of the Building America’s Trust Act.”.

(e) SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.—

(1) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

“SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

“(a) NONEXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position,
as determined by the Commissioner of U.S. Customs and Border Protection.

“(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under section 3(b) and holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

“(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for, or receives a waiver under, section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.”.

(2) REPORT.—The Anti-Border Corruption Act of 2010, as amended by paragraph (1), is further amended by adding at the end the following:

“SEC. 5. REPORTING.

“(a) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of the Building America’s Trust Act, and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit a report to
Congress that includes, with respect to each such reporting period—

“(1) the number of waivers requested, granted, and denied under section 3(b);

“(2) the reasons for any denials of such waiver;

“(3) the percentage of applicants who were hired after receiving a waiver;

“(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

“(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

“(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

“(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

“(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and
“(2) a recommendation regarding whether a
test referred to in paragraph (1) should be adopted
by U.S. Customs and Border Protection when the
polygraph examination requirement is waived pursu-
ant to section 3(b).”.

(3) DEFINITIONS.—The Anti-Border Corruption
Act of 2010, as amended by paragraphs (1) and
(2), is further amended by adding at the end the fol-
lowing:

“SEC. 6. DEFINITIONS.

“In this Act:

“(1) FEDERAL LAW ENFORCEMENT OFFICER.—
The term ‘Federal law enforcement officer’ has the
meaning given the term ‘law enforcement officer’ in
sections 8331(20) and 8401(17) of title 5, United
States Code.

“(2) SERIOUS MILITARY OR CIVIL OFFENSE.—
The term ‘serious military or civil offense’ means an
offense for which—

“(A) a member of the Armed Forces may
be discharged or separated from service in the
Armed Forces; and

“(B) a punitive discharge is, or would be,
authorized for the same or a closely related of-
fense under the Manual for Court-Martial, as
pursuant to Army Regulation 635-200 chapter 14–12.

“(3) TIER 4; TIER 5.—The terms ‘Tier 4’ and ‘Tier 5’ with respect to background investigations have the meaning given such terms under the Federal Investigative Standards prescribed by the Office of Personnel Management and the Office of the Director of National Intelligence in December 2012.

“(4) VETERAN.—The term ‘veteran’ has the meaning given such term in section 101(2) of title 38, United States Code.”.

(d) POLYGRAPH EXAMINERS.—Not later than September 30, 2021, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 1144. TRAINING FOR OFFICERS AND AGENTS OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Section 411(l) of the Homeland Security Act of 2002 (6 U.S.C. 211(l)) is amended to read as follows:

“(l) TRAINING AND CONTINUING EDUCATION.—

“(1) MANDATORY TRAINING AND CONTINUING EDUCATION.—The Commissioner shall ensure that
every agent and officer of U.S. Customs and Border Protection receives at least 21 weeks of training that is directly related to the mission of the U.S. Border Patrol, Air and Marine, and the Office of Field Operations before the initial assignment of such agents and officers.

“(2) FLETC.—The Commissioner shall work in consultation with the Director of the Federal Law Enforcement Training Centers to establish guidelines and curriculum for the training of agents and officers of U.S. Customs and Border Protection under subsection (a).

“(3) CONTINUING EDUCATION.—The Commissioner shall require all agents and officers of U.S. Customs and Border Protection who are required to undergo training under subsection (a) to participate in not fewer than 8 hours of continuing education annually to maintain and update understanding of Federal legal rulings, court decisions, and Department policies, procedures, and guidelines related to relevant subject matters.

“(4) LEADERSHIP TRAINING.—Not later than 1 year after the date of the enactment of this subsection, the Commissioner shall develop and require training courses geared towards the development of
leadership skills for mid- and senior-level career employees not later than 1 year after such employees assume duties in supervisory roles.”.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report to the Committee on Finance of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Ways and Means of the House of Representatives that identifies the guidelines and curriculum established to carry out section 411(l) of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(e) ASSESSMENT.—Not later than four years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that assesses the training and education, including continuing education, required under subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a).
SEC. 1145. ADDITIONAL U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.

(a) Enforcement and Removal Officers.—By not later than September 30, 2021, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty U.S. Immigration and Customs Enforcement Enforcement and Removal Operations law enforcement officers performing interior immigration enforcement functions to not fewer than 8,500.

(b) Homeland Security Investigations Special Agents.—By not later than September 30, 2021, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty Homeland Security Investigations special agents by not fewer than 1,500.


SEC. 1146. OTHER IMMIGRATION AND LAW ENFORCEMENT PERSONNEL.

(a) Department of Justice.—
(1) **UNITED STATES ATTORNEYS.**—By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Justice on such date of enactment, the Attorney General shall—

(A) increase by not fewer than 100 the number of Assistant United States Attorneys, and

(B) increase by not fewer than 50 the number of Special Assistant United States Attorneys in the United States Attorneys’ office to litigate denaturalization and other immigration cases in the Federal courts.

(2) **IMMIGRATION JUDGES.**—

(A) **ADDITIONAL IMMIGRATION JUDGES.**—By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing vacancies within the Department of Justice on such date of enactment, and subject to the availability of appropriations, the Attorney General shall increase by 200 the number of trained full-time immigration judges.
(B) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General is authorized to procure space, temporary facilities, and support staff, on an expedited basis, to accommodate the additional immigration judges authorized under subparagraph (A).

(3) BOARD OF IMMIGRATION APPEALS.—

(A) BOARD MEMBERS.—By not later than September 30, 2021, the Attorney General shall increase the number of Board Members authorized to serve on the Board of Immigration Appeals to 25.

(B) STAFF ATTORNEYS.—By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing staff attorney vacancies within the Department of Justice on such date of enactment, and subject to the availability of appropriations, the Attorney General shall increase the number of staff attorneys assigned to support the Board of Immigration Appeals by not fewer than 50.

(C) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General is authorized to procure space, temporary facilities, and re-
required administrative support staff, on an expedited basis, to accommodate the additional Board Members authorized under subparagraph (A).

(4) Office of Immigration Litigation.—By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing vacancies within the Department of Justice on such date of enactment, and subject to the availability of appropriations, the Attorney General shall increase by not fewer than 100 the number of attorneys for the Office of Immigration Litigation.

(b) Department of Homeland Security.—

(1) Fraud detection and national security officers.—By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within the Department of Homeland Security on such date of enactment, and subject to the availability of appropriations, the Director of U.S. Citizenship and Immigration Services shall increase by not fewer than 100 the number of trained full-time active duty Fraud Detection and National Security (FDNS) officers.
ICE HOMELAND SECURITY INVESTIGATIONS

FORENSIC DOCUMENT LABORATORY PERSONNEL.—

By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within the Department of Homeland Security on such date of enactment, the Director of U.S. Immigration and Customs Enforcement shall increase—

(A) the number of trained, full-time Forensic Document Laboratory Examiners by 15;

(B) the number of trained, full-time Fingerprint Specialists by 15;

(C) the number of trained, full-time Intelligence Officers by 10; and

(D) the number of trained, full-time administrative staff by 3.

IMMIGRATION ATTORNEYS.—

(A) OFFICE OF THE PRINCIPAL LEGAL ADVISOR ATTORNEYS.—By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Homeland Security on such date of enactment, the Director of U.S. Immigration and Customs Enforcement shall
increase the number of trained, full-time, active
duty Office of Principal Legal Advisor attorneys
by not fewer than 1,200. The majority of such
attorneys shall perform duties related to litig-ation of removal proceedings and representing
the Department of Homeland Security in immi-gration matters before the immigration courts
within the Department of Justice, the Executive
Office for Immigration Review, and enforce-
ment of U.S. customs and trade laws. At least
50 of these additional attorney positions shall
be by the Attorney General to increase the
number of U.S. Immigration and Customs En-
forcement attorneys serving as Special Assis-tant U.S. Attorneys, on detail to the Depart-
ment of Justice, Offices of the U.S. Attorneys,
to assist with immigration-related litigation.

(B) USCIS IMMIGRATION ATTORNEYS.—
By not later than September 30, 2021, in addi-
tion to positions authorized before the date of
the enactment of this Act and any existing at-
torney vacancies within the Department of
Homeland Security on such date of enactment,
the Director of U.S. Citizenship and Immigra-
tion Services shall increase the number of
trained, full-time, active duty Office of Chief Counsel attorneys by not fewer than 250. Such attorneys shall primarily handle national security and public safety cases, denaturalization cases, and legal sufficiency reviews of immigration benefit decisions. At least 50 of these additional attorney positions shall be used by the Attorney General to increase the number of U.S. Citizenship and Immigration Service attorneys serving as Special Assistant U.S. Attorneys, on detail to the Department of Justice, Offices of the U.S. Attorneys, to assist with immigration-related litigation.

(C) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General and Secretary are authorized to procure space, temporary facilities, and to hire the required administrative and legal support staff, on an expedited basis, to accommodate the additional positions authorized under this paragraph.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of the fiscal years 2018 through 2021, such sums as may be necessary to carry out this subsection.

(e) DEPARTMENT OF STATE.—
(1) Visa specialists.—By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department on such date of enactment, the Assistant Secretary of State for Consular Affairs shall increase the number of trained, full-time analysts within the Bureau of Consular Affairs by not fewer than 50. Such analysts primarily should handle and advise on cases and matters involving the potential for visa denial on the basis of national security and public safety concerns.

(2) Immigration attorneys.—By not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department on such date of enactment, the Assistant Secretary of State for Consular Affairs shall increase the number of trained, full-time, active attorneys adviser within the Bureau of Consular Affairs by not fewer than 25. Such attorneys primarily should handle and advise on cases and matters involving the potential for visa denial on the basis of national security and public safety concerns.
There are authorized to be appropriated, for each of the fiscal years 2018 through 2021, $15,000,000 to carry out this section.

SEC. 1147. JUDICIAL RESOURCES FOR BORDER SECURITY.

(a) Border Crossing Prosecutions; Criminal Consequence Initiative.—

(1) In general.—Amounts appropriated pursuant to paragraph (3) shall be used—

(A) to increase the number of criminal prosecutions for unlawful border crossing in each and every sector of the southern border by not less than 80 percent per day, as compared to the average number of such prosecutions per day during the 12-month period preceding the date of the enactment of this Act, by increasing funding for—

(i) attorneys and administrative support staff in offices of United States attorneys;

(ii) support staff and interpreters in court clerks' offices;

(iii) pre-trial services;

(iv) activities of the Office of the Federal Public Defender, including payments
to retain appointed counsel under section 3006A of title 18, United States Code; and

(v) additional personnel, including deputy United States marshals in the United States Marshals Service, to perform intake, coordination, transportation, and court security; and

(B) to reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the increased border crossing prosecutions carried out pursuant to subparagraph (A).

(2) Additional Magistrate Judges to Assist with Increased Caseload.—The chief judge of each judicial district located within a sector of the southern border is authorized to appoint additional full-time magistrate judges, who, consistent with the Constitution and laws of the United States, shall have the authority to hear cases and controversies in the judicial district in which the magistrate judges are appointed.

(3) Authorization of Appropriations.—There are authorized to be appropriated, for each of the fiscal years 2018 through 2021, such sums as may be necessary to carry out this subsection.
(b) Additional Permanent District Court Judgeships in Southern Border States.—

(1) In general.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the District of Arizona;

(B) 2 additional district judges for the Southern District of California;

(C) 4 additional district judges for the Western District of Texas; and

(D) 2 additional district judges for the Southern District of Texas.

(2) Conversions of temporary district court judgeships.—The judgeships for the District of Arizona and the Central District of California authorized under section 312(e) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 133 note), in existence on the day before the date of the enactment of this Act, shall be authorized under section 133 of title 28, United States Code, and the individuals holding such judgeships on such day shall hold office under section 133 of title 28, United States Code, as amended by paragraph (3).
(3) TECHNICAL AND CONFORMING AMENDMENTS.—The table contained in section 133(a) of title 28, United States Code, is amended—

(A) by striking the item relating to the district of Arizona and inserting the following:

“Arizona ................................................................. 17”;

(B) by striking the items relating to California and inserting the following:

“California:
Northern ................................................................. 19
Eastern ................................................................. 12
Central ................................................................. 28
Southern ................................................................. 15”; and

(C) by striking the items relating to Texas and inserting the following:

“Texas:
Northern ................................................................. 12
Southern ................................................................. 21
Eastern ................................................................. 7
Western ................................................................. 17”.

(c) INCREASE IN FILING FEES.—

(1) IN GENERAL.—Section 1914(a) of title 28, United States Code, is amended—

(A) by striking “$350” and inserting “$375”; and

(B) by striking “$5” and inserting “$7”.

(2) EXPENDITURE LIMITATION.—Incremental amounts collected pursuant to the amendments made by paragraph (1) shall be deposited as offset-
ting receipts in the special fund of the Treasury es-
established under section 1931 of title 28, United
States Code. Such amounts shall be available solely
for the purpose of facilitating the processing of civil
cases, but only to the extent specifically appro-
priated by an Act of Congress enacted after the date
of the enactment of this Act.

SEC. 1148. REIMBURSEMENT TO STATE AND LOCAL PROS-
ECUTORS FOR FEDERALLY INITIATED, IMMI-
GRATION-RELATED CRIMINAL CASES.

(a) IN GENERAL.—The Attorney General shall reim-
burse State, county, tribal, and municipal governments for
costs associated with the prosecution of federally initiated
criminal cases declined to be prosecuted by local offices
of the United States attorneys, including costs relating to
pre-trial services, detention, clerical support, and public
defenders’ services associated to such prosecution.

(b) EXCEPTION.—Reimbursement under subsection
(a) shall not be available, at the discretion of the Attorney
General, if the Attorney General determines that there is
reason to believe that the jurisdiction seeking reimburse-
ment has engaged in unlawful conduct in connection with
immigration-related apprehensions.
CHAPTER 3—GRANTS

SEC. 1151. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

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

(1) in paragraph (1)—

(A) by inserting “AUTHORIZATION.—” before “If the chief”; and

(B) by inserting “or an alien with an unknown status” after “undocumented criminal alien” each place that term appears;

(2) by striking paragraphs (2) and (3) and inserting the following:

“(2) COMPENSATION.—

“(A) CALCULATION OF COMPENSATION.—

Compensation under paragraph (1)(A) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the Attorney General.

“(B) COMPENSATION OF STATE FOR INCARCERATION.—The Attorney General shall compensate the State or political subdivision of the State, in accordance with subparagraph (A), for the incarceration of an alien—

“(i) whose immigration status cannot be verified by the Secretary; and
“(ii) who would otherwise be an undocumented criminal alien if the alien is unlawfully present in the United States.

“(3) DEFINITIONS.—In this subsection:

“(A) ALIEN WITH AN UNKNOWN STATUS.—The term ‘alien with an unknown status’ means an individual—

“(i) who has been incarcerated by a Federal, State, or local law enforcement entity; and

“(ii) whose immigration status cannot be definitively identified.

“(B) UNDOCUMENTED CRIMINAL ALIEN.—The term ‘undocumented criminal alien’ means an alien who—

“(i) has been charged with or convicted of a felony or any misdemeanors; and

“(ii)(I) entered the United States without inspection or at any time or place other than as designated by the Secretary;

“(II) was the subject of exclusion or deportation or removal proceedings at the time he or she was taken into custody by
the State or a political subdivision of the
State; or

“(III) was admitted as a non-
immigrant and, at the time he or she was
taken into custody by the State or a polit-
ical subdivision of the State, has failed to
maintain the nonimmigrant status in which
the alien was admitted or to which it was
changed under section 248, or to comply
with the conditions of any such status.”;

(3) in paragraph (4), by inserting “and aliens
with an unknown status” after “undocumented
criminal aliens” each place that term appears;

(4) in paragraph (5)(C), by striking “to carry
out this subsection” and all that follows and insert-
ing “$950,000,000, for each of the fiscal years 2018
through 2021, to carry out this subsection.”; and

(5) by adding at the end the following:

“(7) DISTRIBUTION OF REIMBURSEMENT.—Any
funds provided to a State or a political subdivision
of a State as compensation under paragraph (1)(A)
for a fiscal year shall be distributed to such State
or political subdivision not later than 120 days after
the last day of the period specified by the Attorney
General for the submission of requests under that paragraph for that fiscal year.”.

SEC. 1152. SOUTHERN BORDER SECURITY ASSISTANCE GRANTS.

(a) Authority.—

(1) In general.—The Secretary, in consultation with State and local law enforcement agencies, may award border security assistance grants to law enforcement agencies located in the Southwest border region for the purposes described in subsection (b).

(2) Priority.—In awarding grants under this section, the Secretary shall give priority to law enforcement agencies located in a county that is located within 25 miles of the Southern border.

(b) Purposes.—Each grant awarded under subsection (a) shall be used to address drug trafficking, smuggling, and border violence—

(1) by obtaining law enforcement equipment and tools, including secure 2-way communication devices, portable laptops and office computers, license plate readers, unmanned aerial vehicles, unmanned aircraft systems, manned aircraft, cameras with night viewing capabilities, and any other appropriate law enforcement equipment;
(2) by hiring additional personnel, including ad-
ministrative support personnel, dispatchers, and
jailers, and to provide overtime pay for such per-
sonnel;

(3) by purchasing law enforcement vehicles;

(4) by providing high performance aircraft and
helicopters for border surveillance and other critical
mission applications and paying for the operational
and maintenance costs associated with such craft;

(5) by providing critical power generation sys-
tems, infrastructure, and technological upgrades to
support State and local data management systems
and fusion centers; or

(6) by providing specialized training and paying
for the direct operating expenses associated with de-
tecting and prosecuting drug trafficking, human
smuggling, and other illegal activity or violence that
occurs at or near the Southern border.

(c) APPLICATION.—

(1) REQUIREMENT.—A law enforcement agency
seeking a grant under subsection (a), or a nonprofit
organization or coalition acting as an agent for 1 or
more such law enforcement entities, shall submit an
application to the Secretary that includes the infor-
mation described in paragraph (2) at such time and in such manner as the Secretary may require.

(2) CONTENT.—Each application submitted under paragraph (1) shall include—

(A) a description of the activities to be carried out with a grant awarded under subsection (a);

(B) if equipment will be purchased with the grant, a detailed description of—

(i) the type and quantity of such equipment; and

(ii) the personnel who will be using such equipment;

(C) a description of the need of the law enforcement agency or agencies for the grant, including a description of the inability of the agency or agencies to carry out the proposed activities without the grant; and

(D) an assurance that the agency or agencies will, to the extent practicable, seek, recruit, and hire women and members of racial and ethnic minority groups in law enforcement positions of the agency or agencies.

(d) REVIEW AND AWARD.—
(1) Review.—Not later than 90 days after receiving an application submitted under subsection (c), the Secretary shall review and approve or reject the application.

(2) Award of Funds.—Subject to the availability of appropriations, not later than 45 days after the date an application is approved under paragraph (1), the Secretary shall transmit the grant funds to the applicant.

(3) Priority.—In distributing grant funds under this subsection, priority shall be given to high-intensity areas for drug trafficking, smuggling, and border violence.

(e) Authorization of Appropriations.—There is authorized to be appropriated, for each of the fiscal years 2019 and 2020, $300,000,000 for grants authorized under this section.

SEC. 1153. 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 to 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 U.S. Border Patrol sector 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) personnel, including overtime and backfill, in support of enhanced border law enforcement activities;

“(3) any activity permitted for Operation Stonegarden under the Department of Homeland
Security’s Fiscal Year 2017 Homeland Security Grant Program Notice of Funding Opportunity; and

“(4) any other appropriate 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 36 months.

“(e) Report.—For each of the fiscal years 2018 through 2022, the Administrator 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 containing 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(a)) 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. 1154. GRANTS FOR IDENTIFICATION OF VICTIMS OF CROSS-BORDER HUMAN SMUGGLING.

In addition to any funding for grants made available to the Attorney General for State and local law enforcement assistance, the Attorney General shall award grants to county, municipal, or tribal governments in States along the southern border for costs, or reimbursement of costs, associated with the transportation and processing of unidentified alien remains that have been transferred to an official medical examiner’s office or an institution of higher education in the area with the capacity to analyze human remains using forensic best practices, including DNA testing, where such expenses may contribute to the collection and analysis of information pertaining to missing and unidentified persons.

SEC. 1155. GRANT ACCOUNTABILITY.

(a) Definitions.—In this section:

(1) Awarding Entity.—The term “awarding entity” means the Secretary, the Administrator of
the Federal Emergency Management Agency, the
Director of the National Science Foundation, or the
Chief of the Office of Citizenship and New Amer-
cans.

(2) **NONPROFIT ORGANIZATION.**—The term
“nonprofit organization” means an organization that
is described in section 501(c)(3) of the Internal Rev-
ue Code of 1986 and is exempt from taxation
under section 501(a) of such Code.

(3) **UNRESOLVED AUDIT FINDING.**—The term
“unresolved audit finding” means a finding in a
final audit report conducted by the Inspector Gen-
eral of the Department of Homeland Security, or the
Inspector General for the National Science Founda-
tion for grants awarded by the Director of the Na-
tional Science Foundation, that the audited grantee
has utilized grant funds for an unauthorized expend-
iture or otherwise unallowable cost that is not closed
or resolved within one year after the date when the
final audit report is issued.

(b) **ACCOUNTABILITY.**—All grants awarded by an
awarding entity pursuant to this subtitle shall be subject
to the following accountability provisions:

(1) **AUDIT REQUIREMENT.**—
(A) Audits.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, shall conduct audits of recipients of grants under this subtitle or any amendments made by this subtitle to prevent waste, fraud, and abuse of funds by grantees. Such Inspectors General shall determine the appropriate number of grantees to be audited each year.

(B) Mandatory Exclusion.—A recipient of grant funds under this subtitle that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subtitle or any amendment made by this subtitle during the first 2 fiscal years beginning after the end of the 1-year period described in subsection (A).

(C) Priority.—In awarding a grant under this subtitle or any amendment made by this subtitle, the awarding entity shall give priority
to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years immediately preceding the date on which the entity submitted the application for such grant.

(D) Reimbursement.—If an entity is awarded grant funds under this subtitle or any amendment made by this subtitle during the 2-year period when the entity is barred from receiving grants under subparagraph (B), the awarding entity shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to such entity into the general fund of the Treasury; and

(ii) seek to recover the costs of the repayment under clause (i) from such entity.

(2) Nonprofit Organization Requirements.—

(A) Prohibition.—An awarding entity may not award a grant under this subtitle or any amendment made by this subtitle to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax imposed under section 511(a) of the Internal Revenue Code of 1986.
(B) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this subtitle or any amendment made by this subtitle and uses the procedures prescribed by Internal Revenue regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the awarding entity, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the awarding entity shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—Amounts authorized to be appropriated to the Department of Homeland Security or the National Science Foundation for grant programs under this subtitle or any amendment made by this subtitle may not be used by an awarding entity to host or support any expenditure for conferences that uses
more than $20,000 in funds made available by the Department of Homeland Security or the National Science Foundation unless the Deputy Secretary for Homeland Security, or the Deputy Director of the National Science Foundation, or their designee, provides prior written authorization that the funds may be expended to host the conference.

(B) Written Approval.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) Report.—The Deputy Secretary of Homeland Security and the Deputy Director of the National Science Foundation shall submit an annual report to Congress that identifies all conference expenditures approved under this paragraph.

(4) Annual Certification.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, each awarding entity shall submit a report to Congress that—

(A) indicates whether—
(i) all audits issued by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under paragraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) includes a list of any grant recipients excluded under paragraph (1) during the previous year.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS

SEC. 1161. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated, for each of the fiscal years 2018 through 2021, $2,500,000,000 to implement this title and the amendments made by this title, of which—

(1) $10,000,000 shall be used by the Department of Homeland Security to implement Vehicle and Dismount Exploitation Radars (VADER) in border security operations;
(2) $3,000,000 shall be used by the Department of Homeland Security to implement 3-dimensional, seismic, acoustic detection and ranging border tunneling detection technology on the southern border;

(3) $200,000,000 shall be used by the Department of State to implement section 1120; and

(4) $200,000,000 shall be used by the United States Coast Guard to implement section 1114(a)(18).

(b) High Intensity Drug Trafficking Area Program.—Section 707(p)(5) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(p)(5)) is amended by striking “to the Office of National Drug Control Policy” and all that follows and inserting “$280,000,000 to the Office of National Drug Control Policy for each of the fiscal years 2018 through 2021 to carry out this section.”.

Subtitle B—Emergency Port of Entry Personnel and Infrastructure Funding

Sec. 1201. Definitions.

In this subtitle:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Finance of the Senate;

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

(D) the Committee on Homeland Security of the House of Representatives;

(E) the Committee on Ways and Means of the House of Representatives; and

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

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

SEC. 1202. 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 State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, the Administrator of General Services, and appropriate representatives of State and local governments, and Indian tribes, 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 such a 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, 2021, the Secretary shall expand or modernize the primary and secondary inspection lanes for vehicle, cargo, and pedestrian inbound and outbound inspection lanes at ports of entry on the southern border, as determined by the Secretary, for the purposes of reducing wait times and enhancing security, as determined by the Secretary.
(c) Port of Entry Prioritization.—Before constructing any new ports of entry pursuant to subsection (a), the Secretary shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable.

(d) Notifications.—

(1) New Ports of Entry.—Not later than 15 days after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary shall submit a report to the appropriate congressional committees and the Members of Congress who represent the State or congressional district in which such new port of entry will be located that includes—

(A) information relating to the location of such new port of entry;

(B) a description of the need for such new port of entry and associated anticipated benefits;

(C) a description of the consultations undertaken by the Secretary pursuant to subsection (a)(2);

(D) any actions that will be taken to minimize negative impacts of such new port of entry; and
(E) the anticipated time line for the construction and completion of such new port of entry.

(2) EXPANSION AND MODERNIZATION OF PORTS OF ENTRY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall notify the appropriate congressional committees of—

(A) the ports of entry on the southern border selected for expansion or modernization pursuant to subsection (b); and

(B) the Secretary’s plan for expanding or modernizing the primary and secondary inspection lanes at each such port of entry.

SEC. 1203. SECURE COMMUNICATIONS.

(a) IN GENERAL.—The Secretary shall ensure that each U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement officer or agent, if appropriate, is equipped with a secure 2-way communication device, supported by system interoperability, that allows each such officer to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.
(b) LAND BORDER AGENTS AND OFFICERS.—The Secretary shall ensure that each U.S. Customs and Border Protection agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, and at border checkpoints, has a multi- or dual-band encrypted portable radio.

SEC. 1204. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) EXPANSION.—Not later than September 30, 2021, the Secretary shall fully implement U.S. Customs and Border Protection’s Border Security Deployment Program and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000, for each of the fiscal year 2018 through 2021, to carry out subsection (a).

SEC. 1205. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.

(a) UPGRADE.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall upgrade all existing license plate readers on the northern border or the southern border on incoming and outgoing vehicle lanes.
(b) Pilot Program.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall conduct a 1-month pilot program on the southern border using license plate readers for 1 to 2 cargo lanes at the top 3 high-volume land ports of entry or checkpoints to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers.

(e) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—

(1) the results of the pilot program under subsection (b); and

(2) recommendations for using such technology on the southern border.

(d) Authorization of Appropriations.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal year 2018 to carry out subsection (a).

SEC. 1206. BIOMETRIC TECHNOLOGY.

(a) Biometric Storage.—

(1) Creation or Expansion of System.—

Not later than 180 days after the date of the enact-
ment of this Act, the Secretary shall create a system (or upgrade and expand the capability and capacity of an existing system, if a Department of Homeland Security system already has capability and capacity for storage) to allow for the storage of fingerprints, photographs, iris scans, voice prints, and any other biometric data of aliens that can be used by the Department of Homeland Security, other Federal agencies, and State and local law enforcement agencies for identity verification, authentication, background checks, and document production.

(2) COMPATIBILITY.—The Secretary shall ensure, to the extent possible, that the system created or expanded under paragraph (1) is compatible with existing State and local law enforcement systems that are used for the collection and storage of biometric data for criminal aliens.

(b) PILOT PROGRAM.—When the system created under subsection (a) is operational, U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services shall conduct a 6-month pilot program on the collection and use of iris scans and voice prints for identity verification, authentication, background checks, and document production.
(c) REPORT.—Not later than 6 months after the conclusion of the pilot program under subsection (b), the Secretary shall report the results of the pilot program and make recommendations for using such technology to—

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

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

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated, for each of the fiscal years 2018 through 2021, $10,000,000 carry out this section.

SEC. 1207. NONINTRUSIVE INSPECTION OPERATIONAL DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner shall establish a 6-month operational demonstration project to deploy a high-throughput nonintrusive passenger vehicle inspection
system at not fewer than 3 land ports of entry along
the United States-Mexico border with significant
cross-border traffic.

(2) LOCATION.—The demonstration project es-
established under paragraph (1)—
(A) shall be located within the pre-primary
traffic flow; and
(B) should be scalable to span up to 26
contiguous in-bound traffic lanes without recon-
figuration of existing lanes.

(b) REPORT.—Not later than 90 days after the con-
clusion of the operational demonstration project under
subsection (a), the Commissioner shall submit a report to
the Committee on Homeland Security and Governmental
Affairs of the Senate, the Committee on Finance of the
Senate, the Committee on Homeland Security of the
House of Representatives, and the Committee on Ways
and Means of the House of Representatives that de-
scribes—
(1) the effects of the demonstration project on
legitimate travel and trade;
(2) the effects of the demonstration project on
wait times, including processing times, for non-pe-
destrian traffic; and
(3) the effectiveness of the demonstration

project in combating terrorism and smuggling.

SEC. 1208. BIOMETRIC EXIT DATA SYSTEM.

(a) IN GENERAL.—Subtitle B of title IV of the


is amended by inserting after section 418 the following:

“SEC. 419. BIOMETRIC ENTRY-EXIT.

“(a) ESTABLISHMENT.—The Secretary—

“(1) not later than 180 days after the date of

the enactment of this section, shall submit an imple-

mentation plan to the Committee on Homeland Se-

curity and Governmental Affairs of the Senate, the

Committee on the Judiciary of the Senate, the Com-

mittee on Homeland Security of the House of Rep-

sentatives, and the Committee on the Judiciary of

the House of Representatives for establishing a bio-

metric exit data system to complete the integrated

biometric entry and exit data system required under

section 7208 of the Intelligence Reform and Ter-

rorism Prevention Act of 2004 (8 U.S.C. 1365b), in-

cluding—

“(A) an integrated master schedule and
cost estimate, including requirements and de-
sign, development, operational, and mainte-
nance costs of such a system, that takes into
account prior reports on such matters issued by
the Government Accountability Office and the
Department;

“(B) cost-effective staffing and personnel
requirements of such a system that leverages
existing resources of the Department that takes
into account prior reports on such matters
issued by the Government Accountability Office
and the Department;

“(C) a consideration of training programs
necessary to establish such a system that takes
into account prior reports on such matters
issued by the Government Accountability Office
and the Department;

“(D) a consideration of how such a system
will affect arrival and departure wait times that
takes into account prior reports on such matter
issued by the Government Accountability Office
and the Department;

“(E) information received after consulta-
tion with private sector stakeholders, including
the—

“(i) trucking industry;
“(ii) airport industry;
“(iii) airline industry;
“(iv) seaport industry;
“(v) travel industry; and
“(vi) biometric technology industry;
“(F) a consideration of how trusted traveler programs in existence as of the date of the enactment of this Act may be impacted by, or incorporated into, such a system;
“(G) defined metrics of success and milestones;
“(H) identified risks and mitigation strategies to address such risks;
“(I) a consideration of how other countries have implemented a biometric exit data system; and
“(J) a list of statutory, regulatory, or administrative authorities needed to integrate such a system into the operations of the Transportation Security Administration; and
“(2) not later than 2 years after the date of the enactment of this section, shall establish a biometric exit data system at—
“(A) the 15 United States airports that support the highest volume of international air travel, as determined by available Federal flight data;
“(B) the 10 United States seaports that support the highest volume of international sea travel, as determined by available Federal travel data; and

“(C) the 15 United States land ports of entry that support the highest volume of vehicle, pedestrian, and cargo crossings, as determined by available Federal border crossing data.

“(b) IMPLEMENTATION.—

“(1) PILOT PROGRAM AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not later than 6 months after the date of the enactment of this section, the Secretary, in collaboration with industry stakeholders, shall establish a 6-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on non-pedestrian outbound traffic at not fewer than 3 land ports of entry with significant cross-border traffic, including at not fewer than 2 land ports of entry on the southern land border and at least 1 land port of entry on the northern land border. Such pilot program may include a consideration of more than 1 biometric mode, and shall be implemented to determine—
“(A) how a nationwide implementation of such biometric exit data system at land ports of entry shall be carried out;

“(B) the infrastructure required to carry out subparagraph (A);

“(C) the effects of such pilot program on legitimate travel and trade;

“(D) the effects of such pilot program on wait times, including processing times, for such nonpedestrian traffic;

“(E) the effects of such pilot program on combating terrorism; and

“(F) the effects of such pilot program on identifying visa holders who violate the terms of their visas.

“(2) EXPANSION TO LAND PORTS OF ENTRY FOR NONPEDESTRIAN OUTBOUND TRAFFIC.—

“(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of nonpedestrian out-bound traffic.
“(B) Extension.—The Secretary may extend for a single 2-year period the date specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that support the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system.

“(3) Expansion to air and sea ports of entry.—Not later than 5 years after the date of enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry.

“(4) Expansion to land ports of entry for pedestrians.—Not later than 5 years after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of

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entry, and such system shall apply only in the case of pedestrians.

“(c) Effects on Air, Sea, and Land Transportation.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas.

“(d) Termination of Proceeding.—Notwithstanding any other provision of law, the Secretary shall, on the date of the enactment of this section, terminate the proceeding entitled ‘Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (‘US-VISIT’)’, issued on April 24, 2008 (73 Fed. Reg. 22065).

“(e) Data-Matching.—The biometric exit data system established under this section shall—

“(1) match biometric information for an individual who is departing the United States against biometric data previously provided to the United States Government by such individual for the purposes of international travel;
“(2) leverage the infrastructure and databases of the current biometric entry and exit system established pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b) for the purpose described in paragraph (1); and

“(3) be interoperable with, and allow matching against, other Federal databases that—

“(A) store biometrics of known or suspected terrorists; and

“(B) identify visa holders who violate the terms of their visas.

“(f) Scope.—

“(1) IN GENERAL.—The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data at the time of departure for all categories of individuals who are required by the Secretary to provide biometric entry data.

“(2) EXCEPTION FOR CERTAIN OTHER INDIVIDUALS.—This section shall not apply in the case of an individual who exits and then enters the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) the
itinerary of which originates and terminates in the
United States.

“(3) Exception for land ports of
entry.—This section shall not apply in the case of
a United States or Canadian citizen who exits the
United States through a land port of entry.

“(g) Collection of data.—The Secretary may not
require any non-Federal person to collect biometric data,
or contribute to the costs of collecting or administering
the biometric exit data system established under this sec-
tion, except through a mutual agreement.

“(h) Multi-modal collection.—In carrying out
subsections (a)(1) and (b), the Secretary shall make every
effort to collect biometric data using multiple modes of
biometrics.

“(i) Facilities.—All facilities at which the biometric
exit data system established under this section is imple-
mented shall provide and maintain space for Federal use
that is adequate to support biometric data collection and
other inspection-related activity. For non-federally owned
facilities, such space shall be provided and maintained at
no cost to the Government.

“(j) Northern land border.—In the case of the
northern land border, the requirements under subsections
(a)(2)(C), (b)(2)(A), and (b)(4) may be achieved through
the sharing of biometric data provided to U.S. Customs
and Border Protection by the Canadian Border Services
Agency pursuant to the 2011 Beyond the Border agree-
ment.

“(k) FAIR AND OPEN COMPETITION.—The Secretary
shall procure goods and services to implement this section
via fair and open competition in accordance with the Fed-
eral Acquisition Regulations.

“(l) OTHER BIOMETRIC INITIATIVES.—The Sec-
retary may pursue biometric initiatives at air, land, and
sea ports of entry for the purposes of border security and
trade facilitation distinct from the biometric exit data sys-
tem described in this section.

“(m) CONGRESSIONAL REVIEW.—Not later than 90
days after the date of the enactment of this section, the
Secretary shall submit to reports and recommendations to
the Committee on Homeland Security and Governmental
Affairs of the Senate, the Committee on the Judiciary of
the Senate, the Committee on Homeland Security of the
House of Representatives, and the Committee on the Judi-
ciary of the House of Representatives regarding the
Science and Technology Directorate's Air Entry and Exit
Re-Engineering Program of the Department and the U.S.
Customs and Border Protection entry and exit mobility
program demonstrations.
“(n) SAVINGS CLAUSE.—Nothing in this section may be construed to prohibit the collection of user fees permitted by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).”.

(b) 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 417 the following:

“Sec. 419. Biometric entry-exit.”.

SEC. 1209. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES.

(a) FINDING.—Congress finds that personnel constraints exist at land ports of entry with regard to sanitary and phytosanitary inspections for exported goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in the best interest of cross-border trade and the agricultural community—

(1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional hours to facilitate the crossing and trade of perishable goods in a manner
consistent with rules of the Department of Agriculture; and

(2) cross designation should be available for personnel who will assist more than one agency or department at land ports of entry to facilitate increased trade and commerce.

SEC. 1210. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $1,250,000,000 for each of the fiscal years 2018 through 2021 to carry out this title, of which—

(1) $2,000,000 shall be used by the Secretary for—

(A) hiring additional Uniform Management Center support personnel;

(B) purchasing uniforms for U.S. Customs and Border Protection officers and agents;

(C) acquiring additional motor vehicles to support vehicle mounted surveillance systems;

(D) hiring additional motor vehicle program support personnel; and

(E) contract support for customer service, vendor management, and operations management;
(2) $250,000,000 per year shall be used to im-
plement the biometric exit data system described in
section 419 of the Homeland Security Act of 2002,
as added by section 1208 of this Act; and

(3) $65,000,000 shall be used by the Secretary
to purchase—

(A) new AS350, UH-60L, and UAS-Native
M9 aircrafts;

(B) required support equipment; and

(C) initial spare parts for southern and
northern border security and maritime oper-
ations.

Subtitle C—Domestic Security and
Interior Enforcement

CHAPTER 1—GENERAL MATTERS

SEC. 1301. ENDING CATCH AND RELEASE FOR REPEAT IM-
MIGRATION VIOLATORS AND CRIMINALS

ALIENS.

(a) In General.—Section 236 of the Immigration
and Nationality Act (8 U.S.C. 1226) is amended by strik-
ing the section heading and subsections (a) through (c)
and inserting the following:

“SEC. 236. APPREHENSION AND DETENTION OF ALIENS.

“(a) ARREST, DETENTION, AND RELEASE.—
“(1) In general.—The Secretary, on a warrant issued by the Secretary, may arrest an alien and detain the alien pending a decision on whether the alien is to be removed from the United States up until the alien has an administratively final order of removal. Except as provided in subsection (e) and pending such decision, the Secretary—

“(A) may—

“(i) continue to detain the arrested alien;

“(ii) release the alien on bond of at least $5,000, with security approved by, and containing conditions prescribed by, the Secretary; or

“(iii) release the alien on his or her own recognizance, subject to appropriate conditions set forth by the Secretary, if the Secretary determines that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding; and

“(B) may not provide the alien with work authorization (including an ‘employment authorized’ endorsement or other appropriate work permit) or advance parole to travel outside
of the United States, unless the alien is lawfully
admitted for permanent residence or otherwise
would (without regard to removal proceedings)
be provided such authorization.

“(b) Revocation of Bond or Parole.—The Sec-
retary, at any time, may revoke bond or parole authorized
under subsection (a), rearrest the alien under the original
warrant, and detain the alien.

“(c) Mandatory Detention of Criminal
Aliens.—

“(1) Criminal Aliens.—The Secretary shall
take into custody and continue to detain any alien
at any time after the alien is released, without re-
gard to whether the alien is released on parole, su-
pervised release, and without regard to whether the
alien may be arrested or imprisoned again for the
same offense, if the alien—

“(A)(i) has not been admitted or paroled
into the United States; and

“(ii) was apprehended anywhere within
100 miles of the international border of the
United States;

“(B) is inadmissible by reason of having
committed any offense covered in section
212(a)(2);
“(C) is deportable by reason of having committed any offense covered in section 237(a)(2);

“(D) is convicted for an offense under section 275(a);

“(E) is convicted for an offense under section 276;

“(F) is convicted for any criminal offense; or

“(G) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(4)(B).

“(2) RELEASE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may release an alien described in paragraph (1) only if the Secretary decides pursuant to section 3251 of title 18, United States Code, and in accordance with a procedure that considers the severity of the offense committed by the alien, that—

“(i) release of the alien from custody is necessary to provide protection to—

“(I) a witness;

“(II) a potential witness;
“(III) a person cooperating with an investigation into major criminal activity; or
“(IV) an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation; and
“(ii) the alien demonstrates to the satisfaction of the Secretary that the alien—
“(I) is not a flight risk;
“(II) poses no danger to the safety of other persons or of property;
“(III) is not a threat to national security or public safety; and
“(IV) is likely to appear at any scheduled proceeding.
“(B) ARRESTED, BUT NOT CONVICTED, ALIENS.—
“(i) RELEASE FOR PROCEEDINGS.—
The Secretary may release any alien held pursuant to paragraph (1) to the appropriate authority for any proceedings subsequent to the arrest.
“(ii) Resumption of custody.—If an alien is released pursuant to clause (i), the Secretary shall—

“(I) resume custody of the alien during any period pending the final disposition of any such proceedings that the alien is not in the custody of such appropriate authority; and

“(II) if the alien is not convicted of the offense for which the alien was arrested, the Secretary shall continue to detain the alien until removal proceedings are completed.”.

(b) Clerical Amendment.—The table of contents in the first section of the Immigration and Nationality Act is amended by striking the item relating to section 236 and inserting the following:

“Sec. 236. Apprehension and detention of aliens.”.

SEC. 1302. DETERRING VISA OVERSTAYS.

(a) Admission of Nonimmigrants.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by striking the section heading and all that follows through subsection (a)(1) and inserting the following:

“SEC. 214. ADMISSION OF NONIMMIGRANTS.

“(a) In General.—

“(1) Terms and conditions of admission.—
“(A) IN GENERAL.—Subject to subparagrams (B) and (C), the admission to the United States of any alien as a nonimmigrant may be for such time and under such conditions as the Secretary may prescribe, including when the Secretary deems necessary the giving of a bond with sufficient surety in such sum and containing such conditions as the Secretary shall prescribe, to insure that at the expiration of such time or upon failure to maintain the status under which the alien was admitted, or to maintain any status subsequently acquired under section 248, such alien will depart from the United States.

“(B) GUAM OR CNMI VISA WAIVER NON-IMMIGRANTS.—No alien admitted to Guam or the Commonwealth of the Northern Mariana Islands without a visa pursuant to section 212(l) may be authorized to enter or stay in the United States other than in Guam or the Commonwealth of the Northern Mariana Islands or to remain in Guam or the Commonwealth of the Northern Mariana Islands for a period exceeding 45 days from the date of admission to
Guam or the Commonwealth of the Northern Mariana Islands.

“(C) Visa waiver program non-immigrants.—No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.

“(D) Bar to immigration benefits and to contesting removal.—

“(i) In general.—Subject to clause (ii), except for an alien admitted as a non-immigrant under subparagraph (A) or (G) of section 101(a)(15) or a NATO non-immigrant, any alien who remains in the United States beyond the period of stay authorized by the Secretary, without good cause is ineligible for all immigration benefits or relief available under the immigration laws, including relief under sections 240B, 245, 248, and 249, other than—

“(I) asylum;

“(II) relief as a victim of trafficking under section 101(a)(15)(T);
“(III) relief as a victim of criminal activity under section 101(a)(15)(U);

“(IV) relief as a VAWA self-petitioner;

“(V) relief as a battered spouse or child under section 240A(b)(2);

“(VI) withholding of removal under section 241(b)(3); or

“(VII) protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

“(ii) EXCEPTION.—The Secretary may, in the Secretary’s sole and unreviewable discretion, determine that a nonimmigrant is not subject to clause (i) if—

“(I) the alien was lawfully admitted to the United States as a nonimmigrant;

“(II) the alien filed a nonfrivolous application for change of status
to another nonimmigrant category or
extension of stay before the date of
expiration of the alien’s authorized pe-
period of stay as a nonimmigrant;

“(III) the alien has not been em-
ployed without authorization in the
United States, before, or during pend-
ency of the application;

“(IV) the alien has not otherwise
violated the terms of the alien’s non-
immigrant status; and

“(V) the Secretary, in the Sec-
retary’s sole and unreviewable discre-
tion, determines that the alien is not
a threat to national security or public
safety.

“(iii) Good Cause Defined.—For
purposes of clause (i), the term ‘good
cause’ means exigent humanitarian cir-
cumstances, such as medical emergencies
or force majeure.”.

(b) Issuance of Nonimmigrant Visas.—Section

221(a) of the Immigration and Nationality Act (8 U.S.C.

1201(a)) is amended by adding at the end the following:
“(3) The Secretary of State shall ensure that every application for a nonimmigrant visa includes an acknowledgment, executed by the alien under penalty of perjury, confirming that the alien—

“(A) has been notified of the terms and conditions of the nonimmigrant visa, including the waiver of rights under subsection (j); and

“(B) understands that he or she will be ineligible for all immigration benefits and any form of relief or protection from removal, including relief under sections 240B, 245, 248, and 249, other than a request for asylum, relief as a victim of trafficking under section 101(a)(15)(T), relief as a victim of criminal activity under 101(A)(15)(U), relief as a VAWA self-petitioner, relief as a battered spouse or child under section 240A(b)(2), withholding of removal under section 241(b)(3), or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrad ing Treatment or Punishment, done at New York, December 10, 1984, and from contesting removal if the alien violates any term or condition of his or her nonimmigrant visa or fails to depart the United States at the end of the alien’s authorized period of stay.”.
(c) Bars to Immigration Relief.—Section 221 of the Immigration and Nationality Act, as amended by subsection (b), is further amended by adding at the end the following:

“(j) Waiver of Rights.—The Secretary of State may not issue a nonimmigrant visa under section 214 to an alien (other than an alien who qualifies for a visa under subparagraph (A) or (G) of section 101(a)(15), is a VAWA self-petitioner, or qualifies for a visa under the North Atlantic Treaty, signed at Washington April 4, 1949) until the alien has waived any right to relief under sections 240B, 245, 248, and 249 (other than relief from removal under section 241(b)(3)), any form of relief established after the date on which the nonimmigrant visa is issued, and from contesting removal if the alien—

“(1) violates a term or condition of his or her nonimmigrant status; or

“(2) fails to depart the United States at the end of the alien’s authorized period of stay.”.

(d) Visa Waiver Program Waiver of Rights.—Section 217(b) of the Immigration and Nationality Act (8 U.S.C. 1187(b)) is amended to read as follows:

“(b) Waiver of Rights.—An alien may not be provided a waiver under the program unless the alien has—
“(1) signed, under penalty of perjury, an acknowledgement confirming that the alien was notified and understands that he or she will be ineligible for any form of relief or immigration benefit under the Act or any other immigration laws, including sections 240B, 245, 248, and 249 (other than a request for asylum), relief as a victim of trafficking under section 101(a)(15)(T), relief as a victim of criminal activity under 101(A)(15)(U), relief as a VAWA self-petitioner, relief as a battered spouse or child under section 240A(b)(2), withholding of removal under section 241(b)(3), or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if the alien fails to depart from the United States at the end of the 90-day period for admission;

“(2) waived any right 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; and

“(3) waived any right to contest, other than on the basis of an application for asylum, any action for removal of the alien.”.
(c) Detention and Repatriation of Visa Waiver Violators.—Section 217(e)(2)(E) of the Immigration and Nationality Act (8 U.S.C. 1187(e)(2)(E)) is amended by striking the section header and inserting the following:

“(E) Detention and repatriation of aliens.—Any alien who fails to depart from the United States at the end of the 90-day period for admission shall be detained pending removal.”.

SEC. 1303. INCREASE IN IMMIGRATION DETENTION CAPACITY.

Not later than September 30, 2018, and subject to the availability of appropriations, the Secretary of Homeland Security shall increase the immigration detention capacity to a daily immigration detention capacity of not fewer than 48,879 detention beds.

SEC. 1304. COLLECTION OF DNA FROM CRIMINAL AND DETAINED ALIENS.

Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(C) The Secretary of Homeland Security shall collect DNA samples from any alien (as defined

“(i) has been detained pursuant to section 235(b)(1)(B)(iii)(IV), 236, 236A, or 238 of such Act (8 U.S.C. 1225(b)(1)(B)(iii)(IV), 1226, 1226a, and 1228); or

“(ii) is the subject of a final order of removal under section 240 of such Act (8 U.S.C. 1229a) based on inadmissibility under section 212(a)(2) of such Act (8 U.S.C. 1182(a)(2)) or being subject to removal under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)).”; and

(2) in subsection (b), by striking “or the probation office responsible (as applicable)” and inserting “the probation office responsible, or the Secretary of Homeland Security”.

SEC. 1305. COLLECTION, USE, AND STORAGE OF BIOMETRIC DATA.

(a) COLLECTION AND USE OF BIOMETRIC INFORMATION FOR IMMIGRATION PURPOSES.—

(1) COLLECTION.—The Secretary of Homeland Security may require any individual filing an application, petition, or other request for an immigration benefit or immigration status with the Department
of Homeland Security or seeking an immigration benefit or other authorization, employment authorization, identity, or travel document, or requesting relief or protection under any provision of the immigration laws to submit biometric information (including fingerprints, photograph, signature, voice print, iris scan, or DNA) to the Secretary.

(2) USE.—The Secretary may use any biometric information submitted under paragraph (1) to conduct background and security checks, verify an individual’s identity, adjudicate, revoke, or terminate an immigration benefit or immigration status, and perform other functions related to administering and enforcing the immigration laws.

(b) BIOMETRIC AND BIOGRAPHIC INFORMATION SHARING.—

(1) SHARING WITH DEPARTMENT OF DEFENSE AND FEDERAL BUREAU OF INVESTIGATION.—The Secretary of Homeland Security, the Secretary of Defense, and the Director of the Federal Bureau of Investigation—

(A) shall exchange appropriate biometric and biographic information to determine or confirm the identity of an individual and to assess
whether the individual is a threat to national security or public safety; and

(B) may use information exchanged pursuant to subparagraph (A)—

(i) to compare biometric and biographic information contained in applicable systems of the Department of Homeland Security, the Department of Defense, or the Federal Bureau of Investigation to determine if there is a match between such information; and

(ii) if there is a match between such information, to relay such information to the requesting agency.

(2) USE OF BIOMETRIC DATA BY THE DEPARTMENT OF STATE.—The Secretary of State shall use biometric information from applicable systems of the Department of Homeland Security, of the Department of Defense, and of the Federal Bureau of Investigation to track individuals who are—

(A)(i) known or suspected terrorists; or

(ii) identified as a potential threat to national security; and

(B) using an alias while traveling.
(3) Report on biometric information sharing with Mexico and other countries for identity verification.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall submit a joint report on the status of efforts to engage with the Government of Mexico and the governments of other appropriate foreign countries located in Central America or South America—

(A) to discuss coordination on biometric information sharing between the United States and such countries; and

(B) to enter into bilateral agreements that provide for the sharing of such biometric information with the Department of State, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security to use in—

(i) identifying individuals who are known or suspected terrorists or potential threats to national security; and

(ii) verifying the entry and exit of individuals to and from the United States.
(4) RULE OF CONSTRUCTION.—The collection of biometric information under paragraph (1) shall not limit the authority of the Secretary of Homeland Security to collect biometric information from any individual arriving to or departing from the United States.

SEC. 1306. PILOT PROGRAM FOR ELECTRONIC FIELD PROCESSING.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, he Secretary of Homeland Security shall establish a pilot program in at least 5 of the 10 U.S. Immigration and Customs Enforcement field offices or regions with the largest removal caseloads to allow U.S. Immigration and Customs Enforcement officers to use handheld or vehicle-mounted computers to electronically—

(1) process and serve charging documents, including notices to appear, while in the field;

(2) process and place detainers while in the field;

(3) collect biometric data for the purpose of identifying an alien and establishing both immigration status and criminal history while in the field;
(4) enter any required data, including personal information about the alien subject and the reason for issuing the document;

(5) apply the electronic signature of the issuing U.S. Immigration and Customs Enforcement officer or agent;

(6) apply or capture the electronic signature of the alien on any charging document or notice, including any electronic signature captured to acknowledge service of such documents or notices;

(7) set the date on which the alien is required to appear before an immigration judge, in the case of notices to appear;

(8) print any documents the alien subject may be required to sign, along with additional copies of documents to be served on the alien; and

(9) interface with the ENFORCE database so that all data is collected, stored, and retrievable in real-time.

(b) CONTRACT SUPPORT.—The Secretary may contract with commercial vendors to test prototypes for electronic handheld or vehicle-mounted computers capable of meeting the requirements under subsection (a).

(c) RULE OF CONSTRUCTION.—The pilot program described in subsection (a) shall be designed to replace,
to the extent possible, the current paperwork and data
entry process used for issuing such charging documents
and detainers.

(d) REPORT.—Not later than 1 year months after the
commencement of the pilot program described in sub-
section (a), the Comptroller General of the United States
shall submit a report to the Committee on Homeland Se-
curity and Governmental Affairs of the Senate, the Com-
mittee on the Judiciary of the Senate, the Committee on
Homeland Security of the House of Representatives, the
Committee on the Judiciary of the House of Representa-
tives that includes—

(1) the results of the pilot program; and

(2) recommendations for using the technology
described in subsection (a) on a nationwide basis.

SEC. 1307. ENDING ABUSE OF PAROLE AUTHORITY.

(a) IN GENERAL.—Section 212(d)(5) of the Immi-
igration and Nationality Act (8 U.S.C. 1182(d)(5)) is
amended to read as follows:

“(5) PAROLE AUTHORITY.—

“(A) IN GENERAL.—Except as provided in sub-
paragraph (C) or section 214(f), the Secretary may
temporarily parole into the United States any alien
applying for admission to the United States, under
such conditions as the Secretary may prescribe, in-
including requiring the posting of a bond, and only on a case-by-case basis for an urgent humanitarian reason or a reason deemed strictly in the public interest.

“(B) Parole not an admission.—In accordance with section 101(a)(13)(B), parole of an alien under subparagraph (A) shall not be regarded as an admission of the alien to the United States. When the purposes of the parole of an alien have been served, as determined by the Secretary, the alien shall immediately return to his or her country of citizenship, nationality, or origin. If the alien was paroled from custody, the alien shall be returned to the custody from which the alien was paroled and the alien shall be considered for admission to the United States on the same basis as other similarly situated applicants for admission.

“(C) Prohibited uses of parole authority.—

“(i) In general.—The Secretary may not use the authority under subparagraph (A) to parole in generalized categories of aliens or classes of aliens based solely on nationality, presence, or residence in the United States, family relationships, or any other criteria that
would cover a broad group of foreign nationals either inside or outside of the United States.

"(ii) Aliens who are national security or public safety threats.—

"(I) Prohibition on parole.—The Secretary shall not parole in any alien who the Secretary, in the Secretary’s sole and unreviewable discretion, determines is a threat to national security or public safety, except in extreme exigent circumstances.

"(II) Extreme exigent circumstances defined.—In subclause (I), the term ‘extreme exigent circumstances’ means circumstances under which—

"(aa) the failure to parole the alien would result in the immediate significant risk of loss of life or bodily function due to a medical emergency;

"(bb) the failure to parole the alien would conflict with medical advice as to the health or safety of the individual, detention facility staff, or other detainees; or

"(cc) there is an urgent need for the alien’s presence for a law enforce-
ment purpose, including for a prosecu-
ition or securing the alien’s presence
to appear as a material witness, or a
national security purpose.

“(D) URGENT HUMANITARIAN REASON DEFINED.—An urgent humanitarian reason referred to in subparagraph (A) means—

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

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

“(iii) the alien has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted through the normal visa process;

“(iv) the alien is a lawful applicant for ad-
justment of status under section 245; or
“(v) the alien was lawfully granted status
under section 208 or lawfully admitted under
section 207.

“(E) Public Interest Defined.—A reason
deemed strictly in the public interest occurs if the
alien has assisted the United States Government in
a matter, such as a criminal investigation, espion-
age, or other similar law enforcement activity, and
either the alien’s presence in the United States is re-
quired by the Government or the alien’s life would
be threatened if the alien were not permitted to
come to the United States.

“(F) Limitation on the Use of Parole Au-
thority.—The Secretary may not use the parole
authority under this paragraph to permit to come to
the United States aliens who have applied for and
have been found to be ineligible for refugee status or
any alien to whom the provisions of this paragraph
do not apply.

“(G) Termination of Parole.—The Sec-
etary shall determine when the purpose of parole of
an alien has been served and, upon such determina-
tion—

“(i) the alien’s case shall continue to be
dealt with in the same manner as that of any
other applicant for admission to the United States; and

“(ii) if the alien was previously detained, the alien shall be returned to the custody from which the alien was paroled.

“(H) LIMITATIONS ON USE OF ADVANCE PAROLE.—

“(i) ADVANCE PAROLE DEFINED.—In this subparagraph, the term ‘advance parole’ means advance approval for an alien applying for admission to the United States to request at a port of entry in the United States, a pre-inspection station, or a designated field office of the Department of Homeland Security, to be paroled into the United States under subparagraph (A).

“(ii) APPROVAL OF ADVANCE PAROLE.—

The Secretary may, in the Secretary’s discretion, grant an application for advance parole. Approval of an application for advance parole shall not constitute a grant of parole under subparagraph (A). A grant of parole into the United States based on an approved application for advance parole shall not be considered a parole for purposes of qualifying for adjustment
of status to lawful permanent resident status in
the United States under section 245 or 245A.

“(iii) Revocation of advance parole.—The Secretary may revoke a grant of
advance parole to an alien at any time. Such
revocation shall not be subject to administrative
appeal or judicial review.

“(iv) Temporary departure.—An alien
who leaves the United States temporarily pur-
suant to a grant of advance parole makes a de-
parture from the United States pursuant to the
immigration laws.”.

(b) Effective Date.—The amendment made by
subsection (a) shall take effect on the first day of the first
month beginning more than 60 days after the date of the
enactment of this Act.

SEC. 1308. REPORTS TO CONGRESS ON PAROLE.

(a) Report on number and category of aliens
paroled into the United States.—Not later than 90
days after the end of each fiscal year, the Secretary of
Homeland Security 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, with re-
spect to the most recently completed fiscal year—
(1) describes the number and categories of aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act, as amended by section 1307; and

(2) contains information and data concerning—

(A) the number and categories of aliens paroled;

(B) the duration of parole granted to aliens referred to in subparagraph (A); and

(C) the current immigration status of the aliens referred to in subparagraph (A).

(b) Report on Parole Procedures.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Attorney General and the Secretary of Homeland Security shall jointly—

(1) conduct a review regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts; and

(2) submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives based on the results of such review, that includes—
(A) an analysis of—

(i) the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States; and

(ii) any disparity that exists between locations or geographical areas, including an explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole;

(B) an analysis of the effect of the procedures and policies applied with respect to parole and custody determinations by the Attorney General and by the Secretary on the alien’s pursuit of their asylum claim before an immigration court;

(C) an analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations by the Attorney General and by the Secretary in securing
the alien’s presence at the immigration court proceedings;

(D) recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts—

(i) respect the interests of the aliens;

and

(ii) ensure the presence of the aliens at the immigration court proceedings; and

(E) an assessment on corresponding failure to appear rates, in absentia orders, and absconders.

SEC. 1309. 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 or a political subdivision of a State that has executed an agreement with the De-
part of Homeland Security under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)), or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department under section 236, 241, or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231, and 1357)—

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

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

(2) LEGAL PROCEEDINGS.—In any legal proceeding brought against a State or a political subdivision of State that has executed an agreement with the Department of Homeland Security under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)), or an officer, employee, or agent of such State or political subdivision acting pursuant to such agreement, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department under section 236, 241, or 287 of the Immigration
and Nationality Act (8 U.S.C. 1226, 1231, and 1357)—

(A) no liability for false arrest or imprison-
ment shall lie against the State or political sub-
division of a State for actions taken in compli-
ance with the detainer, which includes main-
taining custody of the alien in accordance with
the instructions on the detainer form and noti-
fying the Department prior to the alien’s re-
lease from custody; 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 Fed-
eral 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.

(c) SANCTUARY JURISDICTION DEFINED.—

(1) IN GENERAL.—Except as provided under subsection (2), for purposes of this section, the term “sanctuary jurisdiction” means any State or political subdivision of a State that has executed an agreement with the Department of Homeland Security under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) and 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 under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 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 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), 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 ADMINISTRATIVE EXPENSES.—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”;

(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 sub-
section (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.—Grant 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.—

(A) DEFINITIONS.—Section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)) is amended by adding at the end the following:

“(25) The term ‘sanctuary jurisdiction’ has the meaning given that term in subsection (c) of the Stop Dangerous Sanctuary Cities Act.’’.

(B) ELIGIBLE GRANTEES.—

(i) IN GENERAL.—Section 104(b) of the Housing and Community Development
Act of 1974 (42 U.S.C. 5304(b)) is amended—

(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) PROTECTION OF INDIVIDUALS AGAINST CRIME.—Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended 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 non-entitlement 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—

“(i) shall 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).”.

SEC. 1310. REINSTATEMENT OF THE SECURE COMMUNITIES PROGRAM.

(a) REINSTATEMENT.—The Secretary shall reinstate and operate the Secure Communities immigration enforcement program administered by U.S. Immigration and Customs Enforcement between 2008 and 2014.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $150,000,000 to carry out this section.
CHAPTER 2—PROTECTION AND DUE PROCESS FOR UNACCOMPANIED ALIEN CHILDREN

SEC. 1320. SHORT TITLE.

This chapter may be cited as the “Protecting Children and America’s Homeland Act of 2017”.

SEC. 1321. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(1) in paragraph (2)—

(A) by amending the paragraph heading to read as follows: “RULES FOR UNACCOMPANIED ALIEN CHILDREN.—”;

(B) in subparagraph (A), in the matter preceding clause (i), by striking “who is a national or habitual resident of a country that is contiguous with the United States shall be treated in accordance with subparagraph (B)” and inserting “shall be treated in accordance with subparagraph (B) or subsection (b), as appropriate”; and

(C) in subparagraph (C)—
(i) by amending the subparagraph heading to read as follows: “AGREEMENTS WITH FOREIGN COUNTRIES.—”; and

(ii) in the matter preceding clause (i), by striking “countries contiguous to the United States” and inserting “Canada, El Salvador, Guatemala, Honduras, Mexico, and any other foreign country that the Secretary determines appropriate”;

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

(3) inserting after paragraph (2) the following:

“(3) MANDATORY EXPEDITED REMOVAL OF CRIMINALS AND GANG MEMBERS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall place an unaccompanied alien child in a proceeding in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225a) if, the Secretary determines or has reason to believe the alien—

“(A) has been convicted of any offense carrying a maximum term of imprisonment of more than 180 days;
“(B) has been convicted of, or found to be a juvenile offender based on, an offense which involved—

“(i) the use or attempted use of physical force, or threatened use of a deadly weapon;

“(ii) the purchase, sale, offering for sale, exchange, use, ownership, possession, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law;

“(iii) child abuse and neglect (as defined in section 40002(a)(3) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(3)));

“(iv) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

“(v) the violation of a protection order (as defined in section 2266 of title 18, United States Code);
“(vi) driving while intoxicated or driving under the influence (as such terms are defined in section 164 of title 23, United States Code); or

“(vii) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

“(C) has been convicted of, or found to be a juvenile offender based on, more than 1 criminal offense (other than minor traffic offenses);

“(D) has been convicted of, or found to be a juvenile offender based on a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon;

“(E) has engaged in, is engaged in, or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii))), or intends to participate or
has participated in the activities of a foreign
terrorist organization (as designated under sec-
tion 219 of the Immigration and Nationality
Act (8 U.S.C. 1189));

“(F) has engaged in, is engaged in, or any
time after a prior admission engages in activity
described in section 237(a)(4) of the Immigra-
tion and Nationality Act (8 U.S.C. 1227(a)(4));

“(G) is or was a member of a criminal
gang (as defined in section 101(a)(53) of the
Immigration and Nationality Act (8 U.S.C.
1101(a)(53)));

“(H) provided materially false, fictitious,
or fraudulent information regarding age or
identity to the United States Government with
the intent to inaccurately classified as an unac-
companied alien child; or

“(I) has entered the United States more
than once in violation of section 275(a) of the
Immigration and Nationality Act (8 U.S.C.
1325(a)), knowing that the entry was unlaw-
ful.”; and

(4) in paragraph (4), as redesignated by para-
graph (2) of this subsection—
(A) by striking “not described in paragraph (2)(A)”;
and

(B) by inserting “who choose not to withdraw their application for admission and return to their country of nationality or country of last habitual residence” after “port of entry”; and

(5) in paragraph (6)(D), as redesignated by paragraph (2)—

(A) by amending the subparagraph heading to read as follows: “EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.—”;

(B) in the matter preceding clause (i), by striking “, except for an unaccompanied alien child from a contiguous country subject to the exceptions under subsection (a)(2), shall be—” and inserting “who meets the criteria under paragraph (2)(A) and chooses not to withdraw his or her application for admission and return to the unaccompanied alien child’s country of nationality or country of last habitual residence, as permitted under section 235B(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1225b(c)(5))—”;
(C) by amending clause (i) to read as follows:

“(i) shall be placed in a proceeding in accordance with section 235B of the Immigration and Nationality Act (8 U.S.C. 1225b), which shall commence not later than 7 days after the screening of an unaccompanied alien child described in paragraph (5);”;

(D) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(E) by inserting after clause (i) the following:

“(ii) may not be placed in the custody of a nongovernmental sponsor or otherwise released from the immediate custody of the United States Government until the child is repatriated unless the child—

“(I) is the subject of an order under section 235B(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1225b(e)(1)); and

“(II) is placed or released in accordance with subsection (c)(2)(C).”;}
(F) in clause (iii), as redesignated, by inserting “is” before “eligible”; and

(G) in clause (iv), as redesignated, by inserting “shall be” before “provided”.

SEC. 1322. EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.

(a) HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 235A the following:

"SEC. 235B. HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.

"(a) ASYLUM OFFICER DEFINED.—In this section, the term ‘asylum officer’ means an immigration officer who—

“(1) has had professional training in country conditions, asylum law, and interview techniques comparable to that provided to full-time adjudicators of applications under section 208; and

“(2) is supervised by an officer who—

“(A) meets the condition described in paragraph (1); and
“(B) has had substantial experience adjudicating asylum applications under section 208.

“(b) PROCEEDING.—

“(1) IN GENERAL.—Not later than 7 days after the screening of an unaccompanied alien child under section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(5)), an immigration judge shall—

“(A) conduct and conclude a proceeding to inspect, screen, and determine the status of the unaccompanied alien child who is an applicant for admission to the United States; and

“(B) in the case of an unaccompanied alien child seeking asylum, conduct fact finding to determine whether the unaccompanied alien child meets the definition of unaccompanied alien child under section 235(g) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(g)).

“(2) TIME LIMIT.—Not later than 72 hours after the conclusion of a proceeding with respect to an unaccompanied alien child under this section, the immigration judge who conducted such proceeding shall issue an order pursuant to subsection (e).
“(c) Conduct of Proceeding.—

“(1) Authority of Immigration Judge.—

The immigration judge conducting a proceeding under this section—

“(A) shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the unaccompanied alien child and any witnesses;

“(B) is authorized to sanction by civil money penalty any action (or inaction) in contempt of the judge’s proper exercise of authority under this Act; and

“(C) shall determine whether the unaccompanied alien child meets any of the criteria set out in subparagraphs (A) through (I) of section 235(a)(3) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(3)), and if so, order the alien removed under subsection (e)(2).

“(2) Form of Proceeding.—A proceeding under this section may take place—

“(A) in person;

“(B) at a location agreed to by the parties, in the absence of the unaccompanied alien child;

“(C) by video conference; or
“(D) by telephone conference.

“(3) PRESENCE OF ALIEN.—If it is impracticable by reason of the mental incompetency of the unaccompanied alien child for the alien to be present at the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

“(4) RIGHTS OF THE ALIEN.—In a proceeding under this section—

“(A) the unaccompanied alien child shall be provided access to counsel in accordance with section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5));

“(B) the alien shall be given a reasonable opportunity—

“(i) to examine the evidence against the alien;

“(ii) to present evidence on the alien’s own behalf; and

“(iii) to cross-examine witnesses presented by the Government;

“(C) the rights set forth in subparagraph (B) shall not entitle the alien—
“(i) to examine such national security information as the Government may proffer in opposition to the alien’s admission to the United States; or

“(ii) to an application by the alien for discretionary relief under this Act; and

“(D) a complete record shall be kept of all testimony and evidence produced at the proceeding.

“(5) WITHDRAWAL OF APPLICATION FOR ADMISSION.—An unaccompanied alien child applying for admission to the United States may, and at any time before the issuance of a final order of removal, be permitted to withdraw the application and immediately be returned to the alien’s country of nationality or country of last habitual residence.

“(6) CONSEQUENCES OF FAILURE TO APPEAR.—An unaccompanied alien child who does not attend a proceeding under this section, shall be ordered removed, except under exceptional circumstances where the alien’s absence is the fault of the Government, a medical emergency, or an act of nature.

“(d) DECISION AND BURDEN OF PROOF.—

“(1) DECISION.—
“(A) IN GENERAL.—Notwithstanding section 235(b), at the conclusion of a proceeding under this section, the immigration judge shall determine whether an unaccompanied alien child is likely—

“(i) to be admissible to the United States; or

“(ii) to be eligible for any form of relief from removal under this Act.

“(B) EVIDENCE.—The determination of the immigration judge under subparagraph (A) shall be based only on the evidence produced at the hearing.

“(2) BURDEN OF PROOF.—

“(A) IN GENERAL.—In a proceeding under this section, an unaccompanied alien child who is an applicant for admission has the burden of establishing, by clear and convincing evidence, that the alien—

“(i) is likely to be entitled to be lawfully admitted to the United States or eligible for any form of relief from removal under this Act; or

“(ii) is lawfully present in the United States pursuant to a prior admission.
“(B) Access to Documents.—In meeting the burden of proof under subparagraph (A)(ii), the alien shall be given access to—

“(i) the alien’s visa or other entry document, if any; and

“(ii) any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien’s admission or presence in the United States.

“(e) Orders.—

“(1) Placement in further proceedings.—If an immigration judge determines that the unaccompanied alien child has met the burden of proof under subsection (d)(2), the immigration judge shall order the alien to be placed in further proceedings in accordance with section 240.

“(2) Orders of removal.—If an immigration judge determines that the unaccompanied alien child has not met the burden of proof required under subsection (d)(2), the judge shall order the alien removed from the United States without further hearing or review unless the alien claims—

“(A) an intention to apply for asylum under section 208;
“(B) a fear of persecution; or

“(C) a fear of torture.

“(3) CLAIMS FOR ASYLUM.—If an unaccompanied alien child described in paragraph (2) claims an intention to apply for asylum under section 208, a fear of persecution, or a fear of torture, the immigration judge shall order the alien referred for an interview by an asylum officer under subsection (f).

“(f) ASYLUM INTERVIEWS.—

“(1) CREDIBLE FEAR OF PERSECUTION OR TORTURE DEFINED.—In this subsection, the term ‘credible fear of persecution or torture’ means, after taking into account the credibility of the statements made by an unaccompanied alien child in support of the alien’s claim and such other facts as are known to the asylum officer, there is a significant possibility that the alien could establish eligibility for—

“(A) asylum under section 208; or

“(B) protection from removal based on Article 3 of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, done at New York, December 10, 1984.

“(2) CONDUCT BY ASYLUM OFFICER.—An asylum officer shall conduct the interviews of an unac-
companied alien child referred under subsection (e)(3).

“(3) Referral of certain aliens.—If the asylum officer determines at the time of the interview that an unaccompanied alien child has a credible fear of persecution or torture, the alien shall be held in the custody of the Secretary of Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) during further consideration of the application for asylum.

“(4) Removal without further review if no credible fear of persecution.—

“(A) In general.—Subject to subparagraph (C), if the asylum officer determines that an unaccompanied alien child does not have a credible fear of persecution, the asylum officer shall order the alien removed from the United States without further hearing or review.

“(B) Record of determination.—The asylum officer shall prepare a written record of a determination under subparagraph (A), which shall include—
“(i) a summary of the material facts as stated by the alien;

“(ii) such additional facts (if any) relied upon by the asylum officer;

“(iii) the asylum officer’s analysis of why, in light of such facts, the alien has not established a credible fear of persecution; and

“(iv) a copy of the asylum officer’s interview notes.

“(C) REVIEW OF DETERMINATION.—

“(i) Rulemaking.—The Attorney General shall establish, by regulation, a process by which an immigration judge shall conduct a prompt review, upon the alien’s request, of a determination under subparagraph (A) that the alien does not have a credible fear of persecution or torture.

“(ii) Mandatory Components.—The review described in clause (i)—

“(I) shall include an opportunity for the alien to be heard and questioned by the immigration judge, ei-
ther in person or by telephonic or video connection; and

“(II) shall be concluded as expeditiously as possible, to the maximum extent practicable within 24 hours, but in no case later than 7 days after the date of the determination under subparagraph (A).

“(D) MANDATORY PROTECTIVE CUSTODY.—Any alien subject to the procedures under this paragraph shall be held in the custody of the Secretary of Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b))—

“(i) pending a final determination of an application for asylum under this subsection; and

“(ii) after a determination under this subsection that the alien does not have a credible fear of persecution, until the alien is removed.

“(g) LIMITATION ON ADMINISTRATIVE REVIEW.—
“(1) IN GENERAL.—Except as provided in subsection (f)(4)(C) and paragraph (2), a removal order entered in accordance with subsection (e)(2) or (f)(4)(A) is not subject to administrative appeal.

“(2) RULEMAKING.—The Attorney General shall establish, by regulation, a process for the prompt review of an order under subsection (e)(2) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions to have been—

“(A) lawfully admitted for permanent residence;

“(B) admitted as a refugee under section 207; or

“(C) granted asylum under section 208.”.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 235A the following:

“Sec. 235B. Humane and expedited inspection and screening for unaccompanied alien children.”.

(b) JUDICIAL REVIEW OF ORDERS OF REMOVAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—
(1) in subsection (a)—

(A) in paragraph (1), by striking “section 235(b)(1))” and inserting “section 235(b)(1) or an order of removal issued to an unaccompanied alien child after proceedings under section 235B”; and

(B) in paragraph (2)—

(i) by inserting “or section 235B” after “section 235(b)(1)” each place such term appears; and

(ii) in subparagraph (A)—

(I) in the subparagraph heading, by inserting “OR 235B” after “SECTION 235(b)(1)” ; and

(II) in clause (iii), by striking “section 235(b)(1)(B),” and inserting “section 235(b)(1)(B) or 235B(f);”; and

(2) in subsection (e)—

(A) in the subsection heading, by inserting “OR 235B” after “SECTION 235(b)(1)” ;

(B) by inserting “or section 235B” after “section 235(b)(1)” each place such term appears;
(C) in subparagraph (2)(C), by inserting “or section 235B(g)” after “section 235(b)(1)(C)”;
and
(D) in subparagraph (3)(A), by inserting “or section 235B” after “section 235(b)”.

SEC. 1323. CHILD WELFARE AND LAW ENFORCEMENT INFORMATION SHARING.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) is amended by adding at the end the following:

“(5) INFORMATION SHARING.—

“(A) IMMIGRATION STATUS.—If the Secretary of Health and Human Services considers placement of an unaccompanied alien child with a potential sponsor, the Secretary of Homeland Security shall provide to the Secretary of Health and Human Services the immigration status of such potential sponsor before the placement of the unaccompanied alien child.

“(B) OTHER INFORMATION.—The Secretary of Health and Human Services shall provide to the Secretary of Homeland Security and the Attorney General, upon request, any relevant information related to an unaccompanied alien child who is or has been in the custody of
the Secretary of Health and Human Services, including the location of the child and any person to whom custody of the child has been transferred, for any legitimate law enforcement objective, including the enforcement of the immigration laws.”.

SEC. 1324. ACCOUNTABILITY FOR CHILDREN AND TAXPAYERS.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)), as amended by section 1323, is further amended by adding at the end the following:

“(6) INSPECTION OF FACILITIES.—The Inspector General of the Department of Health and Human Services shall conduct regular inspections of facilities utilized by the Secretary of Health and Human Services to provide care and custody of an unaccompanied alien children who are in the immediate custody of the Secretary to ensure that such facilities are operated in the most efficient manner practicable.

“(7) FACILITY OPERATIONS COSTS.—The Secretary of Health and Human Services shall ensure that facilities utilized to provide care and custody of unaccompanied alien children are operated efficiently
and at a rate of cost that is not greater than $500 per day for each child housed or detained at such facility, unless the Secretary certifies that compliance with this requirement is temporarily impossible due to emergency circumstances.”.

SEC. 1325. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN IN FORMAL REMOVAL PROCEEDING.

(a) IN GENERAL.—Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)) is amended—

(1) in paragraph (2) by adding at the end the following:

“(C) CHILDREN IN FORMAL REMOVAL PROCEEDINGS.—

“(i) LIMITATION ON PLACEMENT.—

Notwithstanding any settlement or consent decree previously issued before the date of the enactment of the Protecting Children and America’s Homeland Act of 2017 and section 236.3 of title 8, Code of Federal Regulations, or a similar successor regulation, an unaccompanied alien child who has been placed in a proceeding under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) may not be placed in
the custody of a nongovernmental sponsor
or otherwise released from the immediate
custody of the United States Government
unless—

“(I) the nongovernmental sponsor is a biological or adoptive parent
or legal guardian of the unaccompanied alien child;

“(II) the parent or legal guardian is legally present in the United States
at the time of the placement;

“(III) the parent or legal guardian has undergone a mandatory biometric criminal history check;

“(IV) if the nongovernmental sponsor is the biological parent, the parent’s relationship to the alien child has been verified through DNA testing conducted by the Secretary of Health and Human Services;

“(V) if the nongovernmental sponsor is the adoptive parent, the parent’s relationship to the alien child has been verified with the judicial court that issued the final legal adop-
tion decree by the Secretary of Health and Human Services; and

“(VI) the Secretary of Health and Human Services has determined that the alien child is not a danger to self, a danger to the community, or at risk of flight.

“(ii) EXCEPTIONS.—If the Secretary of Health and Human Services determines that an unaccompanied alien child is a victim of severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child’s health or welfare has been significantly harmed or threatened, or a child with mental health needs that require ongoing assistance from a social welfare agency, the alien child may be placed with a grandparent or adult sibling if the
grandparent or adult sibling meets the requirements under subclauses (II), (III), and (IV) of clause (i).

“(iii) MONITORING.—

“(I) IN GENERAL.—If an unaccompanied alien child who is 15, 16, or 17 years of age is placed with a nongovernmental sponsor or, if an unaccompanied alien child who is younger than 15 years of age is placed with a nongovernmental sponsor, such nongovernmental sponsor shall—

“(aa) enroll in the alternative to detention program of U.S. Immigration and Customs Enforcement; and

“(bb) continuously wear an electronic ankle monitor while the unaccompanied alien child is in removal proceedings.

“(II) PENALTY FOR MONITOR TAMPERING.—If an electronic ankle monitor required by subclause (I) is tampered with, the sponsor of the unaccompanied alien child shall be sub-
ject to a civil penalty of $150 for each day the monitor is not functioning due to the tampering, up to a maximum of $3,000.

“(iv) Effect of violation of conditions.—The Secretary of Health and Human Services shall remove an unaccompanied alien child from a sponsor if the sponsor violates the terms of the agreement specifying the conditions under which the alien was placed with the sponsor.

“(v) Failure to appear.—

“(I) Civil penalty.—If an unaccompanied alien child is placed with a sponsor and fails to appear in a mandatory court appearance, the sponsor shall be subject to a civil penalty of $250 for each day until the alien appears in court, up to a maximum of $5,000.

“(II) Burden of proof.—The sponsor is not subject to the penalty imposed under subclause (I) if the sponsor—
“(aa) appears in person and proves to the immigration court that the failure to appear by the unaccompanied alien child was not the fault of the sponsor; and

“(bb) supplies the immigration court with documentary evidence that supports the assertion described in item (aa).

“(vi) PROHIBITION ON PLACEMENT WITH SEX OFFENDERS AND HUMAN TRAFFICKERS.—The Secretary of Health and Human Services may not place an unaccompanied alien child under this subparagraph in the custody of an individual who has been convicted of, or the Secretary has reason to believe was otherwise involved in the commission of—

“(I) a sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911));

“(II) a crime involving severe forms of trafficking in persons (as defined in section 103 of the Trafficking
Victims Protection Act of 2000 (22 U.S.C. 7102)); or

“(III) an 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.

“(vii) REQUIREMENTS OF CRIMINAL BACKGROUND CHECK.—A biometric criminal history check required under clause (i)(III) shall be conducted using a set of fingerprints or other biometric identifier through—

“(I) the Federal Bureau of Investigation;

“(II) criminal history repositories of all States that the individual lists as current or former residences; and

“(III) any other State or Federal database or repository that the Secretary of Health and Human Services determines is appropriate.”.

(b) HOME STUDIES AND FOLLOW-UP SERVICES FOR UNACCOMPANIED ALIEN CHILDREN.—Section 235(e)(3)
of the William Wilberforce Trafficking Victims Protection
Reauthorization Act of 2008 (8 U.S.C. 1232(e)) is amend-
ed—

(1) by redesignating subparagraph (C) as (D); and

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

“(B) HOME STUDIES.—

“(i) IN GENERAL.—Before placing the child with an individual, the Secretary of Health and Human Services shall deter-
mine whether a home study is necessary.

“(ii) REQUIRED HOME STUDIES.—A home study shall be conducted for a child—

“(I) who is a victim of a severe form of trafficking in persons or is a special needs child with a disability (as defined in section 12102 of title 42);

“(II) who has been a victim of physical or sexual abuse under cir-
cumstances that indicate that the child’s health or welfare has been sig-
nificantly harmed or threatened; or
“(III) whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.

“(C) Follow-up services and additional home studies.—

“(i) Pendency of removal proceedings.—Every 6 months, the Secretary of Health and Human Services shall conduct follow-up services for children for whom a home study was conducted and who were placed with a nongovernmental sponsor until initial removal proceedings have been completed and the immigration judge has issued an order of removal, granted voluntary departure under section 240B, or granted the alien relief from removal.

“(ii) Children with mental health or other needs.—Every 6 months, for up to 2 years from the date of placement with a nongovernmental sponsor, the Secretary of Health and Human Services shall conduct follow-up services
for children with mental health needs or
other needs that could benefit from ongo-
ing assistance from a social welfare agen-
cy.

“(iii) CHILDREN AT RISK.—Every 3
months, for up to 2 years from the date of
placement with a nongovernmental spon-
sor, the Secretary of Health and Human
Services shall conduct home studies and
follow-up services, including partnering
with local community programs that focus
on early morning and after-school pro-
grams for at risk children who need a se-
cure environment to engage in studying,
training, and skills-building programs and
who are at risk for recruitment by criminal
gangs or other transnational criminal orga-
nizations in the United States.”.

(c) DETENTION OF ACCOMPANIED MINORS.—

(1) IN GENERAL.—Section 235 of the William
Wilberforce Trafficking Victims Protection Reau-
thorization Act of 2008 (8 U.S.C. 1232) is amend-
ed—

(A) by redesignating subsections (d) and

(e) as subsections (e) and (f) respectively; and
(B) by inserting after subsection (e) the following:

“(d) DETENTION OF ACCOMPANIED MINORS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law—

“(A) judicial determination, consent decree, or settlement agreement, the detention of any alien minor who is not described in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231); and

“(B) the decision whether to detain or release the alien minor shall be in the sole and unreviewable discretion of the Secretary of Homeland Security.

“(2) LIMITATIONS ON RELEASE.—The release of an alien minor who is not described in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) may not be presumed and an alien minor not described in such section may not be released by the Secretary to anyone other than a parent or legal guardian.
“(3) CONDITIONS OF CONFINEMENT.—The conditions of confinement applicable to alien minors who are not described in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) shall be determined in the sole and unreviewable discretion of the Secretary of Homeland Security, and specific licensing requirements may not be imposed other than requirements determined appropriate by the Secretary.”.

(2) EFFECTIVE DATE.—The amendments made by subparagraph (1) shall take effect on the date of enactment of this Act and shall apply regardless of the date on which the actions giving rise to removability or detention took place.

SEC. 1326. FRAUD IN CONNECTION WITH THE TRANSFER OF CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1041. Fraud in connection with the transfer of custody of unaccompanied alien children

“(a) IN GENERAL.—It shall be unlawful for a person to obtain custody of an unaccompanied alien child (as de-
fined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) by—

“(1) making any materially false, fictitious, or fraudulent statement or representation; or

“(2) making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

“(b) Penalties.—

“(1) In general.—Any person who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned for not less than 1 year.

“(2) Enhanced penalty for trafficking.—If the primary purpose of the violation, attempted violation, or conspiracy to violate this section was to subject the child to sexually explicit activity or any other form of exploitation, the offender shall be fined under this title and imprisoned for not less than 15 years.”.

(b) Clerical Amendment.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1040 the following:

“1041. Fraud in connection with the transfer of custody of unaccompanied alien children.”.
SEC. 1327. NOTIFICATION OF STATES AND FOREIGN GOVERNMENTS, REPORTING, AND MONITORING.

(a) Notification.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

“(j) Notification to States.—

“(1) Before Placement.—The Secretary of Homeland Security or the Secretary of Health and Human Services shall notify the Governor of a State not later than 48 hours before the placement of an unaccompanied alien child from in custody of such Secretary in the care of a facility or sponsor in such State.

“(2) Initial Reports.—Not later than 60 days after the date of the enactment of the Protecting Children and America’s Homeland Act of 2017, the Secretary of Health and Human Services shall submit a report to the Governor of each State in which an unaccompanied alien child was discharged to a sponsor or placed in a facility while remaining in the legal custody of the Secretary during the period beginning October 1, 2013 and ending on the date of the enactment of the Protecting Children and America’s Homeland Act of 2017.
“(3) MONTHLY REPORTS.—The Secretary of Health and Human Services shall submit a monthly report to the Governor of each State in which, during the reporting period, unaccompanied alien children were discharged to a sponsor or placed in a facility while remaining in the legal custody of the Secretary of Health and Human Services.

“(4) CONTENTS.—Each report required to be submitted to the Governor of a State under paragraph (2) or (3) shall identify the number of unaccompanied alien children placed in the State during the reporting period, disaggregated by—

“(A) the locality in which the aliens were placed; and

“(B) the age of such aliens.

“(k) NOTIFICATION OF FOREIGN COUNTRY.—The Secretary of Homeland Security shall provide information regarding each unaccompanied alien child to the government of the country of which the child is a national to assist such government with the identification and reunification of such child with their parent or other qualifying relative.

“(l) MONITORING REQUIREMENT.—The Secretary of Health and Human Services shall—

“(1) require all sponsors to agree—
“(A) to receive approval from the Secretary of Health and Human Services before changing the location in which the sponsor is housing an unaccompanied alien child placed in the sponsor’s custody; and

“(B) to provide a current address for the child and the reason for the change of address;

“(2) provide regular and frequent monitoring of the physical and emotional well-being of each unaccompanied alien child who has been discharged to a sponsor or remained in the legal custody of the Secretary until the child’s immigration case is resolved; and

“(3) not later than 60 days after the date of the enactment of this Act, submit a plan to Congress for implementing the requirements under paragraphs (1) and (2).”.

SEC. 1328. EMERGENCY IMMIGRATION JUDGE RESOURCES.

(a) DESIGNATION.—Not later than 14 days after the date of the enactment of this Act, the Attorney General shall designate up to 100 immigration judges, including through the hiring of retired immigration judges, magistrate judges, or administrative law judges, or the reassignment of current immigration judges, that are dedicated—
(1) to conducting humane and expedited inspection and screening for unaccompanied alien children under section 235B of the Immigration and Nationality Act, as added by section 1322; or

(2) to reducing existing backlogs in immigration court proceedings initiated under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229).

(b) REQUIREMENT.—The Attorney General shall ensure that sufficient immigration judge resources are dedicated to the purpose described in subsection (a)(1) and the Secretary shall ensure that sufficient immigration attorneys are dedicated to such purpose to comply with the requirement under section 235B(b)(1) of the Immigration and Nationality Act, as added by section 1322.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000, for each of the fiscal years 2018 through 2022, to implement this section.

SEC. 1329. REPORTS TO CONGRESS.

(a) REPORTS ON CARE OF UNACCOMPANIED ALIEN CHILDREN.—Not later than September 30, 2019, the Secretary of Health and Human Services shall submit to Congress and make publicly available a report that includes—

(1) a detailed summary of the contracts in effect to care for and house unaccompanied alien chil-
dren, including the names and locations of contractors and the facilities being used;

(2) the cost per day to care for and house an unaccompanied alien child, including an explanation of such cost;

(3) the number of unaccompanied alien children who have been released to a sponsor, if any;

(4) a list of the States to which unaccompanied alien children have been released from the custody of the Secretary of Health and Human Services to the care of a sponsor or placement in a facility;

(5) the number of unaccompanied alien children who have been released to a sponsor who is not lawfully present in the United States, including the country of nationality or last habitual residence and age of such children;

(6) a determination of whether more than 1 unaccompanied alien child has been released to the same sponsor, including the number of children who were released to such sponsor;

(7) an assessment of the extent to which the Secretary of Health and Human Services is monitoring the release of unaccompanied alien children, including home studies done and electronic monitoring devices used;
(8) an assessment of the extent to which the Secretary of Health and Human Services is making efforts—

(A) to educate unaccompanied alien children about their legal rights; and

(B) to provide unaccompanied alien children with access to pro bono counsel; and

(9) the extent of the public health issues of unaccompanied alien children, including contagious diseases, the benefits or medical services provided, and the outreach to States and localities about public health issues, that could affect the public.

(b) REPORTS ON REPATRIATION AGREEMENTS.—Not later than September 30, 2018, the Secretary of State shall submit to Congress and make publically available a report that—

(1) includes a copy of any repatriation agreement for unaccompanied alien children in effect;

(2) describes any such repatriation agreement that is being considered or negotiated; and

(3) describes the funding provided to the 20 countries that have the highest number of nationals entering the United States as unaccompanied alien children, including amounts provided—
(A) to deter the nationals of each country from illegally entering the United States; and

(B) to care for or reintegrate repatriated unaccompanied alien children in the country of nationality or last habitual residence.

(c) REPORTS ON RETURNS TO COUNTRY OF NATIONALITY.—Not later than September 30, 2019, the Secretary of Homeland Security shall submit to Congress and make publicly available a report that describes—

(1) the number of unaccompanied alien children who have voluntarily returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or habitual residence; and

(B) age of the unaccompanied alien children;

(2) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, including the length of time such children were present in the United States;

(3) the number of unaccompanied alien children who have not been returned to their country of nationality or habitual residence pending travel documents or other requirements from such country, in-
including how long they have been waiting to return; and

(4) the number of unaccompanied alien children who were granted relief in the United States, whether through asylum, any other immigration benefit or status, or deferred action.

(d) REPORTS ON IMMIGRATION PROCEEDINGS.—Not later than September 30, 2019, and once every 3 months thereafter, the Secretary of Homeland Security, in coordination with the Director of the Executive Office for Immigration Review, shall submit to Congress and make publicly available a report that describes—

(1) the number of unaccompanied alien children who, after proceedings under section 235(b) of the Immigration and Nationality Act, as added by section 1322, were returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or residence; and

(B) age and gender of such aliens;

(2) the number of unaccompanied alien children who, after proceedings under such section 235B, prove a claim of admissibility and are placed in proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a);
(3) the number of unaccompanied alien children who fail to appear at a removal hearing that such alien was required to attend;

(4) the number of sponsors who were levied a penalty, including the amount and whether the penalty was collected, for the failure of an unaccompanied alien child to appear at a removal hearing; and

(5) the number of aliens that are classified as unaccompanied alien children, the ages and countries of nationality of such children, and the orders issued by the immigration judge at the conclusion of proceedings under such section 235B for such children.

Subtitle D—Penalties for Smuggling, Drug Trafficking, Human Trafficking, Terrorism, and Illegal Entry and Reentry; Bars to Readmission of Removed Aliens

SEC. 1401. DANGEROUS HUMAN SMUGGLING, HUMAN TRAFFICKING, AND HUMAN RIGHTS VIOLATIONS.

(a) Criminal Penalties for Human Smuggling and Trafficking.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)—
(A) in subparagraph (A), by amending clause (ii) to read as follows:

“(ii) knowing, or in reckless disregard of the fact, that an alien has come to, entered into, or remains in the United States in violation of law—

“(I) transports, moves, or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; or

“(II) transports or moves the alien with the purpose of facilitating the illegal entry of the alien into Canada or Mexico.”; and

(B) in subparagraph (B)—

(i) by redesignating clauses (iii) and (iv) as clauses (vi) and (vii), respectively;

(ii) in clause (vi), as redesignated, by inserting “for not less than 10 years and” before “not more than 20 years,”; and

(iii) by inserting after clause (ii) the following:
“(iii) in the case of a violation of clause (i), (ii), (iii), (iv), or (v) of subparagraph (A) that is the third or subsequent violation committed by such person under this section, shall be fined under title 18, imprisoned for not less than 5 years and not more than 25 years, or both;

“(iv) in the case of a violation of clause (i), (ii), (iii), (iv), or (v) of subparagraph (A) that recklessly, knowingly, or intentionally results in a victim being involuntarily forced into labor or prostitution, shall be fined under title 18, imprisoned for not less than 5 years and not more than 25 years, or both;

“(v) in the case of a violation of clause (i), (ii), (iii), (iv), or (v) of subparagraph (A) during and in relation to which any person is subjected to an involuntary sexual act (as defined in section 2246(2) of title 18), be fined under title 18, imprisoned for not less than 5 years and not more than 25 years, or both;”; and

(2) by adding at the end the following:
“(5) Any person who, knowing that a person is an alien in unlawful transit from 1 country to another or on the high seas, transports, moves, harbors, conceals, or shields from detection such alien outside of the United States when the alien is seeking to enter the United States without official permission or legal authority, shall for, each alien in respect to whom a violation of this paragraph occurs, be fined under title 18, United States Code, imprisoned not more than 10 years, or both.”

(b) **Seizure and Forfeiture.**—Section 274(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(b)(1)) is amended to read as follows:

“(1) **In General.**—Any real or personal property involved in or used to facilitate the commission of a violation or attempted violation of subsection (a), the gross proceeds of such violation or attempted violation, and any property traceable to such property or proceeds, shall be seized and subject to forfeiture.”

**SEC. 1402. PUTTING THE BRAKES ON HUMAN SMUGGLING ACT.**

(a) **Short Title.**—This section may be cited as the “Putting the Brakes on Human Smuggling Act”.

(b) **First Violation.**—Section 31310(b)(1) of title 49, United States Code, is amended—
(1) in subparagraph (D), by striking the “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(F) using a commercial motor vehicle in willfully aiding or abetting an alien’s illegal entry into the United States by transporting, guiding, directing, or attempting to assist the alien with the alien’s entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section; or

“(G) using a commercial motor vehicle in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, or weapons by any individual departing the United States.”.

(c) SECOND OR MULTIPLE VIOLATIONS.—Section 31310(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking the “or” at the end;

(2) by redesignating subparagraph (F) as subparagraph (H);
(3) in subparagraph (H), as redesignated, by striking “(E)” and inserting “(F)”; and

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

“(F) using a commercial motor vehicle more than once in willfully aiding or abetting an alien’s illegal entry into the United States by transporting, guiding, directing and attempting to assist the alien with the alien’s entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section;

“(G) using a commercial motor vehicle in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, or weapons by any individual departing the United States; or”.

(d) LIFETIME DISQUALIFICATION.—Section 31310(d) of title 49, United States Code, is amended to read as follows:

“(d) LIFETIME DISQUALIFICATION.—The Secretary shall permanently disqualify an individual from operating a commercial motor vehicle—
“(1) in committing a felony involving manufac-
turing, distributing, or dispensing a controlled sub-
stance, or possession with intent to manufacture,
distribute, or dispense a controlled substance;

“(2) in committing an act for which the indi-
vidual is convicted under—

“(A) section 274 of the Immigration and
Nationality Act (8 U.S.C. 1324); or

“(B) section 277 of such Act (8 U.S.C.
1327); or

“(3) in willfully aiding or abetting the transport
of controlled substances, monetary instruments, bulk
cash, and weapons by any individual departing the
United States.”.

(e) REPORTING REQUIREMENTS.—

(1) COMMERCIAL DRIVER’S LICENSE INFORMA-
TION SYSTEM.—Section 31309(b)(1) of title 49,
United States Code, is amended—

(A) in subparagraph (E), by striking
“and” at the end;

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

(C) by adding at the end the following:

“(G) whether the operator was disquali-
fied, either temporarily or permanently, from
operating a commercial motor vehicle under section 31310, including under subsection (b)(1)(F), (c)(1)(F), or (d) of such section.’’.

(2) Notification by the State.—Section 31311(a)(8) of title 49, United States Code, is amended by inserting “including such a disqualification, revocation, suspension, or cancellation made pursuant to a disqualification under subsection (b)(1)(F), (c)(1)(F), or (d) of section 31310,’’ after “60 days.’’.

SEC. 1403. DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 27 the following:

“CHAPTER 28—DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS

“§ 581. Enhanced penalties for drug trafficking and crimes committed by illegal aliens.

“Any alien unlawfully present in the United States, who commits, conspires to commit, or attempts to commit a an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical
force or a deadly weapon or a drug trafficking crime (as
defined in section 924) shall be fined under this title im-
prisoned for not less than 5 years, or both.

“(b) ENHANCED PENALTIES FOR ALIENS ORDERED
REMOVED.—Any alien unlawfully present in the United
States who violates subsection (a) and was ordered re-
moved under the Immigration and Nationality Act (8
U.S.C. 1101 et seq.) on the grounds of having committed
a crime before the violation of subsection (a), shall be
fined under this title, imprisoned for not less than 15
years, or both.

“(c) REQUIREMENT FOR CONSECUTIVE SEN-
TENCES.—Any term of imprisonment imposed under this
section shall be consecutive to any term imposed for any
other offense.”.

(b) CLERICAL AMENDMENT.—The table of chapters
at the beginning of part I of title 18, United States Code,
is amended by inserting after the item relating to chapter
27 the following:

“28. Drug trafficking and crimes of violence committed by illegal
aliens .................................................................................. 581”.

SEC. 1404. ESTABLISHING INADMISSIBILITY AND DEPORT-
ABILITY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(2)(A) of
the Immigration and Nationality Act (8 U.S.C.
1182(a)(2)(A)) is amended by adding at the end the fol-
lowing:

“(iii) Consideration of other evi-
dence.—If the conviction records do not
conclusively establish whether a crime con-
stitutes a crime involving moral turpitude,
the Secretary may consider other evidence
related to the conviction, including charg-
ing documents, plea agreements, plea col-
loquies, jury instructions, police reports,
that clearly establishes that the conduct
for which the alien was engaged constitutes
a crime involving moral turpitude.”.

(b) Deportable Aliens.—

(1) General crimes.—Section 237(a)(2)(A)
of the Immigration and Nationality Act (8 U.S.C.
1227(a)(2)(A)) is amended by inserting after clause
(iv) the following:

“(v) Crimes involving moral tur-
mitude.—If the conviction records do not
conclusively establish whether a crime con-
stitutes a crime involving moral turpitude,
the Secretary or the Attorney General may
consider other evidence related to the con-
viction, including charging documents, plea
agreements, plea colloquies, jury instructions, and police reports, that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.”.

(2) Domestic Violence.—Section 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

“(iii) Crime of violence.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence or an offense under Federal, State, or Tribal law that has, as an element of the crime, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon, the Secretary or the Attorney General may consider other evidence related to the conviction, including charging documents, plea agreements, plea colloquies, jury instructions, and police reports, that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence or an offense under Federal, State, or Tribal law that
has, as an element of the crime, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.”.

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

SEC. 1405. PENALTIES FOR ILLEGAL ENTRY; ENHANCED PENALTIES FOR ENTERING WITH INTENT TO AID, ABET, OR COMMIT TERRORISM.

(a) In General.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended by striking the section heading and subsections (a) and (b) and inserting the following:

“SEC. 275. ILLEGAL ENTRY.

“(a) In General.—

“(1) Bars to immigration relief and benefits.—Any alien shall be ineligible for all immigration benefits or relief available under the immigration laws, including relief under section 240B, 245, 248, and 249, other than asylum, relief as a victim of trafficking under section 101(a)(15)(T), relief as a victim of criminal activity under section 101(a)(15)(U), relief as a VAWA self-petitioner, re-
lief as a battered spouse or child under section 240A(b)(2), withholding of removal under section 241(b)(3), or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if the alien—

“(A) enters, crosses, or attempts to enter or cross the border into the United States at any time or place other than as designated by immigration officers;

“(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

“(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or willful concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws.
“(2) CRIMINAL OFFENSES.—An alien shall be subject to the penalties under paragraph (3) if the alien—

“(A) enters, crosses, or attempts to enter or cross the border into the United States at any time or place other than as designated by immigration officers;

“(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

“(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws.

“(3) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;
“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors (at least 1 of which involves controlled substances, abuse of a minor, trafficking or smuggling, or any offense that could result in serious bodily harm or injury to another person), a significant misdemeanor, or a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

“(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.
“(4) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (3) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(A) alleged in the indictment or information; and

“(B) proven beyond a reasonable doubt at trial; or

“(C) admitted by the defendant.

“(5) DURATION OF OFFENSES.—An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or agriculture officer.

“(6) ATTEMPT.—Any person who attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

“(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

“(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or crossing or attempting to cross the border to the United
States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

“(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

“(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

“(2) CIVIL PENALTIES.—Civil penalties under paragraph (1) are in addition to, and not in place of, any criminal or other civil penalties that may be imposed.”.

(b) ENHANCED PENALTIES.—Section 275 of the Immigration and Nationality Act, as amended by subsection (a), is further amended by adding at the end the following:

“(e) ENHANCED PENALTY FOR TERRORIST ALIENS.—Any alien who commits an offense described in subsection (a) for the purpose of engaging in, or with the intent to engage in, any Federal crime of terrorism (as defined in section 2332b(g) of title 18, United States Code) shall be imprisoned for not less than 10 years and not more than 30 years.”.
(c) Clerical Amendment.—The table of contents in the first section of the Immigration and Nationality Act is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry."

(d) Application.—

(1) Prior convictions.—Section 275(a)(4) of the Immigration and Nationality Act, as amended by subsection (a), shall apply only to violations of section 275(a)(2) of such Act committed on or after the date of enactment of this Act.

(2) Bars to immigration relief and benefits.—Section 275(a)(1) of such Act, as amended by subsection (a), shall take effect on the date of enactment and apply to any alien who, on or after the date of enactment—

(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or
(C) enters or crosses the border to the
United States and, upon examination or inspec-
tion, makes a false or misleading representation
or conceals a material fact, including such rep-
resentation or concealment in the context of ar-
rival, reporting, entry, or clearance, require-
ments of the customs laws, immigration laws,
agriculture laws, or shipping laws.

SEC. 1406. PENALTIES FOR REENTRY OF REMOVED ALIENS.
(a) SHORT TITLES.—This section may be cited as the
“Stop Illegal Reentry Act” or “Kate’s Law”.
(b) INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.—
(1) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amend-
ed to read as follows:

“SEC. 276. REENTRY OF REMOVED ALIEN.
“(a) IN GENERAL.—
“(1) BARS TO IMMIGRATION RELIEF AND BENEFITS.—Any alien who has been denied admission, ex-
cluded, deported, or removed or has departed the
United States while an order of exclusion, deporta-
tion, or removal is outstanding shall be ineligible for
all immigration benefits or relief available under the
immigration laws, including relief under section

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240B, 245, 248, and 249, other than asylum, relief as a victim of trafficking under section 101(a)(15)(T), relief as a victim of criminal activity under section 101(a)(15)(U), relief as a VAWA self-petitioner, relief as a battered spouse or child under section 240A(b)(2), withholding of removal under section 241(b)(3), or protection from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if, after such denial, exclusion, deportation, removal, or departure, the alien enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

“(A) if the alien is seeking admission more than 10 years after the date of the alien’s last departure from the United States, the Secretary, before the alien’s reembarkation at a place outside of the United States or the alien’s application for admission from a foreign contiguous territory, has expressly consented to such alien’s reapplying for admission; or

“(B) with respect to an alien previously denied admission and removed, such alien estab-
lishes that the alien was not required to obtain such advance consent under this Act or any other Act.

“(2) CRIMINAL OFFENSES.—Any alien who—

“(A) has been denied admission, deported, or removed or has departed the United States while an order of deportation, or removal is outstanding; and

“(B) after such denial, removal or departure, enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

“(i) if the alien is seeking admission more than 10 years after the date of the alien’s last departure from the United States, the Secretary, before the alien’s re-embarkation at a place outside the United States or the alien’s application for admission from a foreign contiguous territory, has expressly consented to such alien’s re-applying for admission; or

“(ii) with respect to an alien previously denied admission and removed, such alien establishes that the alien was
not required to obtain such advance consent under this Act or any other Act,

“shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

“(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

“(1) REENTRY AFTER REMOVAL.—Notwithstanding the penalties under subsection (a)(2), and except as provided in subsection (c)—

“(A) an alien described in subsection (a)
who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and thereafter, without the permission of the Secretary, enters the United States, or attempts to enter the United States, shall be fined under title 18, United States Code, and imprisoned for a period of 15 years, which sentence shall not run concurrently with any other sentence;

“(B) an alien described in subsection (a)
who was removed from the United States pursuant to section 237(a)(4)(B) and thereafter, without the permission of the Secretary, enters,
attempts to enter, or is at any time found in, the United States (unless the Secretary has expressly consented to such alien’s reentry) shall be fined under title 18, United States Code, imprisoned for not more than 15 years, or both; and

“(C) an alien described in subsection (a) who has been denied admission, excluded, deported, or removed 2 or more times for any reason and thereafter enters, attempts to enter, crosses the border, attempts to cross the border, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 15 years, or both.

“(2) REENTRY OF CRIMINAL ALIENS AFTER REMOVAL.—Notwithstanding the penalties under subsection (a)(2), and except as provided in subsection (h)—

“(A) an alien described in subsection (a) who was convicted, before the alien was subject to removal or departure, of a significant misdemeanor shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;
“(B) an alien described in subsection (a) who was convicted, before the alien was subject to removal or departure, of 2 or more misdemeanors involving drugs, crimes against the person, or both shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

“(C) an alien described in subsection (a) who was convicted, before the alien was subject to removal or departure, of 3 or more misdemeanors for which the alien was sentenced to a term of imprisonment of not less than 90 days for each offense, or 12 months in the aggregate shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

“(D) an alien described in subsection (a) who was convicted, before the alien was subject to removal or departure, of a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months shall be fined under such title, imprisoned not more than 15 years, or both;

“(E) an alien described in subsection (a) who was convicted, before the alien was subject
to removal or departure, of a felony for which
the alien was sentenced to a term of imprison-
ment of not less than 60 months shall be fined
under such title, imprisoned not more than 20
years, or both;

“(F) an alien described in subsection (a)
who was convicted of 3 or more felonies of any
kind shall be fined under such title, imprisoned
not more than 25 years, or both; and

“(G) an alien described in subsection (a)
who was convicted, before the alien was subject
to removal or departure or after such removal
or departure, for murder, rape, kidnapping, or
a felony offense described in chapter 77 (relat-
ing to peonage and slavery) or 113B (relating
to terrorism) of such title shall be fined under
such title, imprisoned not more than 25 years,
or both;

“(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR
REENTRY OF CERTAIN REMOVED ALIENS.—Notwith-
standing the penalties under subsections (a) and (b), an
alien described in subsection (a) shall be imprisoned not
less than 5 years and not more than 20 years, and may,
in addition, be fined under title 18, United States Code,
if the alien—
“(1) was convicted, before the alien was subject to removal or departure, of an aggravated felony; or
“(2) was convicted at least twice before such removal or departure of illegal reentry under this section.

“(d) Proof of Prior Convictions.—The prior convictions described in subsection (b)(2) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—
“(1) alleged in the indictment or information; and
“(2)(A) proven beyond a reasonable doubt at trial; or
“(B) admitted by the defendant.

“(e) Affirmative Defenses.—It shall be an affirmative defense to a violation of this section that—
“(1) before the alleged violation, the alien sought and received the express consent of the Secretary to reapply for admission into the United States; or
“(2) with respect to an alien previously denied admission and removed, the alien—
“(A) was not required to obtain such advance consent under this Act or any other Act; and

“(B) had complied with all other laws and regulations governing the alien’s admission into the United States.

“(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of a removal order described in subsection (a), (b), or (c) concerning the alien unless the alien demonstrates that—

“(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

“(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

“(3) the entry of the order was fundamentally unfair.

“(g) REENTRY OF ALIEN REMOVED BEFORE THE COMPLETION OF THE TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States—
“(1) shall be incarcerated for the remainder of the sentence of imprisonment that was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary has expressly consented to the alien’s reentry (if a request for consent to reapply is authorized under this section); and

“(2) shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

“(h) DEFINITIONS.—In this section:

“(1) CROSSES THE BORDER.—The term ‘crosses the border’ refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

“(2) FELONY.—The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

“(3) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.
“(4) REMOVAL.—The term ‘removal’ includes any denial of admission, deportation, or removal, or any agreement by which an alien stipulates or agrees to deportation, or removal.

“(5) SIGNIFICANT MISDEMEANOR.—The term ‘significant misdemeanor’ means a misdemeanor crime that—

“(A) involves the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim;

“(B) is a sexual assault (as such term is defined in section 40002(a)(29) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13925(a)(29));

“(C) involved the unlawful possession of a firearm (as such term is defined in section 921 of title 18, United States Code);
“(D) is a crime of violence (as defined in section 16 of title 18, United States Code); or

“(E) is an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

“(6) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(c) EFFECTIVE DATE.—Section 276(a)(1), as amended by subsection (b), shall take effect on the date of the enactment of this Act and shall apply to any alien who, on or after such date of enactment—

(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

(2) after such denial, exclusion, deportation or removal, enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

(A) if the alien is seeking admission more than 10 years after the date of the alien’s last departure from the United States, the Secretary
of Homeland Security, before the alien’s re-
embarkation at a place outside the United
States or the alien’s application for admission
from a foreign contiguous territory, has ex-
pressly consented to such alien’s reapplying for
admission; or

(B) with respect to an alien previously de-
nied admission and removed, such alien estab-
lishes that the alien was not required to obtain
such advance consent under the Immigration
and Nationality Act (8 U.S.C. 1101 et seq.) or
any other Act.

SEC. 1407. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States
Code, is amended by inserting “section 1590 (relating to
trafficking with respect to peonage, slavery, involuntary
servitude, or forced labor),” after “section 1363 (relating
to destruction of property within the special maritime and
territorial jurisdiction),”.

SEC. 1408. FREEZING BANK ACCOUNTS OF INTERNATIONAL
CRIMINAL ORGANIZATIONS AND MONEY
LAUNDERERS.

Section 981(b) of title 18, United States Code, is
amended by adding at the end the following:
“(5)(A) If a person is arrested or charged in connection with an offense described in subparagraph (C) involving the movement of funds into or out of the United States, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the arrest is made or where the charges are filed for an ex parte order restraining any account held by the person arrested or charged for not more than 30 days. Such 30-day time period may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure. The court may receive and consider evidence and information submitted by the Government that would be inadmissible under the Federal Rules of Evidence.

“(B) The application for a restraining order under subparagraph (A) shall—

“(i) identify the offense for which the person has been arrested or charged;

“(ii) identify the location and description of the accounts to be restrained; and

“(iii) state that the restraining order is needed to prevent the removal of the funds in the account by the person arrested or charged, or by others associated with such person, during the time needed by the Government to conduct such investigation as
may be necessary to establish whether there is probable cause to believe that the funds in the accounts are subject to forfeiture in connection with the commission of any criminal offense.

“(C) An offense described in this subparagraph is any offense for which forfeiture is authorized under this title, title 31, or the Controlled Substances Act (21 U.S.C. 801 et seq.).

“(D) For purposes of this section—

“(i) the term ‘account’ includes any safe deposit box and any account (as defined in paragraphs (1) and (2) of section 5318A(e) of title 31, United States Code) at any financial institution; and

“(ii) the term ‘account held by the person arrested or charged’ includes an account held in the name of such person, and any account over which such person has effective control as a signatory or otherwise.

“(E) A restraining order issued under this paragraph shall not be considered a ‘seizure’ for purposes of section 983(a).

“(F) A restraining order issued under this paragraph may be executed in any district in which the subject account is found, or transmitted to the central authority of
any foreign State for service in accordance with any treaty or other international agreement.”.

SEC. 1409. CRIMINAL PROCEEDS LAUNDERED THROUGH PREPAID ACCESS DEVICES, DIGITAL CURRENCIES, OR OTHER SIMILAR INSTRUMENTS.

(a) In General.—

(1) Definitions.—

(A) Addition of issuers, redeemers, and cashiers of prepaid access devices and digital currencies to the definition of financial institutions.—Section 5312(a)(2)(K) of title 31, United States Code, is amended to read as follows:

“(K) an issuer, redeemer, or cashier of travelers’ checks, checks, money orders, prepaid access devices, digital currencies, or any digital exchanger or tumbler of digital currency;”.

(B) Addition of prepaid access devices to the definition of monetary instruments.—Section 5312(a)(3)(B) of such title is amended by inserting “prepaid access devices,” after “delivery,.”.

(C) Definition of prepaid access device.—Section 5312 of such title is amended—
(i) by redesignating paragraph (6) as paragraph (7); and

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

“(6) ‘prepaid access device’ means an electronic device or vehicle, such as a card, plate, code, number, electronic serial number, mobile identification number, personal identification number, or other instrument that provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.”.

(2) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that describes—

(A) the impact of amendments made by paragraph (1) on law enforcement, the prepaid access device industry, and consumers; and

(B) the implementation and enforcement by the Department of the Treasury of the final rule relating to “Bank Secrecy Act Regulations—Definitions and Other Regulations Relating to Prepaid Access” (76 Fed. Reg. 45403 (July 29, 2011)).
(b) CUSTOMS AND BORDER PROTECTION STRATEGY
FOR PREPAID ACCESS DEVICES.—Not later than 18
months after the date of the enactment of this Act, the
Secretary of Homeland Security, in consultation with the
Commissioner of U.S. Customs and Border Protection,
shall submit a report to Congress that—

(1) details a strategy to interdict and detect
prepaid access devices, digital currencies, or other
similar instruments, at border crossings and other
ports of entry for the United States; and

(2) includes an assessment of the infrastructure
needed to carry out the strategy detailed pursuant
to paragraph (1).

(e) MONEY SMUGGLING THROUGH BLANK CHECKS
IN BEARER FORM.—Section 5316 of title 31, United
States Code, is amended by adding at the end the fol-
lowing:

“(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT
BLANK.—For purposes of this section, a monetary instru-
ment in bearer form that has the amount left blank, such
that the amount could be filled in by the bearer, shall be
considered to have a value of more than $10,000 if the
monetary instrument was drawn on an account that con-
tained or was intended to contain more than $10,000 at
the time the monetary instrument was—
“(1) transported; or
“(2) negotiated.”.

SEC. 1410. CLOSING THE LOOPHOLE ON DRUG CARTEL ASSOCIATES ENGAGED IN MONEY LAUNDERING.

(a) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking “(B) knowing that” and all that follows through “Federal law,” and inserting the following:

“(B) knowing that the transaction—

“(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

“(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,”; and

(2) in paragraph (2)(B), by striking “(B) knowing that” and all that follows through “Federal law,” and inserting the following:

“(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—
“(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

“(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,”.

(b) PROCEEDS OF A FELONY.—Section 1956(c)(1) of such title is amended by inserting “, and regardless of whether the person knew that the activity constituted a felony” before the semicolon at the end.

Subtitle E—Protecting National Security and Public Safety

CHAPTER 1—GENERAL MATTERS

SEC. 1501. DEFINITIONS OF ENGAGE IN TERRORIST ACTIVITY AND TERRORIST ORGANIZATION.

(a) Definition of Engage in Terrorist Activity.—Section 212(a)(3)(B)(iv)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(I)) is amended to read as follows:

“(I) to commit a terrorist activity or, under circumstances indicating an intention to cause death, serious bodily harm, or substantial damage to
property, to incite another person to commit a terrorist activity;”.

(b) DEFINITION OF TERRORIST ORGANIZATION.—Section 212(a)(3)(B)(vi)(III) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(III)) is amended to read as follows:

“(III) that is a group of 2 or more individuals, whether organized or not, which engages in, or has a subgroup that engages in, the activities described in subclauses (I) through (VI) of clause (iv), if the group or subgroup presents a threat to the national security of the United States.”.

SEC. 1502. TERRORIST GROUNDS OF INADMISSIBILITY.

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

“(A) IN GENERAL.—Any alien who a consular officer, the Attorney General, or the Secretary knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally, in, or who is engaged in, or with respect to clauses (i)
and (iii) has engaged in within the previous 5 years—

“(i) any activity—

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

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

“(ii) any other activity which would be unlawful if committed in the United States; or

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

is inadmissible.”.

(b) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (IV), by inserting “or has been” before “a representative”;
(2) in subclause (V), by inserting “or has been” before “a member”;

(3) in subclause (VI), by inserting “or has been” before “a member”;

(4) by amending subclause (VII) to read as follows:

“(VII) endorses or espouses, or has endorsed or espoused, terrorist activity or persuades or has persuaded others to endorse or espouse terrorist activity or support a terrorist organization;”;

(5) by amending subclause (IX) to read as follows:

“(IX) is the spouse or child of an alien who is inadmissible under this subparagraph if—

“(aa) the activity causing the alien to be found inadmissible occurred within the last 5 years;

and

“(bb)(AA) the spouse or child knew, or should reasonably have known, of the activity caus-
ing the alien to be found inadmissible under this section; and

“(BB) the consular officer or Attorney General does not have reasonable grounds to believe that the spouse or child has renounced the activity causing the alien to be found inadmissible under this section.”; and

(6) by striking the undesignated matter following subclause (IX).

(c) PALESTINE LIBERATION ORGANIZATION.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended by adding at the end the following:

“(vii) PALESTINE LIBERATION ORGANIZATION.—An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this Act, to be engaged in terrorist activity.”.

SEC. 1503. EXPEDITED REMOVAL FOR ALIENS INADMIS-
SIBLE ON CRIMINAL OR SECURITY GROUNDS.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—
(1) in the section heading, by adding at the end
the following: “OR WHO ARE SUBJECT TO TER-
RORISM-RELATED GROUNDS FOR REMOVAL”; 

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “Attorney General”
and inserting “Secretary, in the exercise of
discretion,”; and

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

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

(C) in paragraph (5)—

(i) by striking “described in this sec-
tion” and inserting “described in para-
graph (1) or (2)”; and

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

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

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

“(3) The Secretary, in the exercise of discretion, may determine inadmissibility under section 212(a)(2) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who—

“(A) has not been admitted or paroled;

“(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in 235(b)(1)(B); and

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

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

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

owing:

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

“(1) IN GENERAL.—The Secretary—

“(A) notwithstanding section 240, shall—

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

“(ii) issue an order of removal pursu-
ant to the procedures set forth in this sub-
section to every alien determined to be in-
admissible or deportable on a ground de-
scribed in clause (i); and

“(B) may—

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

“(ii) issue an order of removal pursuant
to the procedures set forth in this sub-
section to every alien determined to be in-
admissible or deportable on a ground de-
scribed in clause (i).

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

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

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

“(B) the alien has the privilege of being
represented (at no expense to the Government)
by such counsel, authorized to practice in such
proceedings, as the alien shall choose;
“(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

“(D) a determination is made on the record that the individual upon whom the notice for the proceeding under this section is served (either in person or by mail) is, in fact, the alien named in such notice;

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

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

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

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

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply to aliens who are in removal
proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) on such date of enactment.

SEC. 1504. DETENTION OF REMOVABLE ALIENS.

(a) Criminal Alien Enforcement Partnerships.—Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 1123, is further amended by inserting after subsection (h) the following:

“(i) Criminal Alien Enforcement Partnerships.—

“(1) In general.—The Secretary may enter into a written agreement with a State, or with any political subdivision of a State, to authorize the temporary placement of 1 or more U.S. Customs and Border Protection agents or officers or U.S. Immigration and Customs Enforcement agents or investigators at a local police department or precinct—

“(A) to determine the immigration status of any individual arrested by a State, county, or local police, enforcement, or peace officer for any criminal offense;

“(B) to issue charging documents and notices related to the initiation of removal proceedings or reinstatement of prior removal orders under section 241(a)(5);
“(C) to enter information directly into the National Crime Information Center (NCIC) database, Immigration Violator File, including—

“(i) the alien’s address;
“(ii) the reason for the arrest;
“(iii) the legal cite of the State law violated or for which the alien is charged;
“(iv) the alien’s driver’s license number and State of issuance, if the alien has a driver’s license;
“(v) any other identification document held by the alien and issuing entity for such identification documents; and
“(vi) any identifying marks, such as tattoos, birthmarks, and scars;
“(D) to collect the alien’s biometrics, including iris, fingerprint, photographs, and signature, of the alien and to enter such information into the Automated Biometric Identification System (IDENT) and any other Department of Homeland Security database authorized for storage of biometric information for aliens; and
“(E) to make advance arrangements for
the immediate transfer from State to Federal
custody of any criminal when the alien is re-
leased, without regard to whether the alien is
released on parole, supervised release, or proba-
tion, and without regard to whether alien may
be arrested imprisoned again for the same of-
fense.

“(2) LENGTH OF TEMPORARY DUTY ASSIGN-
MENTS.—The initial period for a temporary duty as-
signment authorized under this paragraph shall be 1
year. The temporary duty assignment may be ex-
tended for additional periods of time as agreed to by
the Secretary and the State or political subdivision
of the State to ensure continuity of cooperation and
coverage.

“(3) TECHNOLOGY USAGE.—The Secretary
shall provide U.S. Customs and Border Protection
and U.S. Immigration and Customs Enforcement
agents, officers, and investigators on a temporary
duty assignment under this paragraph mobile access
to Federal databases containing alien information,
live scan technology for collection of biometrics, and
video-conferencing capability for use at local police
departments or precincts in remote locations.
“(4) Report.—Not later than 1 year after the date of the enactment of the Strong Visa Integrity Secures America Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that identifies—

“(A) the number of States that have entered into an agreement under this subsection;

“(B) the number of criminal aliens processed by the U.S. Customs and Border Protection agent or officer or U.S. Immigration and Customs Enforcement agent or investigator during the temporary duty assignment; and

“(C) the number of criminal aliens transferred from State to Federal custody during the agreement period.”.

(b) Detention, Release, and Removal of Aliens Ordered Removed.—

(1) Removal period.—

(A) In general.—Section 241(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C.
1231(a)(1)(A)) is amended by striking “Attorney General” and inserting “Secretary”.

(B) BEGINNING OF PERIOD.—Section 241(a)(1)(B) of such Act (8 U.S.C. 1231(a)(1)(B)) is amended to read as follows:

“(B) BEGINNING OF PERIOD.—

“(i) IN GENERAL.—Subject to clause (ii), the removal period begins on the date that is the latest of the following:

“(I) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date on which the stay of removal ends.

“(II) If the alien is ordered removed, the date pursuant to an administratively final removal order and the Secretary takes the alien into custody for removal.

“(III) If the alien is detained or confined (except under an immigration process), the date on which the alien is released from detention or confinement.
“(ii) **Beginning of removal period following a transfer of custody.**—If the Secretary transfers custody of the alien pursuant to law to another Federal agency or to an agency of a State or local government in connection with the official duties of such agency, the removal period for the alien—

“(I) shall be tolled; and

“(II) shall resume on the date on which the alien is returned to the custody of the Secretary.”.

(C) **Suspension of period.**—Section 241(a)(1)(C) of such Act (8 U.S.C. 1231(a)(1)(C)) is amended to read as follows:

“(C) **Suspension of period.**—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien—

“(i) fails or refuses to make all reasonable efforts to comply with the order of removal or to fully cooperate with the efforts of the Secretary to establish the alien’s identity and carry out the order of removal, including making timely applica-
tion in good faith for travel or other docu-
ments necessary to the alien’s departure;
or
“(ii) conspires or acts to prevent the
alien’s removal subject to an order of re-
moval.”.

(2) DETENTION.—Section 241(a)(2) of the Im-
migration and Nationality Act (8 U.S.C. 1231(a)(2))
is amended—

(A) by inserting “(A)” before “During”;  
(B) by striking “Attorney General” and in-
serting “Secretary”; and
(C) by adding at the end the following:
“(B) DURING A PENDENCY OF A STAY.—
If a court, the Board of Immigration Appeals,
or an immigration judge orders a stay of re-
moval of an alien who is subject to an order of
removal, the Secretary, in the Secretary’s sole
and unreviewable exercise of discretion, and
notwithstanding any provision of law, including
section 2241 of title 28, United States Code,
may detain the alien during the pendency of
such stay of removal.”.
(3) Suspension after 90-day period.—Section 241(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking “Attorney General” and inserting “Secretary”;

(B) in subparagraph (C), by striking “Attorney General” and inserting “Secretary”; and

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

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

(4) Aliens imprisoned, arrested, or on parole, supervised release, or probation.—Section 241(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(4)) is amended—

(A) in subparagraph (A), by striking “Attorney General” and inserting “Secretary”; and

(B) in subparagraph (B)—
(i) in the matter preceding clause (i),
   by striking “Attorney General” and insert-
   ing “Secretary”;
   (I) in clause (i), by striking “if
   the Attorney General” and inserting
   “if the Secretary”; and
   (II) in clause (ii)(III), by striking
   “Attorney General” and inserting
   “Secretary”.

(5) Reinstatement of Removal Orders
   Against Aliens Illegally Reentering.—
   (A) in general.—Section 241(a)(5) of
   the Immigration and Nationality Act (8 U.S.C.
   1231(a)(5)) is amended to read as follows:
   “(5) Reinstatement of Removal Orders
   Against Aliens Illegally Reentering.—If the
   Secretary determines that an alien has entered the
   United States illegally after having been removed,
   deported, or excluded or having departed voluntarily,
   under an order of removal, deportation, or exclusion,
   regardless of the date of the original order or the
   date of the illegal entry—
   “(A) the order of removal, deportation, or
   exclusion is reinstated from its original date
and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

“(B) the alien is not eligible and may not apply for any relief under this Act, regardless of the date on which an application or request for such relief may have been filed or made;

“(C) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry; and

“(D) reinstatement under subparagraph (A) shall not require proceedings under section 240 or other proceedings before an immigration judge.”.

(B) JUDICIAL REVIEW.—Section 242 of such Act (8 U.S.C. 1252) is amended by adding at the end the following:

“(h) JUDICIAL REVIEW OF DECISION TO REINSTATE REMOVAL ORDER UNDER SECTION 241(A)(5).—

“(1) REVIEW OF DECISION TO REINSTATE REMOVAL ORDER.—Judicial review of determinations under section 241(a)(5) is available in an action under subsection (a).
“(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, or sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from, or relating to, any challenge to the original order.”.

(C) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B) shall take effect as if enacted on April 1, 1997 and shall apply to all orders reinstated or after that date by the Secretary of Homeland Security (or by the Attorney General before March 1, 2003), regardless of the date of the original order.

(6) INADMISSIBLE OR CRIMINAL ALIENS.—Section 241(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(6)) is amended—

(A) by striking “Attorney General” and inserting “Secretary”; and

(B) by striking “removal period and, if released,” and inserting “removal period, in the discretion of the Secretary, without any limita-
tions other than those specified in this section, until the alien is removed.”.

(7) PAROLE; ADDITIONAL RULES; JUDICIAL REVIEW.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(A) in paragraph (7), by striking “Attorney General” and inserting “Secretary”; 

(B) by redesignating paragraph (7) as paragraph (14); and

(C) by inserting after paragraph (6) the following:

“(7) PAROLE.—Except for aliens subject to detention under paragraph (6) and aliens subject to detention under section 236(c), 236A, or 238, if an alien who is detained is an applicant for admission, the Secretary, in the Secretary’s discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of such parole or the alien’s removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.
“(8) Additional rules for detention or release of certain aliens who were previously admitted to the United States.—

“(A) Application.—The procedures set out under this paragraph—

“(i) apply only to an alien who were previously admitted to the United States; and

“(ii) do not apply to any other alien, including an alien detained pursuant to paragraph (6).

“(B) Establishment of a detention review process for aliens who fully cooperate with removal.—

“(i) Requirement to establish.—

If an alien has made all reasonable efforts to comply with a removal order and to cooperate fully with the efforts of the Secretary 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 has not conspired or acted to prevent removal, the Secretary shall establish an administrative review
process to determine whether the alien
should be detained or released on condi-
tions.

“(ii) Determinations.—The Sec-
retary shall—

“(I) make a determination
whether to release an alien described
in clause (i) after the end of the
alien’s removal period; and

“(II) in making a determination
under subclause (I), consider any evi-
dence submitted by the alien, and may
consider any other evidence, including
any information or assistance pro-
vided by the Department of State or
other Federal agency and any other
information available to the Secretary
pertaining to the ability to remove the
alien.

“(9) Authority to detain beyond the re-
moval period.—The Secretary, in the exercise of
discretion, without any limitations other than those
specified in this section, may continue to detain an
alien for 90 days beyond the removal period (includ-
ing any extension of the removal period as provided in subsection (a)(1)(C)—

“(A) until the alien is removed, if the Secretary determines that—

“(i) there is a significant likelihood that the alien will be removed in the reasonably foreseeable future;

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

“(iii) the government of the foreign country of which the alien is a citizen, subject, national, or resident is denying or unreasonably delaying accepting the return of such alien after the Secretary asks whether
the government will accept an alien under section 243(d); or

“(iv) the government of the foreign country of which the alien is a citizen, subject, national, or resident is refusing to issue any required travel or identity documents to allow such alien to return to that country;

“(B) until the alien is removed, if the Secretary certifies in writing—

“(i) 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;

“(ii) 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;

“(iii) based on information available to the Secretary (including classified, sensitive, or other 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

“(iv) that the release of the alien will
threaten the safety of the community or
any person, conditions of release cannot
reasonably be expected to ensure the safety
of the community or any person, and ei-
ther—

“(I) the alien has been convicted
of 1 or more aggravated felonies (as
defined in section 101(a)(43)), 1 or
more crimes identified by the Sec-
retary by regulation, or 1 or more at-
ttempts or conspiracies to commit any
such aggravated felonies or such iden-
tified crimes, provided that the aggre-
gate term of imprisonment for such
attempts or conspiracies is at least 5
years; or

“(II) the alien has committed 1
or more violent offenses (but not in-
cluding a purely political offense) and,
because of a mental condition or per-
sonality disorder and behavior associ-
ated with that condition or disorder,
the alien is likely to engage in acts of
violence in the future; or

“(v) that the release of the alien will
threaten the safety of the community or
any person, conditions of release cannot
reasonably be expected to ensure the safety
of the community or any person, and the
alien has been convicted of at least one ag-
gravated felony (as defined in section
101(a)(43)); and

“(C) pending a determination under sub-
paragraph (B), if the Secretary has initiated
the administrative review process not later than
30 days after the expiration of the removal pe-
period (including any extension of the removal pe-
period as provided in subsection (a)(1)(C)).

“(10) RENEWAL AND DELEGATION OF CERTIFI-
CATION.—

“(A) RENEWAL.—The Secretary may
renew a certification under subparagraph
(B)(ii) every 6 months without limitation, after
providing an opportunity for the alien to re-
quest 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 paragraph (9)(B).

“(B) DELEGATION.—Notwithstanding sec-
tion 103, the Secretary may not delegate the
authority to make or renew a certification de-
scribed in clause (ii), (iii), or (iv) of subpara-
graph (9)(B) to an official below the level of the
Director of U.S. Immigration and Customs En-
forcement.

“(11) RELEASE ON CONDITIONS.—If the Sec-
retary determines that an alien should be released
from detention, the Secretary, in the exercise of dis-
cretion, may impose conditions on release as pro-
vided in paragraph (3).

“(12) REDETENTION.—The Secretary, in the
exercise of discretion, without any limitations other
than those specified in this section, may again de-
tain any alien subject to a final removal order who
is released from custody if the alien fails to comply
with the conditions of release or to continue to sat-
isfy the conditions described in subparagraph (8), or
if, upon reconsideration, the Secretary determines
that the alien can be detained under subparagraph
(9). Paragraphs (6) through (14) shall apply to any
alien returned to custody pursuant to this subpara-
graph, as if the removal period terminated on the
day of the readetention.

“(13) CERTAIN ALIENS WHO EFFECTED
ENTRY.—If an alien has entered the United States,
but has not been lawfully admitted nor physically
present in the United States continuously for the 2-
year period immediately preceding the commence-
ment of removal proceedings under this Act against
the alien, the Secretary, in the exercise of discretion,
may decide not to apply paragraph (8) and detain
the alien without any limitations except those which
the Secretary shall adopt by regulation.

“(14) JUDICIAL REVIEW.—Without regard to
the place of confinement, judicial review of any ac-
tion or decision pursuant to paragraph (6) through
(14) shall be available exclusively in habeas corpus
proceedings instituted in the United States District
Court for the District of Columbia, and only if the
alien has exhausted all administrative remedies
(statutory and regulatory) available to the alien as
of right.”.

(c) DETENTION OF ALIENS DURING REMOVAL PRO-
CEEDINGS.—
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(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

“(e) LENGTH OF DETENTION.—

“(1) IN GENERAL.—An alien may be detained under this section while proceedings are pending, without limitation, until the alien is subject to an administratively final order of removal.

“(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

“(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.”.

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

(A) in subsection (e), by adding at the end the following: “Without regard to the place of
confinement, judicial review of any action or decision made pursuant to section 235(f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.”; and

(B) by adding at the end the following:

“(f) LENGTH OF DETENTION.—

“(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

“(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.”.

(d) ATTORNEY GENERAL’S DISCRETION IN DETERMINING COUNTRIES OF REMOVAL.—Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended—

(1) in paragraph (1)(C)(iv), by striking the period at the end and inserting “, or the Attorney General decides that removing the alien to the coun-
try is prejudicial to the interests of the United States.”;

(2) in paragraph (2)(E)(vii), by inserting “or the Attorney General decides that removing the alien to 1 or more of such countries is prejudicial to the interests of the United States,” after “this subpara-

(c) EFFECTIVE DATES AND APPLICATION.—

(1) AMENDMENTS MADE BY SUBSECTION (B).—

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

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

(B) acts and conditions occurring or exist-
ing before, on, or after the date of the enact-

(2) AMENDMENTS MADE BY SUBSECTION (C).—

The amendments made by subsection (c) shall take effect upon the date of the enactment of this Act. Sections 235 and 236 of the Immigration and Na-

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apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

SEC. 1505. GAO STUDY ON DEATHS IN CUSTODY.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the deaths in custody of detainees held by the Department of Homeland Security, which shall include, with respect to any such deaths—

(1) whether any such deaths could have been prevented by the delivery of medical treatment administered while the detainee is in the custody of the Department of Homeland Security;

(2) whether Department practices and procedures were properly followed and obeyed;

(3) whether such practices and procedures are sufficient to protect the health and safety of such detainees; and

(4) whether reports of such deaths were made to the Deaths in Custody Reporting Program.

SEC. 1506. GAO STUDY ON MIGRANT DEATHS.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit, to the Committee on the Judiciary of the
Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives,
a report that describes—

(1) the total number of migrant deaths along the southern border during the previous 7 years;

(2) the total number of unidentified deceased migrants found along the southern border in the previous 7 years;

(3) the level of cooperation between U.S. Customs and Border Protection, State and local law enforcement agencies, foreign diplomatic and consular posts, nongovernmental organizations, and family members to accurately identify deceased individuals;

(4) the use of DNA testing and sharing of such data between U.S. Customs and Border Protection, State and local law enforcement agencies, foreign diplomatic and consular posts, and nongovernmental organizations to accurately identify deceased individuals;

(5) the comparison of DNA data with information on Federal, State, and local missing person registries; and
(6) the procedures and processes U.S. Customs and Border Protection has in place for notification of relevant authorities or family members after missing persons are identified through DNA testing.

SEC. 1507. STATUTE OF LIMITATIONS FOR VISA, NATURALIZATION, AND OTHER FRAUD OFFENSES INVOLVING WAR CRIMES OR HUMAN RIGHTS VIOLATIONS.

(a) Statute of Limitations for Visa Fraud and Other Offenses.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3302. Fraud in connection with certain human rights violations or war crimes

"(a) In General.—No person shall be prosecuted, tried, or punished for violation of any provision of section 1001, 1015, 1425, 1546, 1621, or 3291, or for attempt or conspiracy to violate any provision of such sections, if the fraudulent conduct, misrepresentation, concealment, or fraudulent, fictitious, or false statement concerns the alleged offender’s—

"(1) participation, at any time, at any place, and irrespective of the nationality of the alleged offender or any victim, in a human rights violation or war crime; or
“(2) membership in, service in, or authority over a military, paramilitary, or police organization that participated in such conduct during any part of any period in which the alleged offender was a member of, served in, or had authority over the organization, unless the indictment is found or the information is instituted within 20 years after the commission of the offense.

“(b) DEFINITIONS.—In this section—


“(2) the term ‘female genital mutilation’ means conduct described in section 116;

“(3) the term ‘genocide’ means conduct described in section 1091(a);

“(4) the term ‘human rights violation or war crime’ means genocide, incitement to genocide, war crimes, torture, female genital mutilation, extrajudicial killing under color of foreign law, persecution, particularly severe violation of religious freedom by a foreign government official, or the use or recruitment of child soldiers;
“(5) the term ‘incitement to genocide’ means conduct described in section 1091(c);

“(6) the term ‘particularly severe violation of religious freedom’ means conduct described in section (22 U.S.C. 6402(13));

“(7) the term ‘persecution’ means conduct that is a bar to relief under section 208(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(i));

“(8) the term ‘torture’ means conduct described in paragraphs (1) and (2) of section 2340;

“(9) the term ‘use or recruitment of child soldiers’ means conduct described in subsections (a) and (d) of section 2442; and

“(10) the term ‘war crimes’ means conduct described in subsections (c) and (d) of section 2441.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“3302. Fraud in connection with certain human rights violations or war crimes.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fraudulent conduct, misrepresentations, concealments, and fraudulent, fictitious, or false statements made or committed before, on, or after the date of enactment of this Act.
SEC. 1508. CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

“(e) DETENTION.—

“(1) IN GENERAL.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

“(2) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

“(A) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) if a circumstance giving rise to Federal jurisdiction had existed;
“(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

“(C) not more than 5 years has elapsed since the later of the date of conviction or the date of the release of the person from imprisonment, for the offense described in subparagraph (A).

“(3) Presumption arising from other offenses involving illegal substances, firearms, violence, or minors.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed—

“(A) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;
“(B) an offense under section 924(c), 956(a), or 2332b;

“(C) an offense listed in section 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;

or


“(4) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

“(A) has no lawful immigration status in the United States;

“(B) is the subject of a final order of removal; or
“(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426, or chapter 75 or 77, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).”

(b) Immigration Status as Factor in Determining Conditions of Release.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end; and

(2) by adding at the end the following:

“(C) whether the person is in a lawful immigration status, has previously entered the United States illegally, has previously been removed from the United States, or has otherwise violated the conditions of his or her lawful immigration status; and”.

SEC. 1509. RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) In General.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:
§ 2332c. Recruitment of persons to participate in terrorism

“(a) Offenses.—

“(1) In general.—It shall be unlawful for any person to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the other person commit such act or crime of terrorism.

“(2) Attempt and conspiracy.—It shall be unlawful for any person to attempt or conspire to commit an offense under paragraph (1).

“(b) Penalties.—Any person who violates subsection (a)—

“(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

“(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

“(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

“(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.
“(c) Rule of Construction.—Nothing in this section may be construed or applied to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

“(d) Lack of Consummated Terrorist Act Not a Defense.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

“(e) Definitions.—In this section—

“(1) the term ‘Federal crime of terrorism’ has the meaning given that term in section 2332b; and

“(2) the term ‘serious bodily injury’ has the meaning given that term in section 1365(h).”.

(b) Clerical Amendment.—The table of sections for chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332b the following:

“2332c. Recruitment of persons to participate in terrorism.”.

SEC. 1510. BARRING AND REMOVING PERSECUTORS, WAR CRIMINALS, AND PARTICIPANTS IN CRIMES AGAINST HUMANITY FROM THE UNITED STATES.

(a) Inadmissibility of Persecutors, War Criminals, and Participants in Crimes Against Humanity—
Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) by striking the subparagraph heading and inserting “PARTICIPANTS IN PERSECUTION (INCLUDING NAZI PERSECUTIONS), GENOCIDE, WAR CRIMES, CRIMES AGAINST HUMANITY, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING.—”;

(2) in clause (iii)(II)—

(A) by striking “of any foreign nation” and inserting “(including acts taken as part of an armed group exercising de facto authority)”;

and

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

“(iv) PERSECUTORS, WAR CRIMINALS, AND PARTICIPANTS IN CRIMES AGAINST HUMANITY.—Any alien, including an alien who is a superior commander, who committed, ordered, incited, assisted, or otherwise participated in a war crime (as defined in section 2441(c) of title 18, United States Code) a crime against humanity, or in the persecution of any person on account of race, religion, nationality, mem-
bership in a particular social group, or political opinion, is inadmissible.

“(v) Crime against humanity defined.—In this subparagraph, the term ‘crime against humanity’ means conduct that is part of a widespread and systematic attack targeting any civilian population, with knowledge that the conduct was part of the attack or with the intent that the conduct be part of the attack—

“(I) that, if such conduct occurred in the United States or in the special maritime and territorial jurisdiction of the United States, would violate—

“(aa) section 1111 of title 18, United States Code (relating to murder);

“(bb) section 1201(a) of such title (relating to kidnapping);

“(cc) section 1203(a) of such title 18 (relating to hostage taking), notwithstanding any ex-
ception under subsection (b) of such section 1203;

“(dd) section 1581(a) of such title (relating to peonage);

“(ee) section 1583(a)(1) of such title (relating to kidnapping or carrying away individuals for involuntary servitude or slavery);

“(ff) section 1584(a) of such title (relating to sale into involuntary servitude);

“(gg) section 1589(a) of such title (relating to forced labor);

“(hh) section 1590(a) of such title (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor);

“(ii) section 1591(a) of such title (relating to sex trafficking of children or by force, fraud, or coercion);
“(jj) section 2241(a) of such title (relating to aggravated sexual abuse by force or threat); or
“(kk) section 2242 of such title (relating to sexual abuse);
“(II) that would constitute torture (as defined in section 2340(1) of title 18, United States Code);
“(III) that would constitute cruel or inhuman treatment, as described in section 2441(d)(1)(B) of such title;
“(IV) that would constitute performing biological experiments, as described in section 2441(d)(1)(C) of such title;
“(V) that would constitute mutilation or maiming, as described in section 2441(d)(1)(E) of such title; or
“(VI) that would constitute intentionally causing serious bodily injury, as described in section 2441(d)(1)(F) of such title.
“(vi) SUPERIOR COMMANDER.—In this subparagraph—
“(I) the term ‘superior commander’ means—

“(aa) a military commander or a person with effective control of military forces or an armed group;

“(bb) who knew or should have known that a subordinate or someone under his or her effective control is committing acts described in subsection (a), is about to commit such acts, or had committed such acts; and

“(cc) who fails to take the necessary and reasonable measures to prevent such acts or, for acts that have been committed, to punish the perpetrators of such acts;

“(II) the term ‘systematic’ means the commission of a series of acts following a regular pattern and occurring in an organized, non-random manner; and
“(III) the term ‘widespread’ means a single, large scale act or a series of acts directed against a substantial number of victims.”.

(b) BARRING WAIVER OF INADMISSIBILITY FOR PERSECUTORS.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(A)) is amended by striking “and clauses (i) and (ii) of paragraph (3)(E)” both places that term appears and inserting “and (3)(E)”.

(c) REMOVAL OF PERSECUTORS.—Section 237(a)(4)(D) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) in the subparagraph heading, by striking “NAZI” ; and

(2) by striking “or (iii)” and inserting “(iii), or (iv)”.

(d) SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G) is amended—

(1) in the subparagraph heading, by striking “FOREIGN GOVERNMENT OFFICIALS” and inserting “ANY PERSONS”; and

(2) by striking “, while serving as a foreign government official,”.
(c) **Barring Persecutors From Establishing Good Moral Character.**—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking “killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).” and inserting “killings), 212(a)(2)(G) (relating to severe violations of religious freedom), or 212(a)(3)(G) (relating to recruitment and use of child soldiers);”; and

(3) by inserting after paragraph (9) the following:

“(10) one who at any time committed, 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; or”.

(f) **Increasing Criminal Penalties for Anyone Who Aids and Abets the Entry of a Persecutor.**—

Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) is amended by striking “(other than subparagraph (E) thereof)”.
(g) **Increasing Criminal Penalties for Female Genital Mutilation.**—Section 116 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “shall be fined under this title or imprisoned not more than 5 years, or both” and inserting “has engaged in a violent crime against children under section 3559(f)(3), shall be imprisoned for life or for 10 years or longer”; and

(2) in subsection (d), by striking “shall be fined under this title or imprisoned not more than 5 years, or both.” and inserting “shall be imprisoned for life or for 10 years or longer.”.

(h) **Material Support in the Recruitment or Use of Child Soldiers.**—

(1) **Inadmissibility.**—Section 212(a)(3)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(G)) is amended—

(A) by striking “section 2442” and inserting “section 2442(a)”; and

(B) by inserting “or has provided material support in the recruitment or use of child soldiers in violation of section 2339A of such title 18,” after “Code,”.
(2) DEPORTABILITY.—Section 237(a)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(F)) is amended by inserting “or has provided material support in the recruitment or use of child soldiers in violation of section 2339A of title 18,” after “Code,”.

(i) TECHNICAL AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(42) (8 U.S.C. 1101(a)(42)), by inserting “committed,” before “ordered”;

(2) in section 208(b)(2)(A)(i) (8 U.S.C. 1158(b)(2)(A)(i)), by inserting “committed,” before “ordered”; and


(j) EFFECTIVE DATE.—The amendments made by this section shall apply to any offense committed before, on, or after the date of enactment of this Act.

SEC. 1511. GANG MEMBERSHIP, REMOVAL, AND INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C.
1101(a)) is amended by inserting after subparagraph (52) the following:

“(53)(A) The term ‘criminal gang’ means any ongoing group, club, organization, or association, inside or outside the United States, of 2 or more persons that—

“(i) has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B) and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses; or

“(ii) has been designated as a criminal gang by the Secretary, in consultation with the Attorney General, as meeting the criteria set forth in clause (i).

“(B) The offenses described in this subparagraph, whether in violation of Federal or State law or the law of a foreign country and regardless of whether the offenses occurred before, on, or after the date of the enactment of the Strong Visa Integrity Secures America Act, are the following:

“(i) Any aggravated felony.

“(ii) A felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).
“(iii) Any criminal offense described in section 212 or 237.

“(iv) An offense involving illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code).

“(v) 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).

“(vi) 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.

“(vii) 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.

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

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

“(C) Notwithstanding any other provision of law (including any effective date), a group, club, organization, or association shall be considered a criminal gang regardless of whether the conduct occurred before, on, or after the date of the enactment of the Strong Visa Integrity Secures America Act.”
(b) 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.—

“(i) IN GENERAL.—Any alien who a consular officer, the Secretary, or the Attorney General knows or has reasonable ground to believe—

““(I) to be or to have been a member of a criminal gang; or

““(II) to have 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,

is inadmissible.

“(ii) EXCEPTION.—Clause (i) shall not apply to an alien—

“(I) who did not know, or should not reasonably have known, of the activity causing the alien to be found inadmissible under this section; or
“(II) whom the consular officer or the Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.”.

(e) 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.—

“(i) IN GENERAL.—Any alien who the Secretary or the Attorney General knows or has reason to believe—

“(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, is deportable.

“(ii) EXCEPTION.—Clause (i) shall not apply to an alien—
“(I) who did not know, or should not reasonably have known, of the activity causing the alien to be found deportable under this section; or
“(II) whom the consular or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found deportable under this section.”.

(d) DESIGNATION OF CRIMINAL GANGS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

“SEC. 220. DESIGNATION OF CRIMINAL GANGS.

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

“(b) EFFECTIVE DATE.—Designations under subsection (a) shall remain in effect until the designation is revoked, after consultation between the Secretary, the At-
torney General, and the Secretary of State, or is termi-
nated in accordance with Federal law.”

(2) CLERICAL AMENDMENT.—The table of con-
tents in the first section of the Immigration and Na-
tionality Act is amended by inserting after the item
relating to section 219 the following:

“220. Designation of criminal gangs.”

(c) ANNUAL REPORT ON DETENTION OF CRIMINAL
GANG MEMBERS.—Not later than March 1 of each year
(begining 1 year after the date of the enactment of this
Act), the Secretary, after consultation with the heads of
appropriate Federal agencies, shall submit a report to the
Committee on Homeland Security and Governmental Af-
fairs of the Senate, the Committee on the Judiciary of the
Senate, the Committee on Homeland Security of the
House of Representatives, and the Committee on the Judi-
iciary of the House of Representatives on the number of
aliens detained who are described in section 212(a)(2)(J)
and section 237(a)(2)(G) of the Immigration and Nation-
ality Act (8 U.S.C. 1182(a)(2)(J) and 1227(a)(2)(G)), as
added by subsections (b) and (c).

(f) ASYLUM CLAIMS BASED ON GANG AFFILI-
ATION.—

(1) INAPPLICABILITY OF RESTRICTION ON RE-
MOVAL TO CERTAIN COUNTRIES.—Section
241(b)(3)(B) of the Immigration and Nationality
Act (8 U.S.C. 1231(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 the Immigration and Nationality 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);

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

“(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) (relating to participation in criminal gangs); or”; and

(D) by amending clause (vii), as redesignated, to read as follows:

“(vii) the alien was firmly resettled in another country before arriving in the United States, which shall be considered evidence that the alien can live in such country (in any legal status) without fear of persecution.”.
(g) CANCELLATION OF REMOVAL.—Section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)) is amended by adding at the end the following:

“(7) An alien who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i)(relating to participation in criminal gangs).”.

(h) VOLUNTARY DEPARTURE.—Section 240B(c) of the Immigration and Nationality Act (8 U.S.C. 1229c(c)) is amended to read as follows:

“(c) LIMITATION ON VOLUNTARY DEPARTURE.—The Attorney General shall not permit an alien to depart voluntarily under this section if the alien—

“(1) was previously permitted to depart voluntarily after having been found inadmissible under section 212(a)(6)(A); or

“(2) is described in section 212(a)(2)(J)(i) or 237(a)(2)(G)(i)(relating to participation in criminal gangs).”.

(i) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.
SEC. 1512. BARRING ALIENS WITH CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR WHILE INTOXICATED.

(a) AGGRAVATED FELONY DRIVING WHILE INTOXICATED.—

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

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

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

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

“(V) a single conviction for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or illicit drugs), when such impaired driving was the cause of the serious bodily injury or death of another person or a second or subsequent conviction for driving while intoxicated (including a conviction for driving under the influence of or impaired by alcohol or illicit drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law. For purposes of this para-
graph, the Secretary or the Attorney General
are not required to prove the first conviction for
driving while intoxicated (including a conviction
for driving while under the influence of or im-
paired by alcohol or illicit drugs) as a predicate
offense and need only make a factual deter-
mination that the alien was previously convicted
for driving while intoxicated (including a convic-
tion for driving while under the influence of or
impaired by alcohol or illicit drugs).”.

(2) EFFECTIVE DATE AND APPLICATION.—The
amendments made by this section shall take effect
on the date of the enactment of this Act and shall
apply to any conviction entered on or after such
date.

(b) INADMISSIBILITY FOR DRIVING WHILE INTOXI-
CATED OR UNDER THE INFLUENCE.—

(1) IN GENERAL.—Section 212(a)(2) of the Im-
migration and Nationality Act, as amended by sec-
tion 1511, is further amended by adding at the end
the following:

“(K) DRIVING WHILE INTOXICATED AND
UNLAWFULLY PRESENT IN THE UNITED
STATES.—An alien who is convicted of driving
while intoxicated, driving under the influence,
or a similar violation of State law is inadmissible.”.

(2) Effective date and application.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to any conviction entered on or after such date.

(c) Deportation for driving while intoxicated or under the influence.—

(1) In general.—Section 237(a)(2) of the Immigration and Nationality Act, as amended by section 1511, is further amended by adding at the end the following:

“(H) Driving while intoxicated and while unlawfully present in the United States.—An alien who is convicted of driving while intoxicated, driving under the influence, or a similar violation of State law is deportable.”.

(2) Application.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to any conviction entered on or after such date.

(d) Good moral character bar for DUI or DWI convictions.—
(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act, as amended by section 1510, is further amended by inserting after paragraph (1) the following:

“(2) inadmissible under section 212(a)(2)(K) or deportable under section 237(a)(2)(H);”.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended—

(A) by inserting “or the Secretary” after “the Attorney General” each place such term appears; and

(B) in the matter preceding paragraph (1), by striking “and (E)” and inserting “(E), and (K)”.

(2) EFFECTIVE DATE; APPLICATION.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.
SEC. 1513. BARRING AGGRAVATED FELONS, BORDER CHECKPOINT RUNNERS, AND SEX OFFENDERS FROM ADMISSION TO THE UNITED STATES.

(a) Inadmissibility on Criminal and Related Grounds; Waivers.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by striking ‘‘, or’’ and inserting a semicolon;

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

and

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

‘‘(III) a violation of (or a conspiracy or attempt to violate) any statute relating to section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identifica-
tion documents, authentication fea-
tures, and information),”; and

(B) by inserting after subparagraph (K),
as added by section 1512, the following:

“(L) CITIZENSHIP FRAUD.—Any alien con-
victed of, or who admits having committed, or
who admits committing acts which constitute
the essential elements of, a violation of, or an
attempt or a conspiracy to violate, subsection
(a) or (b) of section 1425 of title 18, United
States Code (relating to the procurement of
citizenship or naturalization unlawfully), is in-
admissible.

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

“(N) Aggravated Felons.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

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

“(P) Failure to Register as a Sex Offender.—Any alien convicted under section 2250 of title 18, United States Code, is inadmissible.

“(Q) Crimes of Domestic Violence, Stalking, or Violation of Protection Orders; Crimes Against Children.—

“(i) Domestic Violence, Stalking, and Child Abuse.—

“(I) In General.—Except as provided in subsection (v), any alien who at any time is or has been convicted of a crime involving the use or attempted use of physical force, or threatened use of a deadly weapon, a
crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible.

“(II) CRIME OF DOMESTIC VIOLENCE DEFINED.—For purposes of this clause, the term ‘crime of domestic violence’ means any crime of violence or any offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected
from that individual’s acts under the
domestic or family violence laws of the
United States or any State, Indian
tribal government, or unit of local
government.

“(ii) Violators of Protection Or-
ders.—

“(I) In general.—Except as
provided in subsection (v), any alien
who at any time is or has been en-
joined under a protection order issued
by a court and whom the court deter-
mines has engaged in conduct that
violates the portion of a protection
order that involves protection against
credible threats of violence, repeated
harassment, or bodily injury to the
person or persons for whom the pro-
tection order was issued is inadmis-
sible.

“(II) Protective order de-

fined.—In this clause, the term ‘pro-
tection order’ means any injunction
issued for the purpose of preventing
violent or threatening acts of violence
that involve the use or attempted use
of physical force, or threatened use of
a deadly weapon, committed by a cur-
rent or former spouse, parent, or
guardian of the victim, by a person
with whom the victim shares a child
in common, by a person who is cohab-
iting with or has cohabited with the
victim as a spouse, parent, or guard-
ian, or by a person similarly situated
to a spouse, parent, or guardian of
the victim, including temporary or
final orders issued by civil or criminal
courts (other than support or child
custody orders or provisions) whether
obtained by filing an independent ac-
tion or as an independent order in an-
other proceeding.”;

(2) in subsection (h)—

(A) in the matter preceding paragraph (1),
as amended by this Act, by striking “, and
(K)”, and inserting “(K), and (M)”;

(B) in the undesignated matter following
paragraph (2)—
(i) by striking “torture.” and inserting “torture, or has been convicted of an aggravated felony.”; and

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

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

(4) by adding at the end the following:

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

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

“(A) the alien was acting in self-defense;
“(B) the alien was found to have violated a protection order intended to protect the alien; or
“(C) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—
“(i) that did not result in serious bodily injury; and
“(ii) where there was a connection between the crime and the alien’s having been battered or subjected to extreme cruelty.
“(2) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications for a waiver under this subsection, the Secretary or the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary or the Attorney General.”.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—
(1) in clause (i), by striking the comma at the end and inserting a semicolon;
(2) in clause (ii), by striking ‘‘, or’’ at the end and inserting a semicolon;

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

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

‘‘(iv) of a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18 (relating to the unlawful procurement of citizenship or naturalization),’’.

(c) Deportability; Criminal Offenses.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by sections 1511 and 1512, is further amended by adding at the end the following:

“(I) Identification fraud.—Any alien who is convicted of a violation of (or a conspiracy or attempt to violate) an offense relating to section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification), is deportable.”.
(d) APPLICABILITY.—The amendments made by this section shall apply to—

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

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

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

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

SEC. 1514. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

“(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense de-
scribed in subparagraph (A), (I), or (K) of section 101(a)(43) or a specified offense against a minor as defined in section 111(7) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(7)) unless the Secretary, in the Secretary’s sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.”; and

(2) in subparagraph (B)(i)—

(A) by redesignating the second subclause (I) as subclause (II); and

(B) by amending such subclause (II) to read as follows:

“(II) Subclause (I) shall not apply to an alien lawfully admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43) or a specified offense against a minor as defined in section 111(7) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(7)) unless the Secretary, in the Secretary’s sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.”.

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

SEC. 1515. ENHANCED CRIMINAL PENALTIES FOR HIGH SPEED FLIGHT.

(a) IN GENERAL.—Section 758 of title 18, United States Code, is amended to read as follows:

“§ 758. Unlawful flight from immigration or customs controls

“(a) EVADING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) FAILURE TO STOP.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly or
recklessly disregards or disobeys the lawful command of
an officer of the Department of Homeland Security en-
gaged in the enforcement of the immigration, customs, or
maritime laws, or the lawful command of any law enforce-
ment agent assisting such officer, shall be fined under this
title, imprisoned not more than 2 years, or both.

“(c) ALTERNATIVE PENALTIES.—Notwithstanding
the penalties provided in subsection (a) or (b), any person
who violates such subsection—

“(1) shall be fined under this title, imprisoned
not more than 10 years, or both, if the violation in-
volved the operation of a motor vehicle, aircraft, or
vessel—

“(A) in excess of the applicable or posted
speed limit;

“(B) in excess of the rated capacity of the
motor vehicle, aircraft, or vessel; or

“(C) in an otherwise dangerous or reckless
manner;

“(2) shall be fined under this title, imprisoned
not more than 20 years, or both, if the violation cre-
ated a substantial and foreseeable risk of serious
bodily injury or death to any person;
“(3) shall be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or
“(4) shall be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.
“(d) Attempt and Conspiracy.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.
“(e) Forfeiture.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture.
“(f) Forfeiture Procedures.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 (relating to civil forfeitures), including section 981(d), except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General. Nothing in this section may be construed to limit the authority of the Secretary of Home-
land Security to seize and forfeit motor vehicles, aircraft, or vessels under the Customs laws or any other laws of the United States.

“(g) DEFINITIONS.—For purposes of this section—

“(1) the term ‘checkpoint’ includes any customs or immigration inspection at a port of entry or immigration inspection at a U.S. Border Patrol checkpoint;

“(2) the term ‘law enforcement agent’ means—

“(A) any Federal, State, local or tribal official authorized to enforce criminal law; and

“(B) when conveying a command described in subsection (b), an air traffic controller;

“(3) the term ‘lawful command’ includes a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other communication;

“(4) the term ‘motor vehicle’ means any motorized or self-propelled means of terrestrial transportation; and

“(5) the term ‘serious bodily injury’ has the meaning given in section 2119(2).”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 18, United States Code, is amended
by striking the item relating to section 758 and inserting
the following:

“758. Unlawful flight from immigration or customs controls.”.

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

SEC. 1516. PROHIBITION ON ASYLUM AND CANCELLATION
OF REMOVAL FOR TERRORISTS.

(a) Asylum.—Section 208(b)(2)(A) of the Immigra-
tion and Nationality Act (8 U.S.C. 1158(b)(2)(A)), as
amended by section 1511 and 1512, is further amended—
(1) by inserting “or the Secretary” after “if the
Attorney General”; and
(2) by amending clause (v) to read as follows:
“(v) the alien is described in subpara-
graph (B)(i) or (F) of section 212(a)(3),
unless, in the case of an alien described in
section 212(a)(3)(B)(i)(IX), the Secretary
or the Attorney General determines, in his
or her sole and unreviewable discretion,
that there are not reasonable grounds for
regarding the alien as a danger to the security of the United States; or”.

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

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

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

(c) RESTRICTION ON REMOVAL.—

(1) IN GENERAL.—Section 241(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(A)) is amended—

(A) by inserting “or the Secretary” after “Attorney General” both places that term appears;

(B) by striking “Notwithstanding” and inserting the following:

“(i) IN GENERAL.—Notwithstanding”;

and

(C) by adding at the end the following:

“(ii) BURDEN OF PROOF.—The alien has the burden of proof to establish that the alien’s life or freedom would be threatened in such country, and that race, reli-
gion, nationality, membership in a particular social group, or political opinion would be at least 1 central reason for such threat.”.

(2) EXCEPTION.—Section 241(b)(3)(B) of such Act (8 U.S.C. 1231(b)(3)(B)) is amended—

(A) by inserting “or the Secretary” after “Attorney General” both places that term appears;

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

(C) in clause (iv), striking the period at the end and inserting a semicolon;

(D) inserting after clause (iv) the following:

“(v) the alien is described in subparagraph (B)(i) or (F) of section 212(a)(3)(B), unless, in the case of an alien described in section 212(a)(3)(B)(i)(IX), the Secretary or the Attorney General determines, in his or her sole and unreviewable discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States; or
“(vi) the alien is convicted of an aggravated felony.”; and

(E) by striking the undesignated matter at the end.

(3) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—Section 241(b)(3)(C) of such Act (8 U.S.C. 1231(b)(3)(C)) is amended by striking “In determining whether an alien has demonstrated that the alien’s life or freedom would be threatened for a reason described in subparagraph (A),” and inserting “For purposes of this paragraph,”.

(4) EFFECTIVE DATE; APPLICATION.—The amendments made by paragraphs (1) and (2) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

(d) EFFECTIVE DATES; APPLICATIONS.—Except as provided in subsection (c)(4), the amendments made by this section shall take effect on the date of the enactment of this Act and sections 208(b)(2)(A), 240A(c), and 241(b)(3) of the Immigration and Nationality Act, as amended by this section, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;
(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2), acts and conditions constituting a ground for exclusion, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 1517. AGGRAVATED FELONIES.

(a) Definition of Aggravated Felony.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 1512, is further amended—

(1) in subparagraph (A), by striking “sexual abuse of a minor;” and inserting “any conviction for a sex offense, including an offense described in sections 2241 and 2243 of title 18, United States Code, or an offense in which the alien abused or was involved in the abuse of any individual younger than 18 years of age, or in which the victim was, at the time the offense was committed, younger than 18 years of age, regardless of the reason and extent of the act, the sentence imposed, or the elements in the offense that are required for conviction;”;

(2) in subparagraph (F), by striking “at least one year” and inserting “is at least 1 year, except
that if the conviction records do not conclusively es-

tablish whether a crime constitutes a crime of vio-

cence or an offense under Federal, State, or Tribal

t law, that has, as an element, the use or attempted

use of physical force or the threatened use of phys-

ical force or a deadly weapon, the Attorney General

or the Secretary may consider other evidence related

to the conviction, including police reports and wit-

ness statements, that clearly establishes that the

conduct leading to the alien’s conviction constitutes
a crime of violence or an offense under Federal,

State, or Tribal law, that has, as an element, the use

or attempted use of physical force or the threatened

use of physical force or a deadly weapon;”;

(3) by amending subparagraph (G) to read as

follows:

“(G) a theft offense under State or Fed-
eral law (including theft by deceit, theft by

fraud, and receipt of stolen property) or bur-
glary offense under State or Federal law for

which the term of imprisonment is at least 1

year, except that if the conviction records do

not conclusively establish whether a crime con-
stitutes a theft or burglary offense, the Attor-
ney General or Secretary may consider other
evidence related to the conviction, including police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a theft or burglary offense;"

(4) in subparagraph (I), by striking “or 2252” and inserting “2252, or 2252A”;

(5) in subparagraph (N)—

(A) by striking “paragraph (1)(A) or (2) of”; and

(B) by adding a semicolon at the end;

(6) by amending subparagraph (O) to read as follows:

“(O) an offense described in section 275 or 276 for which the term of imprisonment is at least 1 year;”;

(7) in subparagraph (P) by striking “(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)” and inserting “which is described in the first paragraph of section 1541, 1542, 1543, 1544, 1546(a), or 1547 of title 18, United States Code, and”;}
(8) in subparagraph (U), by striking “an attempt or conspiracy to commit an offense described in this paragraph” and inserting “an attempt to commit, conspiracy to commit, or facilitation of an offense described in this paragraph, or aiding, abetting, procuring, commanding, inducing, or soliciting the commission of such an offense”; and

(9) by striking the undesignated material at end and inserting the following:

“The term applies to an offense described in this paragraph, whether in violation of Federal or State law, or a law of a foreign country, for which the term of imprisonment was completed within the previous 20 years, and even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements. Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after September 30, 1996.”.

(b) Definition of Conviction.—Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

“(C)(i) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction that was
granted to ameliorate the consequences of the conviction, sentence, or conviction, or was granted for rehabilitative purposes shall have no effect on the immigration consequences resulting from the original conviction.

“(ii) The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification, including modification to any sentence for an offense, was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, or for rehabilitative purposes.”.

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply to any act that occurred before, on, or after such date of enactment.

SEC. 1518. CONVICTIONS.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), as amended by sections 1511 through 1513, is further amended by adding at the end the following:

“(L) CONVICTIONS.—

“(i) IN GENERAL.—For purposes of determining whether an underlying criminal offense constitutes a ground of inadmissibility under this subsection, all stat-
utes or common law offenses are divisible if any of the conduct encompassed by the statute constitutes an offense that is a ground of inadmissibility.

“(ii) OTHER EVIDENCE.—If the conviction records, such as charging documents, plea agreements, plea colloquies, and jury instructions, do not conclusively establish whether a crime constitutes a ground of inadmissibility, the Attorney General, the Secretary of State, or the Secretary may consider other evidence related to the conviction, including police reports and witness statements, that clearly establishes that the conduct leading to the alien’s conviction constitutes a ground of inadmissibility.”.

(b) GROUNDS OF DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by sections 1511 through 1513, is further amended by adding at the end the following:

“(J) CRIMINAL OFFENSES.—

“(i) IN GENERAL.—For purposes of determining whether an underlying crimi-
nal offense constitutes a ground of deportability under this subsection, all statutes or common law offenses are divisible if any of the conduct encompassed by the statute constitutes an offense that is a ground of deportability.

“(ii) Other evidence.—If the conviction records, such as charging documents, plea agreements, plea colloquies, and jury instructions, do not conclusively establish whether a crime constitutes a ground of deportability, the Attorney General or the Secretary may consider other evidence related to the conviction, including police reports and witness statements, that clearly establishes that the conduct leading to the alien’s conviction constitutes a ground of deportability.”.

SEC. 1519. FAILURE TO OBEY REMOVAL ORDERS.

(a) In General.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “212(a) or” before “237(a),”; and
(B) by striking paragraph (3);

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(1) shall take effect on the date of the enactment of this Act and shall apply to acts that are described in subparagraphs (A) through (D) of section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) that occur on or after such date of enactment.

SEC. 1520. SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPATRIATION OF THEIR NATIONALS.

Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by striking subsection (c), as redesignated by section 1519(a)(3), and inserting the following:

``(c) LISTING OF COUNTRIES WHO DELAY REPATRIATION OF REMOVED ALIENS.—

“(1) LISTING OF COUNTRIES.—Beginning on the date that is 6 months after the date of the enactment of the Strong Visa Integrity Secures America Act, and every 6 months thereafter, the Secretary shall publish a report in the Federal Register that includes a list of—
“(A) countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country since the date of enactment of this Act and the total number of such aliens, disaggregated by nationality;

“(B) countries that have an excessive repatriation failure rate; and

“(C) each country that was reported as noncompliant in the most recent reporting period.

“(2) EXEMPTION.—The Secretary, in the Secretary’s sole and unreviewable discretion, and in consultation with the Secretary of State, may exempt a country from inclusion on the list under paragraph (1) if there are significant foreign policy or security concerns that warrant such an exemption.

“(d) DISCONTINUING GRANTING OF VISAS TO NATIONALS OF COUNTRIES DENYING OR DELAYING ACCEPTING ALIEN.—

“(1) IN GENERAL.—Notwithstanding section 221(e), the Secretary shall take the action described in paragraph (2)(A) and may take an action described in paragraph (2)(B), if the Secretary determines that—
“(A) an alien who is a national of a foreign
country is inadmissible under section 212 or de-
portable under section 237, or the alien has
been ordered removed from the United States;
and

“(B) the government of the foreign coun-
try referred to in subparagraph (A) is—

“(i) denying or unreasonably delaying
accepting aliens who are citizens, subjects,
nationals, or residents of that country
after the Secretary asks whether the gov-
ernment will accept an alien under this
section; or

“(ii) refusing to issue any required
travel or identity documents to allow the
alien who is citizen, subject, national, or
resident of that country to return to that
country.

“(2) ACTIONS DESCRIBED.—The actions de-
scribed in this paragraph are the following:

“(A) An order from the Secretary of State
to consular officers in the foreign country re-
ferred to in paragraph (1) to discontinue grant-
ing visas under section 101(a)(15)(A)(iii) to at-
tendants, servants, personal employees, and
members of their immediate families, of the officials and employees of that country who receive nonimmigrant status under clause (i) or (ii) of section 101(a)(15)(A).

“(B) Denial of admission to any citizens, subjects, nationals, and residents from the foreign country referred to in paragraph (1), the imposition of any limitations, conditions, or additional fees on the issuance of visas or travel from that country, or the imposition of any other sanctions against that country that are authorized by law.

“(3) RESUMPTION OF VISA ISSUANCE.—Consular officers in the foreign country that refused or unreasonably delayed repatriation or refused to issue required identity or travel documents may resume visa issuance after the Secretary notifies the Secretary of State that the country has accepted the aliens.”.

SEC. 1521. ENHANCED PENALTIES FOR CONSTRUCTION AND USE OF BORDER TUNNELS.

Section 555 of title 18, United States Code, is amended—
(1) in subsection (a), by striking “not more than 20 years.” and inserting “not less than 7 years and not more than 20 years.”; and

(2) in subsection (b), by striking “not more than 10 years.” and inserting “not less than 3 years and not more than 10 years.”.

SEC. 1522. ENHANCED PENALTIES FOR FRAUD AND MISUSE OF VISAS, PERMITS, AND OTHER DOCUMENTS.

Section 1546(a) of title 18, United States Code, is amended—

(1) by striking “Commissioner of the Immigration and Naturalization Service” each place that term appears and inserting “Secretary of Homeland Security”;

(2) by striking “Shall be fined” and all that follows and inserting “Shall be fined under this title or imprisoned for not less than 12 years and not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), not less than 10 years and not more than 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), not less than 5 years and not more than 10 years (for the first
or second such offense, if the offense was not com-
mitt ed to facilitate such an act of international ter-
r orism or a drug trafficking crime), or not less than
7 years and not more than 15 years (for any other
offense), or both.”

SEC. 1523. EXPANSION OF CRIMINAL ALIEN REPATRIATION
PROGRAMS.

(a) Expansion of Criminal Alien Repatriation
Flights.—Not later than 90 days after the date of the
enactment of this Act, the Secretary of Homeland Security
shall increase the number of criminal and illegal alien re-
patriation flights from the United States conducted by
U.S. Customs and Border Protection and U.S. Immigra-
tion and Customs Enforcement Air Operations by not less
than 15 percent compared to the number of such flights
operated, and authorized to be operated, under existing
appropriations and funding on the date of the enactment
of this Act.

(b) U.S. Immigration and Customs Enforcement
Air Operations.—Not later than 90 days after
the date of the enactment of this Act, the Secretary of
Homeland Security shall issue a directive to expand U.S.
Immigration and Customs Enforcement Air Operations
(referred to in this subsection as “ICE Air Ops”) so that
ICE Air Ops provides additional services with respect to
aliens who are illegally present in the United States. Such expansion shall include—

(1) increasing the daily operations of ICE Air Ops with buses and air hubs in the top 5 geographic regions along the southern border;

(2) allocating a set number of seats for such aliens for each metropolitan area; and

(3) allowing a metropolitan area to trade or give some of seats allocated to such area under paragraph (2) for such aliens to other areas in the region of such area based on the transportation needs of each area.

(c) Authorization of Appropriations.—In addition to the amounts otherwise authorized to be appropriated, there is authorized to be appropriated $10,000,000 for each of fiscal years 2018 through 2021 to carry out this section.

CHAPTER 2—STRONG VISA INTEGRITY SECURES AMERICA ACT

SEC. 1531. SHORT TITLE.

This chapter may be cited as the “Strong Visa Integrity Secures America Act”.
SEC. 1532. VISA SECURITY.

(a) Visa Security Units at High Risk Posts.—Section 428(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)(1)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(A) Authorization.—Subject to the minimum number specified in subparagraph (B), the Secretary”; and

(2) by adding at the end the following:

“(B) Risk-Based Assignments.—

“(i) In general.—In carrying out subparagraph (A), the Secretary shall assign, in a risk-based manner, and considering the criteria described in clause (ii), employees of the Department to not fewer than 50 diplomatic and consular posts at which visas are issued.

“(ii) Criteria described.—The criteria described in this clause are the following:

“(I) The number of nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located who were identified in United States Govern-
ment databases related to the identities of known or suspected terrorists during the previous year.

“(II) Information on cooperation of the country referred to in subclause (I) with the counterterrorism efforts of the United States.

“(III) Information analyzing the presence, activity, or movement of terrorist organizations (as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) within or through the country referred to in subclause (I).

“(IV) The number of formal objections based on derogatory information issued by the Visa Security Advisory Opinion Unit pursuant to paragraph (10) regarding nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located.
“(V) The adequacy of the border and immigration control of the country referred to in subclause (I).

“(VI) Any other criteria the Secretary determines appropriate.

“(iii) RULE OF CONSTRUCTION.—The assignment of employees of the Department pursuant to this subparagraph is solely the authority of the Secretary and may not be altered or rejected by the Secretary of State.”.

(b) COUNTERTERRORISM VETTING AND SCREENING.—Section 428(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

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

“(C) Screen any such applications against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.”.

(1) by striking “The Secretary shall ensure, to the extent possible, that any employees” and inserting “The Secretary, acting through the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement, shall provide training to any employees”; and

(2) by striking “shall be provided the necessary training”.

(d) **Pre-Adjudicated Visa Security Assistance and Visa Security Advisory Opinion Unit.**—Section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)) is amended by adding at the end the following:

“(9) **Remote Pre-Adjudicated Visa Security Assistance.**—At the visa-issuing posts at which employees of the Department are not assigned pursuant to paragraph (1), the Secretary shall, in a risk-based manner, assign employees of the Department to remotely perform the functions required under paragraph (2) at not fewer than 50 of such posts.

“(10) **Visa Security Advisory Opinion Unit.**—The Secretary shall establish within U.S. Immigration and Customs Enforcement a Visa Security Advisory Opinion Unit to respond to requests
from the Secretary of State to conduct a visa security review using information maintained by the Department on visa applicants, including terrorism association, criminal history, counter-proliferation, and other relevant factors, as determined by the Secretary.”.

(e) Schedule of Implementation.—The requirements established under paragraphs (1) and (10) of section 428(e) of the Homeland Security Act of 2002, as amended and added by this section, shall be implemented not later than 3 years after the date of the enactment of this Act.

(f) Authorization of Appropriations.—There are authorized to be appropriated $30,000,000 to implement this section and the amendments made by this section.

SEC. 1533. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

(a) In General.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by adding at the end the following:

“SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

“(a) In General.—Not later than 1 year after the date of the enactment of the Strong Visa Integrity Secures
America Act, the Commissioner of U.S. Customs and Border Protection shall—

“(1) screen electronic passports at airports of entry by reading each such passport’s embedded chip; and

“(2) to the greatest extent practicable, utilize facial recognition technology or other biometric technology, as determined by the Commissioner, to inspect travelers at United States airports of entry.

“(b) APPLICABILITY.—

“(1) ELECTRONIC PASSPORT SCREENING.—Subsection (a)(1) shall apply to passports belonging to individuals who are United States citizens, individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), and individuals who are nationals of any other foreign country that issues electronic passports.

“(2) FACIAL RECOGNITION MATCHING.—Subsection (a)(2) shall apply, at a minimum, to individuals who are nationals of a program country pursuant to section 217 of such Act.

“(c) ANNUAL REPORT.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in collaboration
with the Chief Privacy Officer of the Department, shall submit an annual report, through fiscal year 2021, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the utilization of facial recognition technology and other biometric technology pursuant to subsection (a)(2).

“(2) REPORT CONTENTS.—Each report submitted pursuant to paragraph (1) shall include—

“(A) information on the type of technology used at each airport of entry;

“(B) the number of individuals who were subject to inspection using either of such technologies at each airport of entry;

“(C) within the group of individuals subject to such inspection, the number of those individuals who were United States citizens and lawful permanent residents;

“(D) information on the disposition of data collected during the year covered by such report; and

“(E) information on protocols for the management of collected biometric data, including time frames and criteria for storing, erasing,
destroying, or otherwise removing such data
from databases utilized by the Department.

"SEC. 420A. CONTINUOUS SCREENING BY U.S. CUSTOMS
AND BORDER PROTECTION.

"The Commissioner of U.S. Customs and Border
Protection shall, in a risk-based manner, continuously
screen individuals issued any visa, and individuals who are
nationals of a program country pursuant to section 217
of the Immigration and Nationality Act (8 U.S.C. 1187),
who are present, or expected to arrive within 30 days, in
the United States, against the appropriate criminal, na-
tional security, and terrorism databases maintained by the
Federal Government.".

(b) 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
419 the following:

"Sec. 420. Electronic passport screening and biometric matching.
"Sec. 420A. Continuous screening by U.S. Customs and Border Protection.".

SEC. 1534. REPORTING VISA OVERSTAYS.

Section 2 of Public Law 105–173 (8 U.S.C. 1376)
is amended—

(1) in subsection (a)—

(A) by striking “Attorney General” and in-
serting “Secretary of Homeland Security”; and
(B) by inserting before the period at the end the following: “, and any additional information that the Secretary determines necessary for purposes of the report under subsection (b).”; and

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

“(b) ANNUAL REPORT.—Not later than June 30, 2018, and annually thereafter, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that provides, for the preceding fiscal year, numerical estimates (including information on the methodology utilized to develop such numerical estimates) of—

“(1) for each country, the number of aliens from the country who are described in subsection (a), including—

“(A) the total number of such aliens within all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and
“(B) the number of such aliens within each of the classes of nonimmigrant aliens, as well as the number of such aliens within each of the subclasses of such classes of nonimmigrant aliens, as applicable;

“(2) for each country, the percentage of the total number of aliens from the country who were present in the United States and were admitted to the United States as nonimmigrants who are described in subsection (a);

“(3) the number of aliens described in subsection (a) who arrived by land at a port of entry into the United States;

“(4) the number of aliens described in subsection (a) who entered the United States using a border crossing identification card (as defined in section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)); and

“(5) the number of Canadian nationals who entered the United States without a visa and whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States.”.
SEC. 1535. STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM VERIFICATION.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure that the information collected under the program established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is available to officers of U.S. Customs and Border Protection conducting primary inspections of aliens seeking admission to the United States at each port of entry of the United States.

SEC. 1536. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.

(a) In General.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et. seq.), as amended by section 1117, is further amended by adding at the end the following:

“SEC. 435. SOCIAL MEDIA SCREENING.

“(a) In General.—Not later than 180 days after the date of the enactment of the Strong Visa Integrity Secures America Act, the Secretary shall, to the greatest extent practicable, and in a risk based manner and on an individualized basis, review the social media accounts of visa applicants who are citizens of, or who reside in, high risk countries, as determined by the Secretary based on the criteria described in subsection (b).
“(b) HIGH-RISK CRITERIA DESCRIBED.—In determining whether a country is high-risk pursuant to subsection (a), the Secretary shall consider the following criteria:

“(1) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

“(2) The level of cooperation of the country with the counter-terrorism efforts of the United States.

“(3) Any other criteria the Secretary determines appropriate.

“(c) COLLABORATION.—To develop the technology required to carry out the requirements under subsection (a), the Secretary shall collaborate with—

“(1) the head of a national laboratory within the Department’s laboratory network with relevant expertise;

“(2) the head of a relevant university-based center within the Department’s centers of excellence network; and

“(3) the heads of other appropriate Federal agencies.
“SEC. 436. OPEN SOURCE SCREENING.

“The Secretary shall, to the greatest extent practicable, and in a risk-based manner, review open source information of visa applicants.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this Act, is further amended by inserting after the item relating to section 433 the following:

“Sec. 434. Social media screening. “Sec. 435. Open source screening.”.

CHAPTER 3—VISA CANCELLATION AND REVOCATION

SEC. 1541. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General,” and inserting “Secretary,”; and

(B) by inserting “and any other non-immigrant visa issued by the United States that is in the possession of the alien” after “such visa”; and

(2) in paragraph (2)(A), by striking “(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien’s nationality” and inserting “(other than a visa de-
scribed in paragraph (1)) issued in a consular office
located in the country of the alien’s nationality or
foreign residence”.

(b) Effective Date and Application.—The
amendments made by subsection (a) shall take effect on
the date of the enactment of this Act and shall apply to
a visa issued before, on, or after such date.

SEC. 1542. Visa Information Sharing.

(a) In General.—Section 222(f) of the Immigration
and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) in the matter preceding paragraph (1), by
striking “issuance or refusal” and inserting
“issuance, refusal, or revocation”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph
(A), by striking “and on the basis of reciprocity”;

(B) in subparagraph (A)—

(i) by striking “for the purpose of pre-
venting” and inserting the following: “for
the purpose of—

“(i) preventing”; and

(ii) by adding at the end the fol-
lowing:
“(ii) determining a person’s deportability or eligibility for a visa, admission, or other immigration benefit;”;

(C) in subparagraph (B)—

(i) by striking “for the purposes” and inserting “for 1 of the purposes”; and

(ii) by striking “or to deny visas to persons who would be inadmissible to the United States.” and inserting “; or”; and

(D) by adding at the end the following:

“(C) with regard to any or all aliens in the database, specified data elements from each record, if the Secretary of State determines that it is required for national security or public safety or in the national interest to provide such information to a foreign government.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of the Act.

SEC. 1543. VISA INTERVIEWS.

(a) IN GENERAL.—Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1202(h)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “or” at the end;
(B) in subparagraph (C), by striking “and” at the end and inserting “or”; and
(C) by adding at the end the following:
“(D) by the Secretary of State, if the Secretary, in his or her sole and unreviewable discretion, determines that an interview is unnecessary because the alien is ineligible for a visa; and”.

(2) in paragraph (2)—

(A) in subparagraph (E)(iv), by striking “or” at the end;

(B) in subparagraph (F)(iii), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:
“(G) is an individual within a class of aliens that the Secretary, in his or her sole and unreviewable discretion, has determined may pose a threat to national security or public safety.”.

SEC. 1544. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended—

(1) by inserting “(1)” after “(i)”; and

(2) by adding at the end the following:
“(2) A revocation under this subsection of a visa or other documentation from an alien shall automatically cancel any other valid visa that is in the alien’s possession.”.

CHAPTER 4—SECURE VISAS ACT

SEC. 1551. SHORT TITLE.

This chapter may be cited as the “Secure Visas Act”.

SEC. 1552. AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND THE SECRETARY OF STATE.

(a) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

“(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

“(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) and any other provision of law, and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary—

“(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all
other immigration or nationality laws relating
to the functions of consular officers of the
United States in connection with the granting
and refusal of a visa; and

“(B) may refuse or revoke any visa to any
alien or class of aliens if the Secretary, or his
or her designee, determines that such refusal or
revocation is necessary or advisable in the secu-
rity interests of the United States.

“(2) EFFECT OF REVOCATION.—The revocation
of any visa under paragraph (1)(B)—

“(A) shall take effect immediately; and

“(B) shall automatically cancel any other
valid visa that is in the alien’s possession.

“(3) JUDICIAL REVIEW.—Notwithstanding any
other provision of law, including section 2241 of title
28, United States Code, any other habeas corpus
provision, and sections 1361 and 1651 of such title,
no United States court has jurisdiction to review a
decision by the Secretary to refuse or revoke a visa.

“(c) EFFECT OF VISA APPROVAL BY THE SEC-
RETARY OF STATE.—

“(1) IN GENERAL.—The Secretary of State may
direct a consular officer to refuse or revoke a visa
to an alien if the Secretary determines that such re-
fusal or revocation is necessary or advisable in the foreign policy interests of the United States.

“(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary under subsection (b).”.

(b) VISA REVOCATION.—Section 428 of the Homeland Security Act (6 U.S.C. 236) is amended by adding at the end the following:

“(j) VISA REVOCATION INFORMATION.—If the Secretary or the Secretary of State revokes a visa—

“(1) the relevant consular, law enforcement, and terrorist screening databases shall be immediately updated on the date of the revocation; and

“(2) look-out notices shall be posted to all Department port inspectors and Department of State consular officers.”.

(c) CONFORMING AMENDMENT.—Section 104(a)(1) of the Immigration and Nationality Act is amended by inserting “and the power authorized under section 428(c) of the Homeland Security Act of 2002 (6 U.S.C. 236)” after “United States,”.
CHAPTER 5—VISA FRAUD AND SECURITY IMPROVEMENT ACT OF 2017

SEC. 1561. SHORT TITLE.

This chapter may be cited as the "Visa Fraud and Security Improvement Act of 2017".

SEC. 1562. EXPANDED USAGE OF FRAUD PREVENTION AND DETECTION FEES.

Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking "at United States embassies and consulates abroad";

(2) by amending clause (i) to read as follows: "(i) to increase the number of diplomatic security personnel assigned exclusively or primarily to the function of preventing and detecting visa fraud;"; and

(3) in clause (ii), by striking "primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15)".

SEC. 1563. VISA INFORMATION SHARING.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—
(1) in the matter preceding paragraph (1), by striking “issuance or refusal” and inserting “issuance, refusal, or revocation”;

(2) in paragraph (1), by striking the period at the end and inserting “; and”;

(3) by amending paragraph (2) to read as follows:

“(2) the Secretary of State, in the Secretary’s discretion, may provide to a foreign government information in a Department of State computerized visa database and, when necessary and appropriate, other records described in this section related to information in such database—

“(A) on the basis of reciprocity, with regard to individual aliens, at any time on a case-by-case basis for the purpose of—

“(i) preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

“(ii) determining a person’s removability or eligibility for a visa, admission, or other immigration benefit;
“(B) on the basis of reciprocity, with regard to any or all aliens in such database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for 1 of the purposes described in subparagraph (A); or

“(C) with regard to any or all aliens in such database, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.”.

SEC. 1564. INADMISSIBILITY OF SPOUSES AND CHILDREN OF TRAFFICKERS.

Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) in subparagraph (C)(ii), by inserting “, or has been,” after “is”; and

(2) in subparagraph (H)(ii), by inserting “, or has been,” after “is”.

SEC. 1565. DNA TESTING.

Section 222(b) of the Immigration and Nationality Act (8 U.S.C. 1202(b)) is amended by inserting after the second sentence the following: “Where considered nec-
essay by the consular officer or immigration official, to
establish the bona fides of a family relationship, the immi-
grant shall provide DNA evidence of such relationship in
accordance with procedures established by the Secretary,
in consultation with the Secretary of State. The Secretary
and the Secretary of State may issue regulations to re-
quire the submission of DNA evidence to establish family
relationship, from applicants for certain visa classifica-
tions.”.

SEC. 1566. ACCESS TO NCIC CRIMINAL HISTORY DATABASE

FOR DIPLOMATIC VISAS.

Subsection (a) of article V of section 217 of the Na-
tional Crime Prevention and Privacy Compact Act of 1998
(34 U.S.C. 40316(V)(a)) is amended by inserting “, ex-
cept for diplomatic visa applications for which only full
biographical information is required” before the period at
the end.

SEC. 1567. ELIMINATION OF SIGNED PHOTOGRAPH RE-
QUIREMENT FOR VISA APPLICATIONS.

Section 221(b) of the Immigration and Nationality
Act (8 U.S.C. 1201(b)) is amended by striking the first
sentence and insert the following: “Each alien who applies
for a visa shall be registered in connection with his or her
application and shall furnish copies of his or her photo-
graph for such use as may be required by regulation.”.
CHAPTER 6—OTHER MATTERS

SEC. 1571. REQUIREMENT FOR COMPLETION OF BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 of Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

“(h) COMPLETION OF BACKGROUND AND SECURITY CHECKS.—

“(1) REQUIREMENT TO COMPLETE.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, the Secretary and the Attorney General may not approve or grant to an alien any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an adjustment of status to lawful permanent residence or a grant of United States citizenship or issue to the alien any documentation evidencing a status or grant of any status, relief, protection from removal, employment authorization, or other benefit under the immigration laws until—
“(A) all background and security checks required by statute or regulation or deemed necessary by the Secretary or the Attorney General, in his or her sole and unreviewable discretion, for the alien have been completed; and

“(B) the Secretary or the Attorney General has determined that the results of such checks do not preclude the approval or grant of any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws or approval, grant, or the issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.

“(2) PROHIBITION ON JUDICIAL ACTION.—No court shall have authority to order the approval of, grant, mandate or require any action in a certain time period, or award any relief for the Secretary’s or Attorney General’s failure to complete or delay in completing any action to provide any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an adjustment of status to lawful permanent residence, naturalization, or a grant of United States citizenship for an alien until—
“(A) all background and security checks for the alien have been completed; and

“(B) the Secretary or the Attorney General has determined that the results of such checks do not preclude the approval or grant of such status, relief, protection, authorization, or benefit, or issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any application, petition, or request for any benefit or relief or any other case or matter under the immigration laws pending with on or filed with the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or a consular officer on or after such date of enactment.

SEC. 1572. WITHHOLDING OF ADJUDICATION.

(a) In General.—Section 103 of Immigration and Nationality Act (8 U.S.C. 1103), as amended by sections 1112 and 1571, is further amended by adding at the end the following:

“(i) Withholding of Adjudication.—
“(1) IN GENERAL.—Except as provided in sub-
section (i)(4), nothing in this Act or in any other
law, including section 1361 and 1651 of title 28,
United States Code, may be construed to require,
and no court can order, the Secretary, the Attorney
General, the Secretary of State, the Secretary of
Labor, or a consular officer to grant any application,
approve any petition, or grant or continue any relief,
protection from removal, employment authorization,
or any other status or benefit under the immigration
laws by, to, or on behalf of any alien with respect
to whom a criminal proceeding or investigation is
open or pending (including the issuance of an arrest
warrant or indictment), if such proceeding or inves-
tigation is deemed by such official to be material to
the alien’s eligibility for the status, relief, protection,
or benefit sought.

“(2) WITHHOLDING OF ADJUDICATION.—The
Secretary, the Attorney General, the Secretary of
State, or the Secretary of Labor may, in his or her
discretion, withhold adjudication any application, peti-
tion, request for relief, request for protection from
removal, employment authorization, status or benefit
under the immigration laws pending final resolution
of the criminal or other proceeding or investigation.
“(3) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a decision to withhold adjudication pursuant to this subsection.

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

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any application, peti-
tion, or request for any benefit or relief or any other case
or matter under the immigration laws pending with or
filed with the Secretary of Homeland Security on or after
such date of enactment.

SEC. 1573. ACCESS TO THE NATIONAL CRIME INFORMATION
CENTER INTERSTATE IDENTIFICATION
INDEX.

(a) CRIMINAL JUSTICE ACTIVITIES.—Section 104 of
the Immigration and Nationality Act (8 U.S.C. 1104) is
amended by adding at the end the following:

“(f) Notwithstanding any other provision of law, any
Department of State personnel with authority to grant or
refuse visas or passports may carry out activities that have
a criminal justice purpose.”.

(b) LIAISON WITH INTERNAL SECURITY OFFICERS;
DATA EXCHANGE.—Section 105 of the Immigration and
Nationality Act (8 U.S.C. 1105) is amended by striking
 subsections (b) and (c) and inserting the following:

“(b) ACCESS TO NCIC-III.—

“(1) IN GENERAL.—Notwithstanding any other
 provision of law, the Attorney General and the Di-
 rector of the Federal Bureau of Investigation shall
 provide to the Department of Homeland Security
 and the Department of State access to the criminal
 history record information contained in the National
Crime Information Center’s Interstate Identification
Index (NCIC-III) and the Wanted Persons File and
to any other files maintained by the National Crime
Information Center for the purpose of determining
whether an applicant or petitioner for a visa, admis-

sion, or any benefit, relief, or status under the immi-
grantion laws, or any beneficiary of an application,
petition, relief, or status under the immigration
laws, has a criminal history record indexed in the
file.

“(2) AUTHORIZED ACTIVITIES.—

“(A) IN GENERAL.—The Secretary and the
Secretary of State—

“(i) shall have direct access, without
any fee or charge, to the information de-
scribed in paragraph (1) to conduct name-

based searches, file number searches, and
any other searches that any criminal jus-
tice or other law enforcement officials are
entitled to conduct; and

“(ii) may contribute to the records
maintained by the National Crime Infor-
mation Center.

“(B) SECRETARY OF HOMELAND SECU-
RITY.—The Secretary shall receive, upon re-
quest, access to the information described in paragraph (1) by means of extracts of the records for placement in the appropriate database without any fee or charge.

“(c) CRIMINAL JUSTICE AND LAW ENFORCEMENT PURPOSES.—Notwithstanding any other provision of law, adjudication of eligibility for benefits, relief, or status under the immigration laws and other purposes relating to citizenship and immigration services, shall be considered to be criminal justice or law enforcement purposes with respect to access to or use of any information maintained by the National Crime Information Center or other criminal history information or records.”.

SEC. 1574. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) LIMITATION ON CLASS ACTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action that—

(A) is filed after the date of the enactment of this Act; and

(B) pertains to the administration or enforcement of the immigration laws.
(2) EXCEPTION.—A court may certify a class upon a motion by the Government if the Government is requesting such a certification to ensure efficiency in case management or uniformity in application of precedent decisions or interpretations of laws when there is a nationwide class.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.
(2) Written Explanation.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and shall be sufficiently detailed to allow review by another court.

(3) Expiration of Preliminary Injunctive Relief.—Preliminary injunctive relief granted under paragraph (1) shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) finds that such relief meets the requirements described in subparagraphs (A) through (D) of paragraph (1) for the entry of permanent prospective relief; and

(B) orders the preliminary relief to become a final order granting prospective relief before the expiration of such 90-day period.

(c) Procedure for Motion Affecting Order Granting Prospective Relief Against the Government.—

(1) In General.—A court shall promptly rule on a motion made by the United States Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil ac-
tion pertaining to the administration or enforcement of the immigration laws.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the United States Government in any civil action pertaining to the administration or enforcement of the immigration laws shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government’s motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government’s motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph
(A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C)—

(i) shall be treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(ii) shall be immediately appealable under section 1292(a)(1) of title 28, United States Code.

(d) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with the requirements under subsection (b)(1).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection may be construed to preclude parties from entering into a private settlement agreement that does not comply with subsection (b)(1).

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.
(f) CONSENT DECREE DEFINED.—In this section, the term “consent decree” —

(1) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(2) does not include private settlements.

SEC. 1575. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

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

(1) by striking “Attorney General” each place that term appears and inserting “Secretary”; 

(2) in subparagraph (A), in the matter preceding clause (i), by striking “Justice” and inserting “Homeland Security”; 

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

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

“(C) AUTHORIZED DISCLOSURES.—

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

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

“(iii) SUBSEQUENT APPLICATIONS FOR IMMIGRATION BENEFITS.—The Secretary may use the information furnished under this section to adjudicate subsequent applications, petitions, or requests for immigration benefits filed by the alien.

“(iv) ALIEN CONSENT.—The Secretary may use the information furnished under this section for any purpose when the alien consents to its disclosure or use by the Secretary.

“(v) OTHER CIRCUMSTANCES.—The Secretary may use the information furnished under this section for other pur-
poses and in other circumstances in which
disclosure of the information is not related
to removal of the alien from the United
States.”; and

(5) in subparagraph (D), as redesignated, strik-
ing “Service” and inserting “Department of Hom-
land Security”.

(b) ADJUSTMENT OF STATUS.—Section 245A(c)(5)
of the Immigration and Nationality Act (8 U.S.C.
1255a(c)(5)) is amended—

(1) by striking “Attorney General” each place
that term appears and inserting “Secretary”;

(2) in subparagraph (A), in the matter pre-
ceeding clause (i), by striking “Justice” and inserting
“Homeland Security”; and

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

“(C) AUTHORIZED DISCLOSURES.—

“(i) CENSUS PURPOSE.—The Sec-
retary may provide, in the Secretary’s dis-
cretion, for the furnishing of information
furnished under this section in the same
manner and circumstances as census infor-
mination may be disclosed under section 8 of
title 13, United States Code.
“(ii) NATIONAL SECURITY PURPOSE.—The Secretary may provide, in the Secretary’s discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.”.

SEC. 1576. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended to read as follows:

“§ 3291. Nationality, citizenship and passports

“No person shall be prosecuted, tried, or punished for a violation of any section of chapter 69 (relating to nationality and citizenship offenses) or 75 (relating to passport, visa, and immigration offenses), for a violation of any criminal provision of sections 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328), or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within 10 years after the commission of the offense.”.
SEC. 1577. CONFORMING AMENDMENT TO THE DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking “section 1542” and all that follows through “section 1546 (relating to fraud and misuse of visas, permits, and other documents)” and inserting “sections 1541 through 1547 (relating to passports and visas)”.

SEC. 1578. VALIDITY OF ELECTRONIC SIGNATURES.

(a) Civil Cases.—

(1) In general.—Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1351 et seq.), as amended by section 1126(a), is further amended by adding at the end the following:

“SEC. 296. VALIDITY OF SIGNATURES.

“(a) In general.—In any proceeding, adjudication, or any other matter arising under the immigration laws, an individual’s hand written or electronic signature on any petition, application, or any other document executed or provided for any purpose under the immigration laws establishes a rebuttable presumption that the signature executed is that of the individual signing, that the individual is aware of the contents of the document, and intends to sign it.”.

“(b) Record integrity.—The Secretary shall establish procedures to ensure that when any electronic sig-
nature is captured for any petition, application, or other
document submitted for purposes of obtaining an immi-
gration benefit, the identity of the person is verified and
authenticated, and the record of such identification and
verification is preserved for litigation purposes.”.

(2) CLERICAL AMENDMENT.—The table of con-
tents in the first section of the Immigration and Na-
tionality Act is amended by inserting after the item
relating to section 295, as added by section
1126(a)(2), the following:

“Sec. 296. Validity of signatures.”.

(b) CRIMINAL CASES.—

(1) IN GENERAL.—Chapter 223 of title 18,
United States Code, is amended by adding at the
end the following:

“§3513. Signatures relating to immigration matters

“In a criminal proceeding in a court of the United
States, if an individual’s handwritten or electronic signa-
ture appears on a petition, application, or other document
executed or provided for any purpose under the immigra-
tion laws (as defined in section 101(a)(17) of the Immi-
gration and Nationality Act (8 U.S.C. 1101(a)(17)), the
trier of fact may infer that the document was signed by
that individual, and that the individual knew the contents
of the document and intended to sign the document.”.
(2) CLERICAL AMENDMENT.—The table of sections for chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3512 the following:

“3513. Signatures relating to immigration matters.”.

Subtitle F—Prohibition on Terrorists Obtaining Lawful Status in the United States

CHAPTER 1—PROHIBITION ON ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS

SEC. 1601. LAWFUL PERMANENT RESIDENTS AS APPLICANTS FOR ADMISSION.

Section 101(a)(13)(C) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)) is amended—

(1) in clause (v), by striking the “, or” and inserting a semicolon;

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

(3) by adding at the end the following:

“(vii) is described in section 212(a)(3) or 237(a)(4).”.

SEC. 1602. DATE OF ADMISSION FOR PURPOSES OF ADJUSTMENT OF STATUS.

(a) APPLICANTS FOR ADMISSION.—Section 101(a)(13) of the Immigration and Nationality Act, as
amended by section 1601, is further amended by adding
at the end the following:

“(D) Notwithstanding subparagraph (A), adjustment
of status of an alien to that of an alien lawfully admitted
for permanent residence under section 245 or under any
other provision of law is an admission of the alien.”.

(b) Eligibility to Be Removed for a Crime Involving Medical Turpitude.—Section
237(a)(2)(A)(i)(I) of the Immigration and Nationality Act
(8 U.S.C. 1227(a)(2)(A)(i)(I)) is amended by striking
“date of admission,” inserting “alien’s most recent date
of admission;”.

SEC. 1603. PRECLUDING ASYLEE AND REFUGEE ADJUSTMENT OF STATUS FOR CERTAIN GROUNDS OF INADMISSIBILITY AND DEPORTABILITY.

(a) Grounds of Inadmissibility.—Section 209(c)
of the Immigration and Nationality Act (8 U.S.C.
1159(c)) is amended by striking “(other than paragraph
(2)(C) or subparagraph (A), (B), (C), or (E) of paragraph
(3))”, and inserting “(other than subparagraph (C) or (G)
of paragraph (2) or subparagraph (A), (B), (C), (E), (F),
or (G) of paragraph (3))”.

(b) Grounds of Deportability.—Section 209 of
the Immigration and Nationality Act, as amended by sub-
section (a), is further amended by adding at the end the
following:

“(d) An alien’s status may not be adjusted under this
section if the alien is deportable under any provision of
section 237 (except subsections (a)(5) of such section).”.

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

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

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

SEC. 1604. REVOCATION OF LAWFUL PERMANENT RESI-
DENT STATUS FOR HUMAN RIGHTS VIOLA-
TORS.

Section 240(b)(5) of the Immigration and Nationality
Act (8 U.S.C. 1229a(b)(5)) is amended by inserting at
the end the following:

“(F) ADDITIONAL APPLICATION TO CERT-
AIN ALIENS OUTSIDE THE UNITED STATES
WHO ARE ASSOCIATED WITH HUMAN RIGHTS
VIOLATIONS.—Subparagraphs (A) through (E)
shall apply to any alien placed in proceedings
under this section who—
“(i) is outside of the United States;

“(ii) has received notice of pro-
ceedings under section 240(a) (either with-
in or outside of the United States); and

“(iii) is described in section
212(a)(2)(G) (officials who have committed
particularly severe violations of religious
freedom), 212(a)(3)(E) (Nazi persecution,
genocide, extrajudicial killing, or torture),
or 212(a)(3)(G) (recruitment or use of
child soldiers).”.

SEC. 1605. REMOVAL OF CONDITION ON LAWFUL PERMA-
NENT RESIDENT STATUS PRIOR TO NATU-
RALIZATION.

Chapter 2 of title II of the Immigration and Nation-
ality Act (8 U.S.C. 1181 et seq.) is amended—

(1) in section 216(e) (8 U.S.C. 1186a(e)), by
inserting “, if the alien has had the conditional basis
removed pursuant to this section” before the period
at the end; and

(2) in section 216A(e) (8 U.S.C. 1186b(e)), by
inserting “, if the alien has had the conditional basis
removed pursuant to this section” before the period
at the end.
SEC. 1606. PROHIBITION ON TERRORISTS AND ALIENS WHO
POSE A THREAT TO NATIONAL SECURITY OR
PUBLIC SAFETY FROM RECEIVING AN AD-
JUSTMENT OF STATUS.

(a) Application for Adjustment of Status in
the United States.—

(1) In general.—Section 245 of the Immig-
ration and Nationality Act (8 U.S.C. 1255) is amend-
ed by striking the section heading and subsection (a)
and inserting the following:

“SEC. 245. ADJUSTMENT OF STATUS TO THAT OF A PERSON
ADMITTED FOR PERMANENT RESIDENCE.

“(a) In General.—

“(1) Eligibility for Adjustment.—The sta-
tus of an alien who was inspected and admitted or
paroled into the United States or the status of any
other alien having an approved petition for classi-
fication as a VAWA self-petitioner may be adjusted
by the Secretary or the Attorney General, in the dis-
cretion of the Secretary or the Attorney General,
and under such regulations as the Secretary or the
Attorney General may prescribe, to that of an alien
lawfully admitted for permanent residence if—

“(A) the alien makes an application for
such adjustment;
“(B) the alien is eligible to receive an immigrant visa, is admissible to the United States for permanent residence, and is not subject to exclusion, deportation, or removal from the United States; and

“(C) an immigrant visa is immediately available to the alien at the time the alien’s application is filed.

“(2) IMMEDIATELY AVAILABLE.—For purposes of this section, the term ‘immediately available’ means that on the date of filing of the application for adjustment of status, the visa category under which the alien is seeking permanent residence is current as determined by the Secretary of State and reflected in the Department of State’s visa bulletin for the month in which the application for adjustment of status is filed.

“(3) REQUIREMENT TO OBTAIN AN IMMIGRANT VISA OUTSIDE THE UNITED STATES.—Notwithstanding any other provision in this section, if the Secretary determines that an alien may be a threat to national security or public safety or if the Secretary determines that a favorable exercise of discretion to allow an alien to seek to adjust his or her status in the United States rather than to obtain an
immigrant visa outside of the United States is not warranted, the Secretary, in the Secretary’s sole and unreviewable discretion, may—

“(A) prohibit the alien from seeking an adjustment of status under paragraph (1) while the alien is present in the United States; and

“(B) require the alien to seek permanent residence by applying for an immigrant visa at a United States embassy or consulate in the alien’s home country or other foreign country, as designated by the Secretary of State.”.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by striking the item relating to section 245 and inserting the following:

“Sec. 245. Adjustment of status to that of a person admitted for permanent residence.”.

(b) PROHIBITION ON TERRORISTS AND ALIENS WHO POSE A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY ON ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended to read as follows:

“(c) ALIENS NOT ELIGIBLE FOR ADJUSTMENT OF STATUS.—Except for an alien having an approved petition
for classification as a VAWA self-petitioner, subsection (a) shall not apply to—

“(1) an alien crewman;

“(2) subject to subsection (k), any alien (other than an immediate relative defined in section 201(b) or a special immigrant described in subparagraph (H), (I), (J), or (K) of section 101(a)(27)) who—

“(A) continues in or accepts unauthorized employment before filing an application for adjustment of status;

“(B) is in unlawful immigration status on the date he or she files an application for adjustment of status; or

“(C) has failed (other than through no fault of his or her own or for technical reasons) to maintain continuously a lawful status since entry into the United States;

“(3) any alien admitted in transit without visa under section 212(d)(4)(C);

“(4) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217;

“(5) an alien who was admitted as a non-immigrant under section 101(a)(15)(S);
“(6) an alien described in subparagraph (B), (F), or (G) of section 237(a)(4);

“(7) any alien who seeks adjustment of status to that of an immigrant under section 203(b) and is not in a lawful nonimmigrant status;

“(8) any alien who has committed, 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; or

“(9) any alien who—

“(A) was employed while the alien was an unauthorized alien (as defined in section 274A(h)(3)); or

“(B) has otherwise violated the terms of a nonimmigrant visa.”.

SEC. 1607. TREATMENT OF APPLICATIONS FOR ADJUSTMENT OF STATUS DURING PENDING DENATURALIZATION PROCEEDINGS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1451), as amended by section 1606, is further amended by adding at the end the following:

“(n) An application for adjustment of status may not be considered or approved by the Secretary or the Attorney General, and no court may order the approval of an
application for adjustment of status if the approved petition for classification under section 204 that is the underlying basis for the application for adjustment of status was filed by an individual who has a judicial proceeding pending against him or her that would result in the revocation of the individual’s naturalization under section 340.”.

SEC. 1608. EXTENSION OF TIME LIMIT TO PERMIT RESCIS-
SION OF PERMANENT RESIDENT STATUS.

Section 246 of the Immigration and Nationality Act (8 U.S.C. 1256(a)) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “(a)”;

(B) by striking “within five years” and inserting “within 10 years”;

(C) by striking “Attorney General” each place that term appears and inserting “Secretary”; and

(D) by adding at the end the following:

“(2) In any removal proceeding involving an alien whose status has been rescinded under this subsection, the determination by the Secretary that the alien was not eligible for adjustment of status is not subject to review or reconsideration during such proceedings.”.

(2) by redesignating subsection (b) as subsection (c); and
(3) by inserting after subsection (a) the follow-

“(b) Nothing in subsection (a) may be construed to require the Secretary to rescind the alien’s status before the commencement of removal proceedings under section 240. The Secretary may commence removal proceedings at any time against any alien who is removable, including aliens whose status was adjusted to that of an alien lawfully admitted for permanent residence under section 245 or 249 or under any other provision of law. There is no statute of limitations with respect to the commencement of removal proceedings under section 240. An order of removal issued by an immigration judge shall be sufficient to rescind the alien’s status.”.

SEC. 1609. BARRING PERSECUTORS AND TERRORISTS FROM REGISTRY.

Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended to read as follows:

“SEC. 249. RECORD OF ADMISSION FOR PERMANENT RESI-

DENCE IN THE CASE OF CERTAIN ALIENS

WHO ENTERED THE UNITED STATES PRIOR

TO JANUARY 1, 1972.

“(a) In General.—The Secretary, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admis-
sion for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

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

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

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

“(4) is not ineligible for citizenship;

“(5) is not described in paragraph (1)(A)(iv), (2), (3), (6)(C), (6)(E), (8), or (9)(C) of section 212(a);

“(6) is not described in paragraph (1)(E), (1)(G), (2), (4) of section 237(a); and

“(7) did not, at any time, without reasonable cause, fail or refuse to attend or remain in attendance at a proceeding to determine the alien’s inadmissibility or deportability.

“(b) RECORDATION DATE OF PERMANENT RESIDENCE.—The record of an alien’s lawful admission for permanence residence shall be the date on which the Secretary approves the application for such status under this section.”.
CHAPTER 2—PROHIBITION ON NATURALIZATION AND UNITED STATES CITIZENSHIP

SEC. 1621. BARRING TERRORISTS FROM BECOMING NATURALIZED UNITED STATES CITIZENS.

(a) IN GENERAL.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

“(g)(1)(A) Except as provided in subparagraph (B), no person may be naturalized if the Secretary makes a determination, in the discretion of the Secretary, that the alien is described in section 212(a)(3) or 237(a)(4) at any time, including any period before or after the filing of an application for naturalization.

“(B) Subparagraph (A) shall not apply to an alien described in section 212(a)(3) if—

“(i) the alien received an exemption under section 212(d)(3)(B)(i); and

“(ii) the only conduct or actions by the alien that are described in section 212(a)(3) (and would bar the alien from naturalization under this paragraph) are specifically covered by the exemption referred to in clause (i).
“(2) A determination under paragraph (1) may be based upon any relevant information or evidence, including classified, sensitive, or national security information.”.

(b) APPLICABILITY TO CITIZENSHIP THROUGH NATURALIZATION OF PARENT OR SPOUSE.—Section 340(d) of the Immigration and Nationality Act (8 U.S.C. 1451(e)) is amended—

(1) by striking the first sentence and inserting the following:

“(1) A person who claims United States citizenship through the naturalization of a parent or spouse shall be deemed to have lost his or her citizenship, and any right or privilege of citizenship which he or she may have acquired, or may hereafter acquire by virtue of the naturalization of such parent or spouse, if the order granting citizenship to such parent or spouse is revoked and set aside under the provisions of—

“(A) subsection (a) on the ground that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation; or

“(B) subsection (e) pursuant to a conviction under section 1425 of title 18, United States Code.”.
(2) by striking "Any person" and inserting the following:

"(2) Any person".

SEC. 1622. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) Definition of Good Moral Character.—

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), as amended by sections 1510(e) and 1512, is further amended—

(1) in paragraph (8), by inserting "regardless of whether the crime was classified as an aggravated felony at the time of conviction" before the semicolon at the end;

(2) by inserting after paragraph (10), as added by section 1510(e)(3), the following:

"(11) one who the Secretary or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been an alien described in section 212(a)(3) or 237(a)(4), which determination—

"(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

"(B) shall be binding upon any court regardless of the applicable standard of review."; and
(3) in the undesignated matter at the end, by
striking the first sentence and inserting following:

“The fact that a person is not within any of the foregoing
classes shall not preclude a discretionary finding for other
reasons that such a person is or was not of good moral
character. The Secretary or the Attorney General shall not
be limited to the applicant’s conduct during the period for
which good moral character is required, but may take into
consideration as a basis for determination the applicant’s
conduct and acts at any time. The Secretary or the Attor-
ney General, in the unreviewable discretion of the Sec-
retary or the Attorney General, may determine that para-
graph (8) shall not apply to a single aggravated felony
conviction (other than murder, manslaughter, homicide,
rape, or any sex offense when the victim of such sex of-
fense was a minor) for which completion of the term of
imprisonment or the sentence (whichever is later) occurred
15 years or longer before the date on which the person
filed an application under this Act.”.

(b) AGGRAVATED FELONS.—Section 509(b) of the
1101 note) is amended by striking “convictions” and all
that follows and inserting “convictions occurring before,
on, or after such date.”.

(c) EFFECTIVE DATES; APPLICATION.—
(1) **Subsections (a).—**The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date of enactment, and shall apply to any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws pending on or filed after such date of enactment.

(2) **Subsection (b).—**The amendment made by subsection (b) shall take effect as if included in the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

**SEC. 1623. PROHIBITION ON JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS FOR ALIENS IN REMOVAL PROCEEDINGS.**

Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended to read as follows:

**“SEC. 318. PREREQUISITE TO NATURALIZATION; BURDEN OF PROOF.”**

“(a) **In General.—**Except as otherwise provided in this chapter, no person may be naturalized unless he or she has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this chapter.
“(b) Burden of Proof.—Such person shall have the burden of proof to show that he or she entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof the person shall be entitled to the production of his or her immigrant visa, if any, or of other entry document, if any, and of any other documents and records, not considered by the Secretary to be confidential, pertaining to such entry, in the custody of the Department of Homeland Security.

“(c) Limitations on Review.—Notwithstanding section 405(b), and except as provided in sections 328 and 329—

“(1) no person may be naturalized against whom there is outstanding a final finding of removal, exclusion, or deportation;

“(2) no application for naturalization may be considered by the Secretary or by any court if there is pending against the applicant any removal proceeding or other proceeding to determine whether the applicant’s lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced; and

“(3) the findings of the Attorney General in terminating removal proceedings or in cancelling the
removal of an alien pursuant to this Act may not be
deemed binding in any way upon the Secretary with
respect to the question of whether such person has
established his or her eligibility for naturalization
under this Act.”.

SEC. 1624. LIMITATION ON JUDICIAL REVIEW WHEN AGEN-
CY HAS NOT MADE DECISION ON NATU-
RALIZATION APPLICATION AND ON DENIALS.

(a) LIMITATION ON REVIEW OF PENDING NATU-
RALIZATION APPLICATIONS.—Section 336(b) of the Immi-
gration and Nationality Act (8 U.S.C. 1447(b)) is amend-
ed to read as follows:

“(b) REQUEST FOR HEARING BEFORE DISTRICT
COURT.—If no final administrative determination is made
on an application for naturalization under section 335 be-
fore the end of the 180-day period beginning on the date
on which the Secretary completes all examinations and
interviews under such section (as such terms are defined
by the Secretary, by regulation), the applicant may apply
to the district court for the district in which the applicant
resides for a hearing on the matter. Such court shall only
have jurisdiction to review the basis for delay and remand
the matter to the Secretary for the Secretary’s determina-
tion on the application.”.
(b) LIMITATIONS ON REVIEW OF DENIAL.—Section 310(e) of the Immigration and Nationality Act (8 U.S.C. 1421(e)) is amended to read as follows:

“(c) JUDICIAL REVIEW.—

“(1) JUDICIAL REVIEW OF DENIAL.—A person whose application for naturalization under this title is denied may, not later than 120 days after the date of the Secretary’s administratively final determination on the application and after a hearing before an immigration officer under section 336(a), seek review of such denial before the United States district court for the district in which such person resides in accordance with chapter 7 of title 5, United States Code.

“(2) BURDEN OF PROOF.—The petitioner shall have burden of proof to show that the Secretary’s denial of the application for naturalization was not supported by facially legitimate and bona fide reasons.

“(3) LIMITATIONS ON REVIEW.—Except in a proceeding under section 340, and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or
to review a determination of the Secretary made at any time regarding, whether, for purposes of an application for naturalization, an alien—

“(A) is a person of good moral character;

“(B) understands and is attached to the principles of the Constitution of the United States; or

“(C) is well disposed to the good order and happiness of the United States.”.

(c) EFFECTIVE DATE; APPLICATION.—The amendments made by this section—

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

(2) shall apply to any act that occurred before, on, or after such date of enactment; and

(3) shall apply to any application for naturalization or any other case or matter under the immigration laws that is pending on, or filed after, such date of enactment.

SEC. 1625. CLARIFICATION OF DENATURALIZATION AUTHORITY.

Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended—
(1) in subsection (a), by striking “United States attorneys for the respective districts” and inserting “Attorney General”; and

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

“(c) The Government shall have the burden of proof to establish, by clear, unequivocal, and convincing evidence, that an order granting citizenship to an alien should be revoked and a certificate of naturalization cancelled because such order and certificate were illegally procured or were procured by concealment of a material fact or by willful misrepresentation.”.

SEC. 1626. DENATIONALIZATION OF TERRORISTS.

(a) Denationalization for Terrorists Activities.—Section 340 of the Immigration and Nationality Act, as amended by section 1625, is further amended—

(1) by redesignating subsections (d) through (h) as subsections (f) through (j), respectively; and

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

“(d)(1) If a person who has been naturalized, during the 15-year period after such naturalization, participates in any act described in paragraph (2)—

“(A) such act shall be considered prima facie evidence that such person was not attached to the
principles of the Constitution of the United States
and was not well disposed to the good order and
happiness of the United States at the time of natu-
ralization; and

“(B) in the absence of countervailing evidence,
such act shall be sufficient in the proper proceeding
to authorize the revocation and setting aside of the
order admitting such person to citizenship and the
cancellation of the certificate of naturalization as
having been obtained by concealment of a material
fact or by willful misrepresentation; and

“(C) such revocation and setting aside of the
order admitting such person to citizenship and such
canceling of certificate of naturalization shall be ef-
f ective as of the original date of the order and cer-
tificate, respectively.

“(2) The acts described in this paragraph that shall
subject a person to a revocation and setting aside of his
or her naturalization under paragraph (1)(B) are—

“(A) any activity a purpose of which is the op-
position to, or the control or overthrow of, the Gov-
ernment of the United States by force, violence, or
other unlawful means;

“(B) engaging in a terrorist activity (as defined
in clauses (iii) and (iv) of section 212(a)(3)(B));
“(C) incitement of terrorist activity under circumstances indicating an intention to cause death or serious bodily harm; and

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

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

SEC. 1627. TREATMENT OF PENDING APPLICATIONS DURING DENATURALIZATION PROCEEDINGS.

(a) IN GENERAL.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended—

(1) by striking “After” and inserting “(1) Except as provided in paragraph (2), after”; and

(2) by adding at the end the following:

“(2) The Secretary may not adjudicate or approve any petition filed under this section by an individual who has a judicial proceeding pending against him or her that would result in the individual’s denaturalization under section 340 until—
“(A) such proceedings have concluded; and

“(B) the period for appeal has expired or any appeals have been finally decided, if applicable.”.

(b) WITHHOLDING OF IMMIGRATION BENEFITS.—

Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451), as amended by section 1626, is further amended by inserting after subsection (d), as added by section 1626(a)(2), the following:

“(e) The Secretary may not approve any application, petition, or request for any immigration benefit from an individual against whom there is a judicial proceeding pending that would result in the individual’s denaturalization under this section until—

“(1) such proceedings have concluded; and

“(2) the period for appeal has expired or any appeals have been finally decided, if applicable.”.

SEC. 1628. NATURALIZATION DOCUMENT RETENTION.

(a) IN GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended by inserting after section 344 the following:

“SEC. 345. NATURALIZATION DOCUMENT RETENTION.

“(a) IN GENERAL.—The Secretary shall retain all documents described in subsection (b) for a minimum of 7 years for law enforcement and national security investigations and for litigation purposes, regardless of whether
such documents are scanned into U.S. Citizenship and Immig-
ration Services’ electronic immigration system or
stored in any electronic format.

“(b) DOCUMENTS TO BE RETAINED.—The docu-
ments described in this subsection are—

“(1) the original paper naturalization applica-
tion and all supporting paper documents submitted
with the application at the time of filing, subsequent
to filing, and during the course of the naturalization
interview; and

“(2) any paper documents submitted in connec-
tion with an application for naturalization that is
filed electronically.”.

(b) CLERICAL AMENDMENT.—The table of contents
in the first section of the Immigration and Nationality Act
is amended by inserting after the item relating to section
344 the following:

“Sec. 345. Naturalization document retention.”.

CHAPTER 3—FORFEITURE OF PROCEEDS
FROM PASSPORT AND VISA OFFENSES,
AND PASSPORT REVOCATION.

SEC. 1631. FORFEITURE OF PROCEEDS FROM PASSPORT
AND VISA OFFENSES.

Section 981(a)(1) of title 18, United States Code, is
amended by adding at the end the following:
“(J) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of chapter 75, the gross proceeds of such violation, and any property traceable to any such property or proceeds.”.

SEC. 1632. PASSPORT REVOCATION ACT.

(a) Short Title.—This section may be cited as the “Passport Revocation Act”.

(b) Revocation or Denial of Passports and Passport Cards to Individuals Who Are Affiliated With Foreign Terrorist Organizations.—The Act entitled “An Act to regulate the issue and validity of passports, and for other purposes”, approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the “Passport Act of 1926”, is amended by adding at the end the following:

“SEC. 5. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.

“(a) Ineligibility.—

“(1) Issuance.—Except as provided under subsection (b), the Secretary of State shall refuse to issue a passport or passport card to any individual—

“(A) who has been convicted under chapter 113B of title 18, United States Code; or
“(B)(i) whom the Secretary has determined is a member of or is otherwise affiliated with an organization the Secretary has designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

“(ii) has aided, abetted, or provided material support to such an organization.

“(2) Revocation.—The Secretary of State shall revoke a passport previously issued to any individual described in paragraph (1).

“(b) Exceptions.—

“(1) Emergency circumstances, humanitarian reasons, and law enforcement purposes.—Notwithstanding subsection (a), the Secretary of State may issue, or decline to revoke, a passport of an individual described in such subsection in emergency circumstances, for humanitarian reasons, or for law enforcement purposes.

“(2) Limitation for return to United States.—Notwithstanding subsection (a)(2), the Secretary of State, before revocation, may—

“(A) limit a previously issued passport for use only for return travel to the United States; or
“(B) issue a limited passport that only
permits return travel to the United States.

“(c) RIGHT OF REVIEW.—Any individual who, in ac-
cordance with this section, is denied issuance of a passport
by the Secretary of State, or whose passport is revoked
or otherwise limited by the Secretary of State, may re-
quest a hearing before the Secretary of State not later
than 60 days after receiving notice of such denial, revoca-
tion, or limitation.

“(d) REPORT.—If the Secretary of State denies,
issues, limits, or declines to revoke a passport or passport
card under subsection (b), the Secretary, not later than
30 days after such denial, issuance, limitation, or revoca-
tion, shall submit a report to Congress that describes such
denial, issuance, limitation, or revocation, as the case may
be.”.

TITLE II—ASYLUM REFORM AND
BORDER PROTECTION ACT
OF 2017

SEC. 2001. SHORT TITLE.

This title may be cited as the “Asylum Reform and
Border Protection Act of 2017”.
SEC. 2002. CLARIFICATION OF INTENT REGARDING TAX-PAYER-PROVIDED COUNSEL.

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

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

(2) by adding at the end the following: “Notwithstanding any other provision of law, the Government may not bear any expense for counsel for any person in removal proceedings or in any appeal proceedings before the Attorney General from any such removal proceedings.”.

SEC. 2003. UNACCOMPANIED ALIEN CHILD DEFINED.

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

“(2) the term ‘unaccompanied alien child’—

“(A) means an alien who—

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

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

and

“(iii) with respect to whom—

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

“(III) no sibling older than 18 years of age and no aunt, uncle, grandparent, or cousin older than 18 years of age is available to provide care and physical custody; and

“(B) does not include an alien if, at any time, the alien’s parent, legal guardian, sibling older than 18 years of age, or aunt, uncle, grandparent, or cousin older than 18 years of age is found in the United States and is available to provide care and physical custody.”.

(b) REVOCATION OF DESIGNATION.—The Secretary of Homeland Security and the Secretary of Health and Human Services shall revoke any designation of an alien as an unaccompanied alien child under section 462(g)(2) of the Homeland Security Act of 2002, as amended by subsection (a), upon the discovery of a relative of such alien described in subparagraph (B) of such section.
SEC. 2004. MODIFICATIONS TO PREFERENTIAL AVAIL-
ABILITY FOR ASYLUM FOR UNACCOMPANIED
ALIEN MINORS.

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

(1) in subsection (a)(2), by striking subpara-
graph (E); and

(2) in subsection (b)(3), by striking subpara-
graph (C).

SEC. 2005. INFORMATION SHARING BETWEEN THE DEPART-
MENT OF HEALTH AND HUMAN SERVICES
AND THE DEPARTMENT OF HOMELAND SECU-
RITY.

Section 235(b) of the William Wilberforce Trafficking
Victims Protection Reauthorization Act of 2008 (8 U.S.C.
1232(b)) is amended by adding at the end the following:

“(5) INFORMATION SHARING.—The Secretary
of Health and Human Services shall share with the
Secretary of Homeland Security any information re-
quested on a child who has been determined to be
an unaccompanied alien child and who is or has
been in the custody of the Secretary of Health and
Human Services, including the location of the child
and any person to whom custody of the child has
been transferred, for any legitimate law enforcement
objective, including enforcement of the immigration 

laws.”.

SEC. 2006. REPORTS.

(a) IN GENERAL.—Not later than 6 months after the 
date of the enactment of this Act, and annually thereafter, 
the Secretary of State and the Secretary of Health and 
Human Services, with assistance from the Secretary of 
Homeland Security, shall submit a report to the Com-
mittee on the Judiciary of the Senate and the Committee 
on the Judiciary of the House of Representatives that de-
scribes efforts to improve repatriation programs for unac-
accompanied alien children (as defined in section 462(g)(2) 
279(g)(2)), including—

(1) the average time such a child is detained 
after apprehension until removal;

(2) the number of such children detained im-
properly beyond the required periods described in 
paragraphs (2) and (3) of section 235(b) of the Wil-
liam Wilberforce Trafficking Victims Protection Re-
authorization Act of 2008 (8 U.S.C. 1232(b)); and 

(3) a statement of the funds used to effectuate 
the repatriation of such children, including any 
funds that were reallocated from foreign assistance 
accounts as of the date of the enactment of this Act.
(b) Effective Date.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to any unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) apprehended on or after such date.

SEC. 2007. TERMINATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY.

(a) Termination of Status.—Except as provided in subsections (b) and (c), any alien who is granted asylum or refugee status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall have his or her asylum status terminated if the alien—

(1) applied for such status because of persecution or a well-founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(2) without a compelling reason, as determined by the Secretary of Homeland Security—

(A) subsequently returns to the country of such alien’s nationality; or

(B) in the case of an alien having no nationality, subsequently returns to any country in which such alien last habitually resided.
(b) WAIVER.—The Secretary may waive the application of subsection (a) if the Secretary determines that the alien had a compelling reason for a return described in subsection (a). The waiver may be sought before the alien’s departure from the United States or upon the alien’s return to the United States.

(c) EXCEPTION FOR CERTAIN ALIENS FROM CUBA.—Subsection (a) shall not apply to an alien who is eligible for adjustment to the status of an alien lawfully admitted for permanent residence pursuant to the Cuban Adjustment Act of 1966 (Public Law 89–732).

SEC. 2008. ASYLUM CASES FOR HOME SCHOOLERS.

(a) IN GENERAL.—Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: “For purposes of determinations under this Act, a person who has been persecuted for failure or refusal to comply with any law or regulation that prevents the exercise of the individual right of that person to direct the upbringing and education of a child of that person (including any law or regulation preventing homeschooling), or for other resistance to such a law or regulation, shall be deemed to have been persecuted on account of membership in a particular social group, and a person who has a well founded fear that he or she will be subject to persecution for such fail-
ure, refusal, or resistance shall be deemed to have a well
founded fear of persecution on account of membership in
a particular social group.”.

(b) **Numerical Limitation.**—Section 207(a) of the
Immigration and Nationality Act (8 U.S.C. 1157(a)) is
amended by adding at the end the following:

“(5) For any fiscal year, not more than 500 aliens
may be admitted under this section, or granted asylum
under section 208, pursuant to a determination under sec-
tion 101(a)(42) that the alien is described in the last sen-
tence of section 101(a)(42), as added by section 2008 of
the Asylum Reform and Border Protection Act of 2017.”.

(c) **Effective Dates.**—

(1) **In General.**—The amendment made by
subsection (a) shall take effect on the date of the en-
actment of this Act and shall apply to failure or re-

fusal to comply with a law or regulation, or other re-

sistance to a law or regulation, occurring before, on,
or after such date.

(2) **Numerical Limitation.**—The amendment
made by subsection (b) shall take effect beginning
on the first day of the first fiscal year beginning
after the date of the enactment of this Act.
SEC. 2009. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS:

(a) In General.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “the Secretary of Homeland Security or” before “the Attorney General”;

(2) in subparagraph (A), by striking “and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum”;

(3) in subparagraph (B), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequences of filing a frivolous application.”.

(b) Conforming Amendment.—Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(6)) is amended by striking “paragraph (4)(A)” and inserting “paragraph (4)(C)”. 
SEC. 2010. TERMINATION OF ASYLUM STATUS.

Section 208(c) of the Immigration and Nationality Act (8 U.S.C. 1158(c)) is amended by adding at the end the following:

“(4) If an alien’s asylum status is subject to termination under paragraph (2), the immigration judge shall—

“(A) determine whether the conditions specified under paragraph (2) have been met; and

“(B) if such conditions have been met, terminate the alien’s asylum status before considering whether the alien is eligible for adjustment of status under section 209.”.

SEC. 2011. TIME LIMITS FOR APPLYING FOR ASYLUM.

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

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

“(B) TIME LIMIT.—Subject to subparagraph (D), paragraph (1) shall not apply to an alien unless the alien demonstrates, by clear and convincing evidence, that the alien filed an application for asylum not later than 6 months after the date of the alien’s arrival in the United States.”;
(2) by amending subparagraph (D) to read as follows:

“(D) EXCEPTION.—

“(i) IN GENERAL.—The Secretary of Homeland Security, in the Secretary’s discretion, may permit an alien to apply for asylum outside of the time limit prescribed under subparagraph (B) if the Secretary determines that there has been such an extraordinary and material change in circumstances that the alien’s life or freedom would be threatened, because of the alien’s race, religion, nationality, or membership in a particular social group, or political opinion, if the alien were returned to his or her country of origin, nationality, or citizenship.

“(ii) JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provisions, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a de-
cision by the Secretary under clause (i).”;

and

(3) by striking subparagraph (E).

SEC. 2012. LIMITS ON CONTINUANCES IN REMOVAL PROCEEDINGS. Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)) is amended by adding at the end the following:

“(8) MOTION FOR CONTINUANCE.—

“(A) IN GENERAL.—An immigration judge may grant a motion for continuance in a case if the immigration judge determines that there are emergent or extraordinary circumstances justifying such a continuance.

“(B) LIMITATIONS.—Not more than 2 continuances may be granted in a specific alien’s case. Each continuance shall be limited to a period of not longer than 180 days.”.

TITLE III—E-VERIFY

SEC. 3001. PERMANENT REAUTHORIZATION.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking “Unless the Congress otherwise provides, the Secretary of Homeland Security shall terminate a pilot program on September 30, 2015.”.
SEC. 3002. PREEMPTION; LIABILITY.

Section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by adding at the end the following:

“(g) LIMITATION ON STATE AUTHORITY.—

“(1) PREEMPTION.—A State or local government may not prohibit a person or other entity from verifying the employment authorization of new hires or current employees through E-Verify.

“(2) LIABILITY.—A person or other entity that participates in E-Verify may not be held liable under any Federal, State, or local law for any employment-related action taken with respect to the wrongful termination of an individual in good faith reliance on information provided through E-Verify.”.

SEC. 3003. INFORMATION SHARING.

The Commissioner of Social Security, the Secretary of Homeland Security, and the Secretary of the Treasury shall jointly establish a program to share information among their respective agencies that could lead to the identification of unauthorized aliens (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)), including no-match letters and any information in the earnings suspense file.
1 SEC. 3004. SMALL BUSINESS DEMONSTRATION PROGRAM.

Section 403 of the Illegal Immigration Reform and
Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
note) is amended—

(1) by redesignating subsection (d) as sub-

section (e); and

(2) by inserting after subsection (c) the fol-

lowing:

“(d) SMALL BUSINESS DEMONSTRATION PRO-

GRAM.—Not later than 9 months after the date of the en-

actment of the SECURE Act of 2017, the Director of U.S.

Citizenship and Immigration Services shall establish a
demonstration program that assists small businesses in
rural areas or areas without internet capabilities to verify
the employment eligibility of newly hired employees solely
through the use of publicly accessible internet terminals.”.

SEC. 3005. FRAUD PREVENTION.

(a) Blocking Misused Social Security Account
Numbers.—The Secretary of Homeland Security, in con-
sultation with the Commissioner of Social Security, shall
establish a program in which Social Security account num-
bers that have been identified to be subject to unusual
multiple use in the employment eligibility verification sys-
tem established under section 274A(d) of the Immigration
and Nationality Act (8 U.S.C. 1324a(d)), or that are oth-
erwise suspected or determined to have been compromised
by identity fraud or other misuse, shall be blocked from
use for such system purposes unless the individual using
such number is able to establish, through secure and fair
additional security procedures, that the individual is the
legitimate holder of the number.
(b) ALLOWING SUSPENSION OF USE OF CERTAIN SO-
CIAL SECURITY ACCOUNT NUMBERS.—The Secretary of
Homeland Security, in consultation with the Commis-
sioner of Social Security, shall establish a program that
provides a reliable, secure method by which victims of
identity fraud and other individuals may suspend or limit
the use of their Social Security account number or other
identifying information for purposes of the employment
eligibility verification system established under section
274A(d) of the Immigration and Nationality Act (8 U.S.C.
1324a(d)). The Secretary may implement the program on
a limited pilot program basis before making it fully avail-
able to all individuals.
(c) ALLOWING PARENTS TO PREVENT THEFT OF
THEIR CHILD’S IDENTITY.—The Secretary of Homeland
Security, in consultation with the Commissioner of Social
Security, shall establish a program that provides a reli-
able, secure method by which parents or legal guardians
may suspend or limit the use of the Social Security ac-
count number or other identifying information of a minor
under their care for the purposes of the employment eligi-
bility verification system established under 274A(d) of the
Immigration and Nationality Act (8 U.S.C. 1324a(d)).
The Secretary may implement the program on a limited
pilot program basis before making it fully available to all
individuals.

SEC. 3006. IDENTITY AUTHENTICATION EMPLOYMENT ELI-
GIBILITY VERIFICATION PILOT PROGRAMS.

(a) In General.—Not later than 2 years after the
date of the enactment of this Act, the Secretary of Home-
land Security, after consultation with the Commissioner
of Social Security and the Director of the National Insti-
tute of Standards and Technology, shall establish, by reg-
ulation, not fewer than 2 Identity Authentication Employ-
ment Eligibility Verification pilot programs (referred to in
this section as the “Authentication Pilots”), each of which
shall use a separate and distinct technology.

(b) Purpose.—The purpose of the Authentication
Pilots shall be to provide for identity authentication and
employment eligibility verification with respect to enrolled
new employees to any employer that elects to participate
in an Authentication Pilot.

(c) Cancellation.—Any participating employer
may cancel the employer’s participation in an Authentica-
tion Pilot after 1 year after electing to participate without prejudice to future participation.

(d) Report.—Not later than 12 months after commencement of the Authentication Pilots, the Secretary 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 includes the Secretary’s findings on the Authentication Pilots and the authentication technologies chosen.

TITLE IV—BRIDGE ACT

SEC. 4001. SHORT TITLE.

This title may be cited as the “Bar Removal of Individuals who Dream and Grow our Economy Act” or the “BRIDGE Act”.

SEC. 4002. PROVISIONAL PROTECTED PRESENCE FOR YOUNG INDIVIDUALS.

(a) In General.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 244A. PROVISIONAL PROTECTED PRESENCE.

“(a) Definitions.—In this section:

“(1) DACA recipient.—The term ‘DACA recipient’ means an alien who is in deferred action status on the date of the enactment of this section pur-
suant to the Deferred Action for Childhood Arrivals
(‘DACA’) Program announced on June 15, 2012.

“(2) FELONY.—The term ‘felony’ means a Fed-
eral, State, or local criminal offense (excluding a
State or local offense for which an essential element
was the alien’s immigration status) punishable by
imprisonment for a term exceeding 1 year.

“(3) MISDEMEANOR.—The term ‘misdemeanor’
means a Federal, State, or local criminal offense
(excluding a State or local offense for which an es-
sential element was the alien’s immigration status, a
significant misdemeanor, and a minor traffic of-
fense) for which—

“(A) the maximum term of imprisonment
is greater than 5 days and not greater than 1
year; and

“(B) the individual was sentenced to time
in custody of 90 days or less.

“(4) SECRETARY.—The term ‘Secretary’ means
the Secretary of Homeland Security.

“(5) SIGNIFICANT MISDEMEANOR.—The term
‘significant misdemeanor’ means a Federal, State, or
local criminal offense (excluding a State or local of-
fense for which an essential element was the alien’s
immigration status), for which the maximum term of
imprisonment is greater than 5 days and not greater than 1 year, that—

“(A) regardless of the sentence imposed, is a crime of domestic violence (as defined in section 237(a)(2)(E)(i)) or an offense of sexual abuse or exploitation, burglary, unlawful possession or use of a firearm, drug distribution or trafficking, or driving under the influence if the State law requires, as an element of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content of .08 or higher; or

“(B) resulted in a sentence of time in custody of more than 90 days, excluding an offense for which the sentence was suspended.

“(6) Threat to national security.—An alien is a ‘threat to national security’ if the alien is—

“(A) inadmissible under section 212(a)(3); or

“(B) deportable under section 237(a)(4).

“(7) Threat to public safety.—An alien is a ‘threat to public safety’ if the alien—

“(A) has been convicted of an offense for which an element was participation in a crimi-
nal street gang (as defined in section 521(a) of title 18, United States Code); or

“(B) has engaged in a continuing criminal enterprise (as defined in section 408(c) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 848(c))).

“(b) AUTHORIZATION.—The Secretary—

“(1) shall grant provisional protected presence to any alien who files an application demonstrating that he or she meets the eligibility criteria under subsection (c) and pays the appropriate application fee;

“(2) may not remove an alien described in paragraph (1) from the United States during the period in which such provisional protected presence is in effect unless such status is rescinded pursuant to subsection (g); and

“(3) shall provide an alien granted provisional protected presence with employment authorization.

“(c) ELIGIBILITY CRITERIA.—An alien is eligible for provisional protected presence under subsection (b)(1) and employment authorization under subsection (b)(3) if the alien—

“(1) was born after June 15, 1981;
“(2) entered the United States before reaching 16 years of age;

“(3) continuously resided in the United States between June 15, 2007, and the date on which the alien files an application under this section;

“(4) was physically present in the United States on June 15, 2012, and on the date on which the alien files an application under this section;

“(5) was unlawfully present in the United States on June 15, 2012;

“(6) on the date on which the alien files an application for provisional protected presence—

“(A) is enrolled in school or in an education program assisting students in obtaining a regular high school diploma or its recognized equivalent under State law, or in passing a general educational development exam or other State-authorized exam;

“(B) has graduated or obtained a certificate of completion from high school;

“(C) has obtained a general educational development certificate; or

“(D) is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
“(7) has not been convicted of—

“(A) a felony;
“(B) a significant misdemeanor; or
“(C) 3 or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct; and

“(8) does not otherwise pose a threat to national security or a threat to public safety.

“(d) Duration of Provisional Protected Presence and Employment Authorization.—Provisional protected presence and the employment authorization provided under this section shall be effective until the date that is 3 years after the date of the enactment of this section.

“(e) Status During Period of Provisional Protected Presence.—

“(1) In General.—An alien granted provisional protected presence is not considered to be unlawfully present in the United States during the period beginning on the date such status is granted and ending on the date described in subsection (d).

“(2) Status Outside Period.—The granting of provisional protected presence under this section
does not excuse previous or subsequent periods of unlawful presence.

“(f) APPLICATION.—

“(1) AGE REQUIREMENT.—

“(A) IN GENERAL.—An alien who has never been in removal proceedings, or whose proceedings have been terminated before making a request for provisional protected presence, shall be at least 15 years of age on the date on which the alien submits an application under this section.

“(B) EXCEPTION.—The age requirement set forth in subparagraph (A) shall not apply to an alien who, on the date on which the alien applies for provisional protected presence, is in removal proceedings, has a final removal order, or has a voluntary departure order.

“(2) APPLICATION FEE.—

“(A) IN GENERAL.—The Secretary may require aliens applying for provisional protected presence and employment authorization 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 United States poverty level; 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 United States poverty level; or
“(iv)(I) as of the date on which the alien files an application under this section, 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; 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 United States poverty level.

“(3) Removal stayed while application pending.—The Secretary may not remove an alien from the United States who appears prima facie eligible for provisional protected presence while the alien’s application for provisional protected presence is pending.

“(4) Aliens not in immigration detention.—An alien who is not in immigration detention, but who is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order, may apply for provisional protected presence under this section if the alien ap-
pears prima facie eligible for provisional protected presence.

“(5) Aliens in Immigration Detention.—
The Secretary shall provide any alien in immigration detention, including any alien who is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order, who appears prima facie eligible for provisional protected presence, upon request, with a reasonable opportunity to apply for provisional protected presence under this section.

“(6) Confidentiality.—
“(A) In General.—The Secretary shall protect information provided in applications for provisional protected presence under this section and in requests for consideration of DACA from disclosure to U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection for the purpose of immigration enforcement proceedings.

“(B) Referrals Prohibited.—The Secretary may not refer individuals whose cases have been deferred pursuant to DACA or who have been granted provisional protected pres-
ence under this section to U.S. Immigration and Customs Enforcement.

“(C) LIMITED EXCEPTION.—The information submitted in applications for provisional protected presence under this section and in requests for consideration of DACA may be shared with national security and law enforcement agencies—

“(i) for assistance in the consideration of the application for provisional protected presence;

“(ii) to identify or prevent fraudulent claims;

“(iii) for national security purposes;

and

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

“(7) ACCEPTANCE OF APPLICATIONS.—Not later than 60 days after the date of the enactment of this section, the Secretary shall begin accepting applications for provisional protected presence and employment authorization.

“(g) RESCISSION OF PROVISIONAL PROTECTED PRESENCE.—The Secretary may not rescind an alien’s
provisional protected presence or employment authorization granted under this section unless the Secretary determines that the alien—

“(1) has been convicted of—

“(A) a felony;

“(B) a significant misdemeanor; or

“(C) 3 or more misdemeanors not occurring on the same date and not arising out of the same act, omission, or scheme of misconduct;

“(2) poses a threat to national security or a threat to public safety;

“(3) has traveled outside of the United States without authorization from the Secretary; or

“(4) has ceased to continuously reside in the United States.

“(h) TREATMENT OF BRIEF, CASUAL, AND INNOCENT DEPARTURES AND CERTAIN OTHER ABSENCES.—For purposes of subsections (c)(3) and (g)(4), an alien shall not be considered to have failed to continuously reside in the United States due to—

“(1) brief, casual, and innocent absences from the United States during the period beginning on June 15, 2007, and ending on August 14, 2012; or
“(2) travel outside of the United States on or after August 15, 2012, if such travel was authorized by the Secretary.

“(i) Treatment of Expunged Convictions.—For purposes of subsections (c)(7) and (g)(1), an expunged conviction shall not automatically be treated as a disqualifying felony, significant misdemeanor, or misdemeanor, but shall be evaluated on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the alien should be eligible for provisional protected presence under this section.

“(j) Effect of Deferred Action Under Deferred Action for Childhood Arrivals Program.—

“(1) Provisional Protected Presence.—A DACA recipient is deemed to have provisional protected presence under this section through the expiration date of the alien’s deferred action status, as specified by the Secretary in conjunction with the approval of the alien’s DACA application.

“(2) Employment Authorization.—If a DACA recipient has been granted employment authorization by the Secretary in addition to deferred action, the employment authorization shall continue through the expiration date of the alien’s deferred
action status, as specified by the Secretary in conjunction with the approval of the alien's DACA application.

“(3) EFFECT OF APPLICATION.—If a DACA recipient files an application for provisional protected presence under this section not later than the expiration date of the alien’s deferred action status, as specified by the Secretary in conjunction with the approval of the alien’s DACA application, the alien’s provisional protected presence, and any employment authorization, shall remain in effect pending the adjudication of such application.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 244 the following:

“Sec. 244A. Provisional protected presence.”.

TITLE V—REFORMING AMERICAN IMMIGRATION FOR A STRONG ECONOMY ACT

SEC. 5001. SHORT TITLE.

This title may be cited as the “Reforming American Immigration for a Strong Economy Act” or the “RAISE Act”.

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SEC. 5002. FAMILY-SPONSORED IMMIGRATION PRIORITIES.

(a) REDEFINITION OF IMMEDIATE RELATIVE.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(b)(1), in the matter preceding subparagraph (A), by striking “under twenty-one years of age who” and inserting “who is younger than 18 years of age and”; and

(2) in section 201 (8 U.S.C. 1151)—

(A) in subsection (b)(2)(A)—

(i) in clause (i), by striking “children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.” and inserting “children and spouse of a citizen of the United States.”;

and

(ii) in clause (ii), by striking “such an immediate relative” and inserting “the immediate relative spouse of a United States citizen”;

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

“(e) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—(1) The worldwide level of family-sponsored immigrants under this subsection for a fiscal year
is equal to 39 percent of 226,000 minus the number computed under paragraph (2).

“(2) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year who—

“(A) did not depart from the United States (without advance parole) within 1 year; and

“(B)(i) did not acquire the status of an alien lawfully admitted to the United States for permanent residence during the 2 preceding fiscal years; or

“(ii) acquired such status during such period under a provision of law (other than subsection (b)) that exempts adjustment to such status from the numerical limitation on the worldwide level of immigration under this section.”; and

(C) in subsection (f)—

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

(ii) by striking paragraph (3);

(iii) by redesignating paragraph (4) as paragraph (3); and
(iv) in paragraph (3), as redesignated, by striking “(1) through (3)” and inserting “(1) and (2)”.

(b) FAMILY-BASED VISA PREFERENCES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

“(a) SPOUSES AND MINOR CHILDREN OF PERMANENT RESIDENT ALIENS.—Family-sponsored immigrants described in this subsection are qualified immigrants who are the spouse or a child of an alien lawfully admitted for permanent residence.”.

(c) CONFORMING AMENDMENTS.—

(1) DEFINITION OF V NONIMMIGRANT.—Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended by striking “section 203(a)(2)(A)” each place such term appears and inserting “section 203(a)”.

(2) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202 of such Act (8 U.S.C. 1152) is amended—

A in subsection (a)(4)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

“(A) 75 PERCENT OF FAMILY-SPONSORED IMMIGRANTS NOT SUBJECT TO PER COUNTRY
LIMITATION.—Of the visa numbers made available under section 203(a) in any fiscal year, 75 percent shall be issued without regard to the numerical limitation under paragraph (2).

“(B) TREATMENT OF REMAINING 25 PERCENT FOR COUNTRIES SUBJECT TO SUBSECTION (e).—

“(i) IN GENERAL.—Of the visa numbers made available under section 203(a) in any fiscal year, 25 percent shall be available, in the case of a foreign state or dependent area that is subject to subsection (e) only to the extent that the total number of visas issued in accordance with subparagraph (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling.

“(ii) SUBSECTION (e) CEILING DEFINED.—In clause (i), the term ‘subsection (e) ceiling’ means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area, consistent with subsection (e).’’; and
(ii) by striking subparagraphs (C) and (D); and
(B) in subsection (e)—
(i) in paragraph (1), by adding “and” at the end;
(ii) by striking paragraph (2);
(iii) by redesignating paragraph (3) as paragraph (2); and
(iv) in the undesignated matter after paragraph (2), as redesignated, by striking “, respectively,” and all that follows and inserting a period.

(3) Rules for determining whether certain aliens are children.—Section 203(h) of such Act (8 U.S.C. 1153(h)) is amended by striking “(a)(2)(A)” each place such term appears and inserting “(a)(2)”.

(4) Procedure for granting immigrant status.—Section 204 of such Act (8 U.S.C. 1154) is amended—
(A) in subsection (a)(1)—
(i) in subparagraph (A)(i), by striking “to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or”;
(ii) in subparagraph (B)—

(I) in clause (i), by redesignating

the second subclause (I) as subclause

(II); and

(II) by striking “203(a)(2)(A)”

each place such term appears and in-

serting “203(a)”; and

(iii) in subparagraph (D)(i)(I), by

striking “a petitioner” and all that follows

through “(a)(1)(B)(iii).” and inserting “an

individual younger than 21 years of age for

purposes of adjudicating such petition and

for purposes of admission as an immediate

relative under section 201(b)(2)(A)(i) or a

family-sponsored immigrant under section

203(a), as appropriate, notwithstanding

the actual age of the individual.”;

(B) in subsection (f)(1), by striking “,

203(a)(1), or 203(a)(3), as appropriate”; and

(C) by striking subsection (k).

(5) WAIVERS OF INADMISSIBILITY.—Section

212 of such Act (8 U.S.C. 1182) is amended—

(A) in subsection (a)(6)(E)(ii), by striking

“section 203(a)(2)” and inserting “section

203(a)”; and
(B) in subsection (d)(11), by striking “(other than paragraph (4) thereof)”.

(6) EMPLOYMENT OF V NONIMMIGRANTS.—Section 214(q)(1)(B)(i) of such Act (8 U.S.C. 1184(q)(1)(B)(i)) is amended by striking “section 203(a)(2)(A)” each place such term appears and inserting “section 203(a)”.

(7) DEFINITION OF ALIEN SPOUSE.—Section 216(h)(1)(C) of such Act (8 U.S.C. 1186a(h)(1)(C)) is amended by striking “section 203(a)(2)” and inserting “section 203(a)”.


(d) CREATION OF NONIMMIGRANT CLASSIFICATION FOR ALIEN PARENTS OF ADULT UNITED STATES CITIZENS.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semi-colon;
(B) in subparagraph (U)(iii), by striking “or” at the end;

(C) in subparagraph (V)(ii)(II), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(W) Subject to section 214(s), an alien who is a parent of a citizen of the United States, if the citizen is at least 21 years of age.”.

(2) CONDITIONS ON ADMISSION.—Section 214 of such Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(s)(1) The initial period of authorized admission for a nonimmigrant described in section 101(a)(15)(W) shall be 5 years, but may be extended by the Secretary of Homeland Security for additional 5-year periods if the United States citizen son or daughter of the nonimmigrant is still residing in the United States.

“(2) A nonimmigrant described in section 101(a)(15)(W)—

“(A) is not authorized to be employed in the United States; and

“(B) is not eligible for any Federal, State, or local public benefit.

“(3) Regardless of the resources of a nonimmigrant described in section 101(a)(15)(W), the United States cit-
izen son or daughter who sponsored the nonimmigrant parent shall be responsible for the nonimmigrant’s support while the nonimmigrant resides in the United States.

“(4) An alien is ineligible to receive a visa or to be admitted into the United States as a nonimmigrant described in section 101(a)(15)(W) unless the alien provides satisfactory proof that the United States citizen son or daughter has arranged for health insurance coverage for the alien, at no cost to the alien, during the anticipated period of the alien’s residence in the United States.”

(e) Effective Date; Applicability.—

(1) 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.

(2) Valid offer of admission.—Notwithstanding the termination by this Act of the family-sponsored and employment-based immigrant visa categories, any alien who was granted admission to the United States under subsection (a) or (b) of section 203 of the Immigration and Nationality Act, as in effect on the day before the date of the enactment of this Act, and is scheduled to receive an immigrant visa in the applicable preference category not later than 1 year after the date of the enactment of this

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Act, shall be entitled to such visa if the alien enters
the United States not later than 1 year after such
date of enactment.

**TITLE VI—OTHER MATTERS**

**SEC. 6001. OTHER IMMIGRATION AND NATIONALITY ACT**

**AMENDMENTS.**

(a) **NOTICE OF ADDRESS CHANGE.**—Section 265(a)
of the Immigration and Nationality Act (8 U.S.C.
1305(a)) is amended to read as follows:

“(a) Each alien required to be registered under this
Act who is physically present in the United States shall
notify the Secretary of Homeland Security of each change
of address and new address not later than 10 days after
the date of such change and shall furnish such notice in
the manner prescribed by the Secretary.”.

(b) **PHOTOGRAPHS FOR NATURALIZATION CERTIFI-
CATES.**—Section 333 of the Immigration and Nationality
Act (8 U.S.C. 1444) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1)
through (7) as subparagraphs (A) through (G);
(B) by inserting ““(1)”” after ““(b)””;
(C) by striking the undesignated matter at
the end and inserting the following:
“(2) Of the photographs furnished pursuant to paragraph (1)—

“(A) 1 shall be affixed to each certificate issued by the Attorney General; and

“(B) 1 shall be affixed to the copy of such certificate retained by the Department.”; and

(2) by adding at the end the following:

“(c) The Secretary may modify the technical requirements under this section in the Secretary’s discretion and as the Secretary may consider necessary to provide for photographs to be furnished and used in a manner that is efficient, secure, and consistent with the latest developments in technology.”.

SEC. 6002. EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT.

Except for regulations promulgated pursuant to this Act, section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act” (5 U.S.C. 522)), and section 552a of such title (commonly known as the “Privacy Act” (5 U.S.C. 552a)), chapter 5 of title 5, United States Code (commonly known as the “Administrative Procedures Act”), and any other law relating to rulemaking, information collection, or publication in the Federal Register, shall not apply to any action to implement this Act or the amendments made by this Act, to
the extent the Secretary, the Secretary of State, or the
Attorney General determines that compliance with any
such law would impede the expeditious implementation of
this Act or the amendments made by this Act.

SEC. 6003. EXEMPTION FROM THE PAPERWORK REDUCTION ACT.

Chapter 35 of title 44, United States Code, shall not
apply to any action to implement this Act or the amend-
ments made by this Act to the extent the Secretary of
Homeland Security, the Secretary of State, or the Attor-
ney General determines that compliance with such law
would impede the expeditious implementation of this Act
or the amendments made by this Act.

SEC. 6004. ABILITY TO FILL AND RETAIN DEPARTMENT OF
HOMELAND SECURITY POSITIONS IN UNITED STATES TERRITORIES.

(a) In General.—Section 530C of title 28, United States Code, is amended—
(1) in subsection (a), in the matter preceding paragraph (1)—
(A) by inserting “or the Department of Homeland Security” after “Department of Jus-
tice”; and
(B) by inserting “or the Secretary of Homeland Security” after “Attorney General”;

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(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or to the Secretary of Homeland Security” after “Attorney General”; and

(ii) in subparagraph (K)—

(I) in clause (i)—

(aa) by inserting “or within United States territories or commonwealths” after “outside United States”; and

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

(II) in clause (ii), by inserting “or the Secretary of Homeland Security” after “Attorney General”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “for the Drug Enforcement Administration, and for the Immigration and Naturalization Service” and inserting “and for the Drug Enforcement Administration”; and
(ii) in subparagraph (B), in the matter preceding clause (i), by striking “the Immigration and Naturalization Service” and inserting “the Department of Homeland Security”;

(C) in paragraph (5), by striking “Immigration and Naturalization Service.—Funds available to the Attorney General” and replacing with “Department of Homeland Security.—Funds available to the Secretary of Homeland Security”; and

(D) in paragraph (7)—

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

(ii) by striking “the Immigration and Naturalization Service” and inserting “U.S. Immigration and Customs Enforcement”; and

(3) in subsection (d), by inserting “or the Department of Homeland Security” after “Department of Justice”.

SEC. 6005. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or any application of such provision or amend-
ment to any person or circumstance, is held to be uncon-
stitutional, the remainder of the provisions of this Act and
the amendments made by this Act and the application of
the provision or amendment to any other person or cir-
cumstance shall not be affected.

SEC. 6006. FUNDING.

(a) IMPLEMENTATION.—The Director of the Office of
Management and Budget shall determine and identify—
(1) the appropriation accounts which have un-
obligated funds that could be rescinded and used to
fund the provisions of this Act; and
(2) the amount of the rescission that shall be
applied to each such account.

(b) REPORT.—Not later than 60 days after the date
of the enactment of this Act, the Director of the Office
of Management and Budget shall submit a report to Con-
gress and to the Secretary of the Treasury that describes
the accounts and amounts determined and identified for
rescission pursuant to subsection (a).

(c) EXCEPTIONS.—This section shall not apply to un-
obligated funds of—
(1) the Department of Homeland Security;
(2) the Department of Defense; or
(3) the Department of Veterans Affairs.
TITLE VII—TECHNICAL AMENDMENTS

SEC. 7001. REFERENCES TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 7002. TECHNICAL AMENDMENTS TO TITLE I OF THE IMMIGRATION AND NATIONALITY ACT.

(a) Section 101.—

(1) DEPARTMENT.—Section 101(a)(8) (8 U.S.C. 1101(a)(8)) is amended to read as follows:

“(8) The term ‘Department’ means the Department of Homeland Security.”.

(2) IMMIGRANT.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (F)(i)—

(i) by striking the term “Attorney General” each place that term appears and inserting “Secretary”; and

(ii) by striking “214(l)” and inserting “214(m)”;
(B) in subparagraph (H)(i)—

(i) in subclause (b), by striking “certifies to the Attorney General that the intending employer has filed with the Secretary” and inserting “certifies to the Secretary of Homeland Security that the intending employer has filed with the Secretary of Labor”; and

(ii) in subclause (c), by striking “certifies to the Attorney General” and inserting “certifies to the Secretary of Homeland Security”; and

(C) in subparagraph (M)(i), by striking the term “Attorney General” each place that term appears and inserting “Secretary”.

(3) IMMIGRATION OFFICER.—Section 101(a)(18) (8 U.S.C. 1101(a)(18)) is amended by striking “Service or of the United States designated by the Attorney General,” and inserting “Department or of the United States designated by the Secretary,”.

(4) SECRETARY.—Section 101(a)(34) (8 U.S.C. 1101(a)(34)) is amended to read as follows:
“(34) The term ‘Secretary’ means the Secretary of Homeland Security, except as provided in section 219(d)(4).”.

(5) Special Immigrant.—Section 101(a)(27)(L)(iii) (8 U.S.C. 1101(a)(27)(L)(iii)) is amended by adding “; or” at the end.

(6) Managerial Capacity; Executive Capacity.—Section 101(a)(44)(C) (8 U.S.C. 1101(a)(44)(C)) is amended by striking “Attorney General” and inserting “Secretary”.

(7) Order of Removal.—Section 101(a)(47)(A) (8 U.S.C. 1101(a)(47)(A)) is amended to read as follows:

“(A) The term ‘order of removal’ means the order of the immigration judge, or other such administrative officer to whom the Attorney General or the Secretary has delegated the responsibility for determining whether an alien is removable, concluding that the alien is removable or ordering removal.”.

(8) Title I and II Definitions.—Section 101(b) (8 U.S.C. 1101(b)) is amended—

(A) in paragraph (1)(F)(i), by striking “Attorney General” and inserting “Secretary”;

and
(B) in paragraph (4), by striking “Immigration and Naturalization Service.” and inserting “Department.”.

(b) Section 103.—

(1) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by striking the section heading and subsection (a)(1) and inserting the following:

“SEC. 103. POWERS AND DUTIES.

“(a)(1) The Secretary shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens, except insofar as this Act or such laws relate to the powers, functions, and duties conferred upon the President, the Attorney General, the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health and Human Services, the Commissioner of Social Security, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers. A determination and ruling by the Attorney General with respect to all questions of law shall be controlling.”.

(2) TECHNICAL AND CONFORMING CORRECTIONS.—Section 103 (8 U.S.C. 1103), as amended by paragraph (1), is further amended—

(A) in subsection (a)—
(i) in paragraph (2), by striking “He” and inserting “The Secretary”;

(ii) in paragraph (3)—

(I) by striking “He” and inserting “The Secretary”;

(II) by striking “he” and inserting “the Secretary”; and

(III) by striking “his authority” and inserting “the authority of the Secretary”;

(iii) in paragraph (4)—

(I) by striking “He” and inserting “The Secretary”; and

(II) by striking “Service or the Department of Justice” and inserting the “Department”;

(iv) in paragraph (5)—

(I) by striking “He” and inserting “The Secretary”;

(II) by striking “his discretion,” and inserting “the discretion of the Secretary,” and

(III) by striking “him” and inserting “the Secretary”; 

(v) in paragraph (6)—
(I) by striking “He” and inserting “The Secretary”;  
(II) by striking “Department” and inserting “agency, department,”;  
and  
(III) by striking “Service.” and inserting “Department or upon consular officers with respect to the granting or refusal of visas”;  
(vi) in paragraph (7)—  
(I) by striking “He” and inserting “The Secretary”;  
(II) by striking “countries;” and inserting “countries”;  
(III) by striking “he” and inserting “the Secretary”; and  
(IV) by striking “his judgment” and inserting “the judgment of the Secretary”;  
(vii) in paragraph (8), by striking “Attorney General” and inserting “Secretary”;  
(viii) in paragraph (10), by striking “Attorney General” each place that term appears and inserting “Secretary”; and
(ix) in paragraph (11), by striking “Attorney General,” and inserting “Secretary,”;

(B) by amending subsection (c) to read as follows:

“(c) Secretary; Appointment.—The Secretary shall be a citizen of the United States and shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary shall be charged with any and all responsibilities and authority in the administration of the Department and of this Act. The Secretary may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws.”;

(C) in subsection (e)—

(i) in paragraph (1), by striking “Commissioner” and inserting “Secretary”; and

(ii) in paragraph (2), by striking “Service” and inserting “U.S. Citizenship and Immigration Services”;

(D) in subsection (f)—

(i) by striking “Attorney General” and inserting “Secretary”;
(ii) by striking “Immigration and Naturalization Service” and inserting “Department”; and

(iii) by striking “Service,” and inserting “Department,”; and


(3) CLERICAL AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 103 and inserting the following:

“Sec. 103. Powers and duties.”.

(e) SECTION 105.—Section 105(a) is amended (8 U.S.C. 1105(a)) by striking “Commissioner” each place that term appears and inserting “Secretary”.

SEC. 7003. TECHNICAL AMENDMENTS TO TITLE II OF THE IMMIGRATION AND NATIONALITY ACT.

(a) SECTION 202.—Section 202(a)(1)(B) (8 U.S.C. 1152(a)(1)(B)) is amended by inserting “the Secretary or” after “the authority of”.

(b) SECTION 203.—Section 203 (8 U.S.C. 1153) is amended—

(1) in subsection (b)(2)(B)(ii)—
(A) in subclause (II)—

(i) by inserting “the Secretary or” before “the Attorney General”; and

(ii) by moving such subclause 4 ems to the left; and

(B) by moving subclauses (III) and (IV) 4 ems to the left; and

(2) in subsection (g)—

(A) by striking “Secretary’s” and inserting “Secretary of State’s”; and

(B) by inserting “of State” after “but the Secretary”.

e) Section 204.—Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B)(i)—

(i) by redesignating the second subclause (I), as added by section 402(a)(3)(B) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), as subclause (II); and

(ii) indenting the left margin of such subclause two ems from the left margin; and
(B) in subparagraph (G)(ii), by inserting “of State” after “by the Secretary”; 

(2) in subsection (c), by inserting “the Secretary or” before “the Attorney General” each place that term appears; and 

(3) in subsection (c), by inserting “to” after “admitted”.

(d) SECTION 208.—Section 208 (8 U.S.C. 1158) is amended— 

(1) in subsection (a)(2)—

(A) by inserting “the Secretary or” before “Attorney General” in subparagraph (A); 

(B) by inserting “the Secretary or” before “Attorney General” in subparagraph (D); 

(2) in subsection (b)(2) by inserting “the Secretary or” before “Attorney General” wherever the term appears; 

(3) in subsection (c)—

(A) in paragraph (1), by striking “the Attorney General” and inserting “the Secretary”; 

(B) in paragraphs (2) and (3), by inserting “the Secretary or” before “Attorney General” each place that term appears; and 

(4) in subsection (d)—
(A) in paragraph (1), by inserting “the Secretary or” before “the Attorney General”,

(B) in paragraph (2), by striking “Attorney General” and inserting “Secretary”; 

(C) in paragraph (3)—

(i) by striking “Attorney General” each place that term appears and inserting “Secretary”; and

(ii) by striking “Attorney General’s” and inserting “Secretary’s”; and

(D) in paragraphs (4) through (6), by inserting “the Secretary or” before “the Attorney General”; and

(e) Section 209.—Section 209(a)(1)(A) (8 U.S.C. 1159(a)(1)(A)) is amended by striking “Secretary of Homeland Security or the Attorney General” each place that term appears and inserting “Secretary”.

(f) Section 212.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in subparagraphs (C), (H)(ii), and (I), by inserting “, the Secretary,” before “or the Attorney General” each place that term appears;

(B) in paragraph (3)—
(i) in subparagraphs (A) and 
(B)(ii)(II), by inserting “, the Secretary,” 
before “or the Attorney General” each 
place that term appears; and 

(ii) in subparagraph (D), by inserting 
“the Secretary or” before “the Attorney 
General” each place that term appears;

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting 
“the Secretary or” before “the Attorney 
General”; and 

(ii) in subparagraph (B), by inserting 
“, the Secretary,” before “or the Attorney 
General” each place that term appears;

(D) in paragraph (5)(C), by striking “or,
in the case of an adjustment of status, the At-
torney General, a certificate from the Com-
mission on Graduates of Foreign Nursing Schools, 
or a certificate from an equivalent independent 
credentialing organization approved by the At-
torney General” and inserting “or, in the case 
of an adjustment of status, the Secretary or the 
Attorney General, a certificate from the Com-
mision on Graduates of Foreign Nursing 
Schools, or a certificate from an equivalent
independent credentialing organization ap-
proved by the Secretary’’;

(E) in paragraph (9)—

(i) in subparagraph (B)(v)—

(I) by inserting “or the Sec-
retary” after “Attorney General” each
place that term appears; and

(II) by striking “has sole discre-
tion” and inserting “have discretion”;

and

(ii) in subparagraph (C)(iii), by in-
serting “or the Attorney General” after
“Secretary of Homeland Security”; and

(F) in paragraph (10)(C), in clauses
(ii)(III) and (iii)(II), by striking “Secretary’s”
and inserting “Secretary of State’s”;

(2) in subsection (d), in paragraphs (11) and
(12), by inserting “or the Secretary” after “Attor-
ney General” each place that term appears;

(3) in subsection (e), by striking the first pro-
viso and inserting the following: “Provided, That
upon the favorable recommendation of the Director,
pursuant to the request of an interested United
States Government agency (or, in the case of an
alien described in clause (iii), pursuant to the re-
quest of a State Department of Public Health, or its equivalent), or of the Secretary after the Secretary has determined that departure from the United States would impose exceptional hardship upon the alien’s spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his or her nationality or last residence because the alien would be subject to persecution on account of race, religion, or political opinion, the Secretary may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Secretary to be in the public interest except that in the case of a waiver requested by a State Department of Public Health, or its equivalent, or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii), the waiver shall be subject to the requirements under section 214(l):”;

(4) in subsections (g), (h), (i), and (k), by inserting “or the Secretary” after “Attorney General” each place that term appears;
(5) in subsection (m)(2)(E)(iv), by inserting “of Labor” after “Secretary” the second and third place that term appears;

(6) in subsection (n), by inserting “of Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor”; and

(7) in subsection (s), by inserting “, the Secretary,” before “or the Attorney General”.

(g) SECTION 213A.—Section 213A (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1), in the matter preceding paragraph (1), by inserting “, the Secretary,” after “the Attorney General”; and

(2) in subsection (f)(6)(B), by inserting “the Secretary,” after “The Secretary of State,”.

(h) SECTION 214.—Section 214(c)(9)(A) (8 U.S.C. 1184(c)(9)(A) is amended, in the matter preceding clause (i), by striking “before”.

(i) SECTION 217.—Section 217 (8 U.S.C. 1187) is amended—

(1) in subsection (e)(3)(A), by inserting a comma after “Regulations”;
(2) in subsection (f)(2)(A), by striking “section (e)(2)(C),” and inserting “subsection (e)(2)(C),”; and

(3) in subsection (h)(3)(A), by striking “the alien” and inserting “an alien”.

(j) Section 218.—Section 218 (8 U.S.C. 1188) is amended—

(1) by inserting “of Labor” after “Secretary” each place that term appears, except that this amendment shall not apply to references to the “Secretary of Labor” or to the “Secretary of Agriculture”;

(2) in subsection (c)(3)(B)(iii), by striking “Secretary’s” and inserting “Secretary of Labor’s”; and

(3) in subsection (g)(4), by striking “Secretary’s” and inserting “Secretary of Agriculture’s”.

(k) Section 219.—Section 219 (8 U.S.C. 1189) is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a close parenthesis after “section 212(a)(3)(B)”; and

(B) by striking the close parenthesis before the semicolon;
(2) in subsection (c)(3)(D), by striking “(2),” and inserting “(2);”; and

(3) in subsection (d)(4), by striking “the Secretary of the Treasury” and inserting “the Secretary of Homeland Security, the Secretary of the Treasury,”.

(l) **SECTION 222.**—Section 222 (8 U.S.C. 1202)—

(1) by inserting “or the Secretary” after “Secretary of State” each place that term appears; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting “, the Department,” after “Department of State”; and

(B) in paragraph (2), by striking “Secretary’s” and inserting “their”.

(m) **SECTION 231.**—Section 231 (8 U.S.C. 1221) is amended—

(1) in subsection (e)(10), by striking “Attorney General,” and inserting “Secretary,”;  
(2) in subsection (f), by striking “Attorney General” each place that term appears and inserting “Secretary”;  
(3) in subsection (g)—
(A) by striking “Attorney General” each places that term appears and inserting “Secretary”; 

(B) by striking “Commissioner” each place that term appears and inserting “Secretary”; and 

(4) in subsection (h), by striking “Attorney General” each place that term appears and inserting “Secretary”.

(n) SECTION 236.—Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)(2)(A), by inserting “the Secretary or” before “the Attorney General” the third place that term appears; and 

(2) in subsection (e)—

(A) by striking “review.” and inserting “review, other than administrative review by the Attorney General pursuant to the authority granted under section 103(g).”; and 

(B) by inserting “the Secretary or” before “the Attorney General under”. 

(o) SECTION 236A.—Section 236A(a)(4) (8 U.S.C. 1226a(a)(4)) is amended by striking “Deputy Attorney General” both places that term appears and inserting “Deputy Secretary of Homeland Security”.
(p) Section 237.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “following the initiation by the Secretary of removal proceedings” after “upon the order of the Attorney General”; and

(2) in paragraph (2)(E), in the subparagraph heading, by striking “, CRIMES AGAINST CHILDREN AND” and inserting “; CRIMES AGAINST CHILDREN”.

(q) Section 238.—Section 238 (8 U.S.C. 1228) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “Attorney General” each place that term appears and inserting “Secretary”; and

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

(2) in subsection (e), as redesignated by section 1503(a)(4)—

(A) by striking “Commissioner” each place that term appears and inserting “Secretary”; and

(B) by striking “Attorney General” each place that term appears and inserting “Secretary”; and
(C) in subparagraph (D)(iv), by striking “Attorney General” and inserting “United States Attorney”.

(r) SECTION 239.—Section 239(a)(1) (8 U.S.C. 1229(a)(1)) is amended by inserting “and the Secretary” after “Attorney General” each place that term appears.

(s) SECTION 240.—Section 240 (8 U.S.C. 1229a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “, with the concurrence of the Secretary with respect to employees of the Department” after “Attorney General”; and

(B) in paragraph (5)(A), by inserting “the Secretary or” before “the Attorney General”; and

(2) in subsection (c)—

(A) in paragraph (2), by inserting “, the Secretary of State, or the Secretary” before “to be confidential”; and

(B) in paragraph (7)(C)(iv)(I), by striking “240A(b)(2)” and inserting “section 240A(b)(2)”.

(t) SECTION 240A.—Section 240A(b) (8 U.S.C. 1229b(b)) is amended—
(1) in paragraph (3), by striking “Attorney General shall” and inserting “Secretary shall”; and

(2) in paragraph (4)(A), by striking “Attorney General” and inserting “Secretary”.

(u) SECTION 240B.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a), in paragraphs (1) and (3), by inserting “or the Secretary” after “Attorney General” each place that term appears; and

(2) in subsection (c), by inserting “and the Secretary” after “Attorney General”.

(v) SECTION 241.—Section 241 (8 U.S.C. 1231) is amended—

(1) in subsection (a)(4)(B)(i), by inserting a close parenthesis after “(L)”;

(2) in subsection (g)(2)—

(A) by striking the paragraph heading and inserting “DETENTION FACILITIES OF THE DEPARTMENT OF HOMELAND SECURITY.—”; and

(B) by striking “Service, the Commissioner” and inserting “Department, the Secretary”.

(w) SECTION 242.—Section 242(g) (8 U.S.C. 1252(g)) is amended by inserting “the Secretary or” before “the Attorney General”.
Section 243.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subsection (c)(1)—

(A) by striking “Attorney General” each place that term appears and inserting “Secretary”; and

(B) by striking “Commissioner” each place that term appears and inserting “Secretary”; and

(2) in subsection (d), by inserting “of State” after “notifies the Secretary”.

Section 244.—Section 244 (8 U.S.C. 1254a) is amended—

(1) in subsection (c)(2), by inserting “or the Secretary” after “Attorney General” each place the term appears; and

(2) in subsection (g), by inserting “or the Secretary” after “Attorney General”.

Section 245.—Section 245 (8 U.S.C. 1255) is amended—

(1) by inserting “or the Secretary” after “Attorney General” each place that term appears except in subsections (j) (other than the first reference), (l), and (m);
(2) in subsection (c)(5), by striking the comma after “section 101(a)(15)(S)’’ and inserting a semi-colon;

(3) in subsection (k)(1), adding an “and” at the end;

(4) in subsection (l)—

(A) in paragraph (1), by inserting a comma after “appropriate”; and

(B) in paragraph (2)—

(i) in the matter preceding paragraph (1), by striking “Attorney General’s” and inserting “Secretary’s”; and

(ii) in subparagraph (B), by striking “(10(E))” and inserting “(10)(E))”.

(aa) SECTION 245A.—Section 245A (8 U.S.C. 1255a) is amended—

(1) in subsection (c)(7), by striking subparagraph (C); and

(2) in subsection (h)—

(A) in paragraph (4)(C), by striking “The The” and inserting “The”; and

(B) in paragraph (5), by striking “(Public Law 96–122),” and inserting “(8 U.S.C. 1522 note),”.
(bb) Section 246.—Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting “or the Secretary” after “of the Attorney General”;

(2) by inserting “or the Secretary” after “status, the Attorney General”; and

(3) by striking “Attorney General to rescind” and inserting “Secretary to rescind”.

(cc) Section 249.—Section 249 (8 U.S.C. 1259) is amended by inserting “or the Secretary” after “Attorney General” each place that term appears.

(dd) Section 251.—Section 251(d) (8 U.S.C. 1281(d)) is amended—

(1) by striking “Attorney General” each place that term appears and inserting “Secretary”; and

(2) by striking “Commissioner” each place that term appears and inserting “Secretary”.

(ee) Section 254.—Section 254(a) (8 U.S.C. 1284(a)) is amended by striking “Commissioner” each place that term appears and inserting “Secretary”.

(ff) Section 255.—Section 255 (8 U.S.C. 1285) is amended by striking “Commissioner” each place that term appears and inserting “Secretary”.

(gg) Section 256.—Section 256 (8 U.S.C. 1286) is amended—
(1) by striking “Commissioner” each place that term appears and inserting “Secretary”; 

(2) in the first and second sentences, by striking “Attorney General” each place that term appears and inserting “Secretary”. 

(hh) SECTION 258.—Section 258 (8 U.S.C. 1288) is amended—

(1) by inserting “of Labor” after “Secretary” each place that term appears (except for in subsection (e)(2)), except that this amendment shall not apply to references to the “Secretary of Labor”, “the Secretary of State”;

(2) in subsection (d)(2)(A), by striking “at” after “while”; and

(3) in subsection (e)(2), by striking “the Secretary shall” and inserting “the Secretary of State shall”.

(ii) SECTION 264.—Section 264(f) (8 U.S.C. 1304(f)) is amended by striking “Attorney General is” and inserting “Attorney General and the Secretary are”.

(jj) SECTION 272.—Section 272 (8 U.S.C. 1322) is amended by striking “Commissioner” each place that term appears and inserting “Secretary”.

(kk) SECTION 273.—Section 273 (8 U.S.C. 1323) is amended—
(1) by striking “Commissioner” each place that term appears and inserting “Secretary”; and

(2) by striking “Attorney General” each place that term appears (except in subsection (e), in the matter preceding paragraph (1)) and inserting “Secretary”.

(II) SECTION 274.—Section 274(b)(2) (8 U.S.C. 1324(b)(2)) is amended by striking “Secretary of the Treasury” and inserting “Secretary”.

(mm) SECTION 274B.—Section 274B(f)(2) (8 U.S.C. 1324b(f)(2)) is amended by striking “subsection” and inserting “section”.

(nn) SECTION 274C.—Section 274C(d)(2)(A) (8 U.S.C. 1324c(d)(2)(A)) is amended by inserting “or the Secretary” after “subsection (a), the Attorney General”.

(oo) SECTION 274D.—Section 274D(a)(2) (8 U.S.C. 1324d(a)(2)) is amended by striking “Commissioner” and inserting “Secretary”.

(pp) SECTION 286.—Section 286 (8 U.S.C. 1356) is amended—

(1) in subsection (q)(1)(B), by striking “, in consultation with the Secretary of the Treasury,”;

(2) in subsection (r)(2), by striking “section 245(i)(3)(b)” and inserting “section 245(i)(3)(B)”;

(3) in subsection (s)(5)—
(A) by striking “5 percent” and inserting

“USE OF FEES FOR DUTIES RELATING TO PETI-

TIONS.—Five percent”; and

(4) by striking “paragraph (1) (C) or (D) of

section 204” and inserting “subparagraph (C) or

(D) of section 204(a)(1)”; and

(5) in subsection (v)(2)(A)(i), by adding “of”

after “number”.

(qq) SECTION 294.—Section 294 (8 U.S.C. 1363a)
is amended—

(1) in subsection (a), in the undesignated mat-

ter following paragraph (4), by striking “Commis-

sioner, in consultation with the Deputy Attorney

General,” and inserting “Secretary”; and

(2) in subsection (d), by striking “Deputy At-

torney General” and inserting “Secretary”.

SEC. 7004. TECHNICAL AMENDMENTS TO TITLE III OF THE

IMMIGRATION AND NATIONALITY ACT.

(a) SECTION 316.—Section 316 (8 U.S.C. 1427) is

amended—

(1) in subsection (d), by inserting “or by the

Secretary” after “Attorney General”; and

(2) in subsection (f)(1), by striking “Inte-

ligence, the Attorney General and the Commissioner
of Immigration” and inserting “Intelligence and the Secretary”.

(b) Section 322.—Section 322(a)(1) (8 U.S.C. 1433(a)(1)) is amended—

(1) by inserting “is” before “(or,”; and

(2) by striking “is” before “a citizen”.

(c) Section 342.—

(1) Section heading.—

(A) In general.—Section 342 (8 U.S.C. 1453) is amended by striking the section heading and inserting “CANCELLATION OF CERTIFICATES; ACTION NOT TO AFFECT CITIZENSHIP STATUS”.

(B) Clerical amendment.—The table of contents in the first section is amended by striking the item relating to section 342 and inserting the following:

“Sec. 342. Cancellation of certificates; action not to affect citizenship status.”.

(2) In general.—Section 342 (8 U.S.C. 1453) is amended—

(A) by striking “heretofore issued or made by the Commissioner or a Deputy Commissioner or hereafter made by the Attorney General”; and

(B) by striking “practiced upon, him or the Commissioner or a Deputy Commissioner;”.

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SEC. 7005. TECHNICAL AMENDMENT TO TITLE IV OF THE IMMIGRATION AND NATIONALITY ACT.


SEC. 7006. TECHNICAL AMENDMENTS TO TITLE V OF THE IMMIGRATION AND NATIONALITY ACT.

(a) Section 504.—Section 504 (8 U.S.C. 1534) is amended—

(1) in subsection (a)(1)(A), by striking “a” before “removal proceedings”; 

(2) in subsection (i), by striking “Attorney General” inserting “Government”; and 

(3) in subsection (k)(2), by striking “by”.

(b) Section 505.—Section 505(e)(2) (8 U.S.C. 1535(e)(2)) is amended by inserting “and the Secretary” after “Attorney General”.

SEC. 7007. OTHER AMENDMENTS.

(a) Correction of Commissioner of Immigration and Naturalization.—

(1) In general.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) as amended by this Act, is further amended by striking “Commissioner” and “Commissioner of Immigration and Naturalization” each place those terms appear and inserting “Secretary”.

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(2) Exception for Commissioner of Social Security.—The amendment made by paragraph (1) shall not apply to any reference to the “Commissioner of Social Security”.

(b) Correction of Immigration and Naturalization Service.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking “Service” and “Immigration and Naturalization Service” each place those terms appear and inserting “Department”.

(c) Correction of Department of Justice.—

(1) In General.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking “Department of Justice” each place that term appears and inserting “Department”.

(2) Exceptions.—The amendment made by paragraph (1) shall not apply in—

(A) subsections (d)(3)(A) and (r)(5)(A) of section 214 (8 U.S.C. 1184);

(B) section 274B(c)(1) (8 U.S.C. 1324b(c)(1)); or

(C) title V (8 U.S.C. 1531 et seq.).

(d) Correction of Attorney General.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) as
amended by this Act, is further amended by striking “Attorney General” each place that term appears and inserting “Secretary”, except for in the following:

(1) Any joint references to the “Attorney General and the Secretary of Homeland Security” or “the Secretary of Homeland Security and the Attorney General”.

(2) Section 101(a)(5).

(3) Subparagraphs (S), (T), and (V) of section 101(a)(15).

(4) Section 101(a)(47)(A).

(5) Section 101(b)(4).

(6) Subsections (a)(1) and (g) of section 103.

(7) Subsections (b)(1) and (c) of section 105.

(8) Section 204(e).

(9) Section 208.

(10) Subparagraphs (C), (H), and (I) of section 212(a)(2).

(11) Subparagraphs (A), (B)(ii)(II), and (D) of section 212(a)(3).

(12) Section 212(a)(9)(C)(iii).

(13) Paragraphs (11) and (12) of section 212(d).

(14) Subsections (g), (h), (i), (k), and (s) of section 212.
(15) Subsections (a)(1) and (f)(6)(B) of section 213A.

(16) Section 216(d)(2)(c).

(17) Section 219(d)(4).


(19) The second sentence of section 236(e).

(20) Section 237.

(21) Paragraphs (1), (3), and (4)(A) of section 238(a).

(22) Paragraphs (1) and (5) of section 238(b).

(23) Section 238(c)(2)(D)(iv).

(24) Subsections (a) and (b) of section 239.

(25) Section 240.

(26) Section 240A.

(27) Subsections (a)(1), (a)(3), (b), and (c) of section 240B.


(29) Section 241(b)(3) (except for the first reference in subparagraph (A), to which the amendment shall apply).

(30) Section 241(i) (except for paragraph (3)(B)(i), to which the amendment shall apply).

(31) Section 242(a)(2)(B).
(32) Section 242(b) (except for paragraph (8), to which the amendment shall apply).

(33) Section 242(g).

(34) Subsections (a)(3)(C), (c)(2), (e), and (g) of section 244.

(35) Section 245 (except for subsection (i)(1)(B)(i), subsection (i)(3)) and the first reference to the Attorney General in subsection 245(j)).

(36) Section 245A(a)(1)(A).

(37) Section 246(a).

(38) Section 249.

(39) Section 264(f).

(40) Section 274(e).

(41) Section 274A.

(42) Section 274B.

(43) Section 274C.

(44) Section 292.

(45) Subsections (d) and (f)(1) of section 316.

(46) Section 342.

(47) Section 412(f)(1)(A).

(48) Title V (except for subsections 506(a)(1) and 507(b), (c), and (d) (first reference), to which the amendment shall apply).

SEC. 7008. REPEALS; RULE OF CONSTRUCTION.

(a) Repeals.—
(1) Immigration and Naturalization Service.—

(A) In General.—Section 4 of the Act of February 14, 1903 (32 Stat. 826, chapter 552; 8 U.S.C. 1551) is repealed.

(B) 8 U.S.C. 1551.—The language of the compilers set out in section 1551 of title 8 of the United States Code shall be removed from the compilation of such title 8.

(2) Commissioner of Immigration and Naturalization; Office.—

(A) In General.—Section 7 of the Act of March 3, 1891 (26 Stat. 1085, chapter 551; 8 U.S.C. 1552) is repealed.

(B) 8 U.S.C. 1552.—The language of the compilers set out in section 1552 of title 8 of the United States Code shall be removed from the compilation of such title 8.

(3) Assistant Commissioners and District Director; Compensation and Salary Grade.—

Title II of the Department of Justice Appropriation Act, 1957 (70 Stat. 307, chapter 414; 8 U.S.C. 1553) is amended, in the matter under the heading “Immigration and Naturalization Service” and under the subheading “SALARIES AND EX-
PENSES”, by striking “That the compensation of
the five assistant commissioners and one district di-
rector shall be at the rate of grade GS–16: Provided
further”.

(4) SPECIAL IMMIGRANT INSPECTORS AT WASH-
NINGTON.—The Act of March 2, 1895 (28 Stat. 780,
chapter 177; 8 U.S.C. 1554) is amended in the mat-
ter following the heading “Bureau of Immigration:”
by striking “That hereafter special immigrant in-
spectors, not to exceed three, may be detailed for
duty in the Bureau at Washington: And provided
further,”.

(b) RULE OF CONSTRUCTION.—Nothing in this title
may be construed to repeal or limit the applicability of
sections 462 and 1512 of the Homeland Security Act of
2002 (6 U.S.C. 279 and 552) with respect to any provi-
sion of law or matter not specifically addressed by the
amendments made by this title.

SEC. 7009. MISCELLANEOUS TECHNICAL CORRECTION.

Section 7 of the Central Intelligence Agency Act of
1949 (50 U.S.C. 3508) is amended by striking “Commis-
sioner of Immigration” and inserting “Secretary of Home-
land Security”.

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A BILL

To strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

BE IT ENACTED, by the Senate and House of Representatives of the United States of America in Congress assembled, That S. 2192 be, and the same is hereby, passed into law:

BE IT FURTHER ENACTED, That the provisions of this Act shall be effective upon its enactment.