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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To provide relief from removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States before reaching the age of 18, improve border security, foster United States engagement in Central America, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HURD (for himself, Mr. AGUILAR, and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on _____

A BILL

To provide relief from removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States before reaching the age of 18, improve border security, foster United States engagement in Central America, and for other purposes.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Uniting and Securing America Act of 2017” or as the
4 “USA Act of 2017”.

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

Sec. 1. Short title; table of contents.

**TITLE I—ADJUSTMENT OF STATUS FOR CERTAIN INDIVIDUALS
WHO ENTERED THE UNITED STATES AS CHILDREN**

Sec. 101. Definitions.

Sec. 102. Permanent resident status on a conditional basis for certain long-
term residents who entered the United States as children.

Sec. 103. Terms of permanent resident status on a conditional basis.

Sec. 104. Removal of conditional basis of permanent resident status.

Sec. 105. Documentation requirements.

Sec. 106. Rulemaking.

Sec. 107. Confidentiality of information.

Sec. 108. Restoration of state option to determine residency for purposes of
higher education benefits.

**TITLE II—SECURE MILES WITH ALL RESOURCES AND
TECHNOLOGY**

Sec. 201. Definitions.

Subtitle A—Infrastructure and Equipment

Sec. 211. Strengthening the requirements for border security technology along
the southern border.

Sec. 212. Comprehensive southern border strategy.

Sec. 213. Control or eradication of carrizo cane and salt cedar.

Sec. 214. Air and Marine Operations flight hours.

Sec. 215. Ports of entry infrastructure.

Subtitle B—Grants

Sec. 221. Operation Stonegarden.

Sec. 222. Southern border region emergency communications grant.

**TITLE III—REDUCING SIGNIFICANT DELAYS IN IMMIGRATION
COURT**

Sec. 301. Eliminate Immigration Court backlogs.

Sec. 302. Improved training for Immigration judges and members of the board
of immigration appeals.

Sec. 303. New technology to improve court efficiency.

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

Sec. 401. Definitions.

Subtitle A—Effectively Coordinating United States Engagement in Central America

Sec. 411. United States coordinator for engagement in Central America.

Subtitle B—Targeting Assistance to Appropriate Communities in the Northern Triangle

Sec. 421. Targeting assistance to appropriate communities.

Subtitle C—Regional Millennium Challenge Corporation Compacts

Sec. 431. MCC compacts.

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

Sec. 441. Requirement for strategy to secure support of international donors and partners.

1 **TITLE I—ADJUSTMENT OF STA-**
2 **TUS FOR CERTAIN INDIVID-**
3 **UALS WHO ENTERED THE**
4 **UNITED STATES AS CHIL-**
5 **DREN**

6 **SEC. 101. DEFINITIONS.**

7 In this title:

8 (1) IN GENERAL.—Except as otherwise specifi-
9 cally provided, any term used in this title that is
10 used in the immigration laws shall have the meaning
11 given such term in the immigration laws.

12 (2) DACA.—The term “DACA” means de-
13 ferred action granted to an alien pursuant to the
14 Deferred Action for Childhood Arrivals program an-
15 nounced by President Obama on June 15, 2012.

1 (3) DISABILITY.—The term “disability” has the
2 meaning given such term in section 3(1) of the
3 Americans with Disabilities Act of 1990 (42 U.S.C.
4 12102(1)).

5 (4) EARLY CHILDHOOD EDUCATION PRO-
6 GRAM.—The term “early childhood education pro-
7 gram” has the meaning given such term in section
8 103 of the Higher Education Act of 1965 (20
9 U.S.C. 1003).

10 (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-
11 ONDARY SCHOOL.—The terms “elementary school”,
12 “high school”, and “secondary school” have the
13 meanings given such terms in section 8101 of the
14 Elementary and Secondary Education Act of 1965
15 (20 U.S.C. 7801).

16 (6) IMMIGRATION LAWS.—The term “immigra-
17 tion laws” has the meaning given such term in sec-
18 tion 101(a)(17) of the Immigration and Nationality
19 Act (8 U.S.C. 1101(a)(17)).

20 (7) INSTITUTION OF HIGHER EDUCATION.—The
21 term “institution of higher education”—

22 (A) except as provided in subparagraph
23 (B), has the meaning given such term in section
24 102 of the Higher Education Act of 1965 (20
25 U.S.C. 1002); and

1 (B) does not include an institution of high-
2 er education outside of the United States.

3 (8) PERMANENT RESIDENT STATUS ON A CON-
4 DITIONAL BASIS.—The term “permanent resident
5 status on a conditional basis” means status as an
6 alien lawfully admitted for permanent residence on
7 a conditional basis under this title.

8 (9) POVERTY LINE.—The term “poverty line”
9 has the meaning given such term in section 673 of
10 the Community Services Block Grant Act (42 U.S.C.
11 9902).

12 (10) SECRETARY.—Except as otherwise specifi-
13 cally provided, the term “Secretary” means the Sec-
14 retary of Homeland Security.

15 (11) UNIFORMED SERVICES.—The term “Uni-
16 formed Services” has the meaning given the term
17 “uniformed services” in section 101(a) of title 10,
18 United States Code.

19 **SEC. 102. PERMANENT RESIDENT STATUS ON A CONDI-**
20 **TIONAL BASIS FOR CERTAIN LONG-TERM**
21 **RESIDENTS WHO ENTERED THE UNITED**
22 **STATES AS CHILDREN.**

23 (a) CONDITIONAL BASIS FOR STATUS.—Notwith-
24 standing any other provision of law, and except as pro-
25 vided in subsection (c)(2) of section 104, an alien shall

1 be considered, at the time of obtaining the status of an
2 alien lawfully admitted for permanent residence under this
3 section, to have obtained such status on a conditional basis
4 subject to the provisions under this title.

5 (b) REQUIREMENTS.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, the Secretary shall cancel the re-
8 moval of, and adjust to the status of an alien law-
9 fully admitted for permanent residence on a condi-
10 tional basis, or without such conditional basis as
11 provided in subsection (c)(2) of section 104, an alien
12 who is inadmissible or deportable from the United
13 States or is in temporary protected status under sec-
14 tion 244 of the Immigration and Nationality Act (8
15 U.S.C. 1254a), if—

16 (A) the alien has been continuously phys-
17 ically present in the United States since Decem-
18 ber 31, 2013;

19 (B) the alien was younger than 18 years of
20 age on the date on which the alien initially en-
21 tered the United States;

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

24 (i) is not inadmissible under para-
25 graph (2), (3), (6)(E), (6)(G), (8),

1 (10)(A), (10)(C), or (10)(D) of section
2 212(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1182(a));

4 (ii) has not ordered, incited, assisted,
5 or otherwise participated in the persecution
6 of any person on account of race, religion,
7 nationality, membership in a particular so-
8 cial group, or political opinion; and

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

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

18 (II) any combination of offenses
19 under Federal or State law, for which
20 the alien was sentenced to imprison-
21 ment for a total of more than 1 year;
22 or

23 (III) a crime of domestic violence
24 (as such term is defined in section
25 237(a)(2)(E)(i) of the Immigration

1 and Nationality Act (8 U.S.C.
2 1227(a)(2)(E)(i)), unless—

3 (aa) the alien has filed an
4 application under section
5 101(a)(15)(T), 101(a)(15)(U),
6 106, or 240A(b)(2) of the Immi-
7 gration and Nationality Act or
8 section 244(a)(3) of such Act (as
9 in effect on March 31, 1997);

10 (bb) the alien is a VAWA
11 self-petitioner for immigration re-
12 lief, as defined in section
13 101(a)(51) of the Immigration
14 and Nationality Act;

15 (cc) the alien provides evi-
16 dence that the alien's crime of
17 domestic violence is related to her
18 or his having been a victim her-
19 self or himself of domestic vio-
20 lence, sexual assault, stalking,
21 child abuse or neglect, elder
22 abuse or neglect, human traf-
23 ficking, having been battered or
24 subjected to extreme cruelty, hav-
25 ing been a victim of criminal ac-

1 tivity described in section
2 101(a)(15)(U)(iii) of the Immi-
3 gration and Nationality Act; or

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

9 (D) the alien—

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

12 (ii) has earned a high school diploma
13 or a commensurate alternative award from
14 a public or private high school, or has ob-
15 tained a general education development
16 certificate recognized under State law or a
17 high school equivalency diploma in the
18 United States; or

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

22 (I) obtaining a regular high
23 school diploma or its recognized equiv-
24 alent under State law; or

1 (II) in passing a general edu-
2 cational development exam, a high
3 school equivalence diploma examina-
4 tion, or other similar State-authorized
5 exam.

6 (2) WAIVER.—With respect to any benefit
7 under this title, the Secretary may waive subclauses
8 (I), (II), and (III) of subsection (b)(1)(C)(iii) of this
9 section, and the grounds of inadmissibility under
10 paragraph (2), (6)(E), (6)(G), or (10)(D) of section
11 212(a) of the Immigration and Nationality Act (8
12 U.S.C. 1182(a)) for humanitarian purposes, family
13 unity, or if the waiver is otherwise in the public in-
14 terest.

15 (3) TREATMENT OF EXPUNGED CONVIC-
16 TIONS.—For purposes of cancellation of removal, ad-
17 justment to permanent resident status on a condi-
18 tional basis, or other adjustment of status, the term
19 “conviction” does not include an adjudication or
20 judgment of guilt that has been dismissed, ex-
21 punged, deferred, annulled, invalidated, withheld,
22 sealed, vacated, pardoned, an order of probation
23 without entry of judgment, or any similar rehabilita-
24 tive disposition.

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

8 (5) APPLICATION FEE.—

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

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

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

18 (II) received total income, during the
19 12-month period immediately preceding the
20 date on which the alien files an application
21 under this section, that is less than 150
22 percent poverty line; and

23 (III) is in foster care or otherwise
24 lacking any parental or other familial sup-
25 port;

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

3 (iii)(I) cannot care for himself or her-
4 self because of a serious, chronic disability;
5 and

6 (II) received total income, during the
7 12-month period immediately preceding the
8 date on which the alien files an application
9 under this section, that is less than 150
10 percent of the poverty line; or

11 (iv)(I) during the 12-month period im-
12 mediately preceding the date on which the
13 alien files an application under this sec-
14 tion, accumulated \$10,000 or more in debt
15 as a result of unreimbursed medical ex-
16 penses incurred by the alien or an imme-
17 diate family member of the alien; and

18 (II) received total income, during the
19 12-month period immediately preceding the
20 date on which the alien files an application
21 under this section, that is less than 150
22 percent of the poverty line.

23 (6) SUBMISSION OF BIOMETRIC AND BIO-
24 GRAPHIC DATA.—The Secretary may not grant an
25 alien permanent resident status on a conditional

1 basis under this section unless the alien submits bio-
2 metric and biographic data, in accordance with pro-
3 cedures established by the Secretary. The Secretary
4 shall provide an alternative procedure for aliens who
5 are unable to provide such biometric or biographic
6 data because of a physical impairment.

7 (7) BACKGROUND CHECKS.—

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

12 (i) to conduct security and law en-
13 forcement background checks of an alien
14 seeking permanent resident status on a
15 conditional basis under this section; and

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

20 (B) COMPLETION OF BACKGROUND
21 CHECKS.—The security and law enforcement
22 background checks of an alien required under
23 subparagraph (A) shall be completed, to the
24 satisfaction of the Secretary, before the date on
25 which the Secretary grants such alien perma-

1 nent resident status on a conditional basis
2 under this section.

3 (8) MEDICAL EXAMINATION.—

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

8 (B) POLICIES AND PROCEDURES.—The
9 Secretary, with the concurrence of the Sec-
10 retary of Health and Human Services, shall
11 prescribe policies and procedures for the nature
12 and timing of the examination required under
13 subparagraph (A).

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

20 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

21 (1) TERMINATION OF CONTINUOUS PERIOD.—
22 Any period of continuous physical presence in the
23 United States of an alien who applies for permanent
24 resident status on a conditional basis under this sec-
25 tion shall not terminate when the alien is served a

1 notice to appear under section 239(a) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1229(a)).

3 (2) TREATMENT OF CERTAIN BREAKS IN PRES-
4 ENCE.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraphs (B) and (C), an alien shall be
7 considered to have failed to maintain contin-
8 uous physical presence in the United States
9 under subsection (b)(1)(A) if the alien has de-
10 parted from the United States for any period
11 exceeding 90 days or for any periods, in the ag-
12 gregate, exceeding 180 days.

13 (B) EXTENSIONS FOR EXTENUATING CIR-
14 CUMSTANCES.—The Secretary may extend the
15 time periods described in subparagraph (A) for
16 an alien who demonstrates that the failure to
17 timely return to the United States was due to
18 extenuating circumstances beyond the alien's
19 control, including the serious illness of the
20 alien, or death or serious illness of a parent,
21 grandparent, sibling, or child of the alien.

22 (C) TRAVEL AUTHORIZED BY THE SEC-
23 RETARY.—Any period of travel outside of the
24 United States by an alien that was authorized
25 by the Secretary may not be counted toward

1 any period of departure from the United States
2 under subparagraph (A).

3 (d) LIMITATION ON REMOVAL OF CERTAIN
4 ALIENS.—

5 (1) IN GENERAL.—The Secretary or the Attor-
6 ney General may not remove an alien who appears
7 prima facie eligible for relief under this section.

8 (2) ALIENS SUBJECT TO REMOVAL.—The Sec-
9 retary shall provide a reasonable opportunity to
10 apply for relief under this section to any alien who
11 requests such an opportunity or who appears prima
12 facie eligible for relief under this section if the alien
13 is in removal proceedings, is the subject of a final
14 removal order, or is the subject of a voluntary depar-
15 ture order.

16 (3) CERTAIN ALIENS ENROLLED IN ELEMEN-
17 TARY OR SECONDARY SCHOOL.—

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

21 (i) meets all the requirements under
22 subparagraphs (A), (B), and (C) of sub-
23 section (b)(1), subject to paragraphs (2)
24 and (3) of such subsection;

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

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

4 (B) COMMENCEMENT OF REMOVAL PRO-
5 CEEDINGS.—The Secretary may not commence
6 removal proceedings for an alien described in
7 subparagraph (A).

8 (C) EMPLOYMENT.—An alien whose re-
9 moval is stayed pursuant to subparagraph (A)
10 or who may not be placed in removal pro-
11 ceedings pursuant to subparagraph (B) shall,
12 upon application to the Secretary, be granted
13 an employment authorization document.

14 (D) LIFT OF STAY.—The Secretary or At-
15 torney General may not lift the stay granted to
16 an alien under subparagraph (A) unless the
17 alien ceases to meet the requirements under
18 such subparagraph.

19 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—
20 Nothing in this section or in any other law may be con-
21 strued to apply a numerical limitation on the number of
22 aliens who may be granted permanent resident status, on
23 a conditional basis or otherwise, under this title.

1 **SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A**
2 **CONDITIONAL BASIS.**

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

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

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

8 (b) NOTICE OF REQUIREMENTS.—At the time an
9 alien obtains permanent resident status on a conditional
10 basis, the Secretary shall provide notice to the alien re-
11 garding the provisions of this title and the requirements
12 to have the conditional basis of such status removed.

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

16 (1) determines that the alien ceases to meet the
17 requirements under paragraph (1)(C) of section
18 102(b), subject to paragraphs (2) and (3) of that
19 section; and

20 (2) prior to the termination, provides the
21 alien—

22 (A) notice of the proposed termination;
23 and

24 (B) the opportunity for a hearing to pro-
25 vide evidence that the alien meets such require-
26 ments or otherwise contest the termination.

1 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), an alien whose permanent resident status
4 on a conditional basis expires under subsection
5 (a)(1) or is terminated under subsection (c) or
6 whose application for such status is denied shall re-
7 turn to the immigration status that the alien had
8 immediately before receiving permanent resident sta-
9 tus on a conditional basis or applying for such sta-
10 tus, as appropriate.

11 (2) SPECIAL RULE FOR TEMPORARY PRO-
12 TECTED STATUS.—An alien whose permanent resi-
13 dent status on a conditional basis expires under sub-
14 section (a)(1) or is terminated under subsection (c)
15 or whose application for such status is denied and
16 who had temporary protected status under section
17 244 of the Immigration and Nationality Act (8
18 U.S.C. 1254a) immediately before receiving or ap-
19 plying for such permanent resident status on a con-
20 ditional basis, as appropriate, may not return to
21 such temporary protected status if—

22 (A) the relevant designation under section
23 244(b) of the Immigration and Nationality Act
24 (8 U.S.C. 1254a(b)) has been terminated; or

1 (B) the Secretary determines that the rea-
2 son for terminating the permanent resident sta-
3 tus on a conditional basis renders the alien in-
4 eligible for such temporary protected status.

5 **SEC. 104. REMOVAL OF CONDITIONAL BASIS OF PERMA-
6 NENT RESIDENT STATUS.**

7 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL
8 BASIS.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the Secretary shall remove the conditional basis of
11 an alien's permanent resident status granted under
12 this title and grant the alien status as an alien law-
13 fully admitted for permanent residence if the alien—

14 (A) is described in paragraph (1)(C) of
15 section 102(b), subject to paragraphs (2) and
16 (3) of that section;

17 (B) has not abandoned the alien's resi-
18 dence in the United States; and

19 (C)(i) has acquired a degree from an insti-
20 tution of higher education or has completed at
21 least 2 years, in good standing, in a postsec-
22 ondary vocational program or in a program for
23 a bachelor's degree or higher degree in the
24 United States;

1 (ii) has served in the Uniformed Services
2 for at least the period for which the alien was
3 obligated to serve on active duty and, if dis-
4 charged, received an honorable discharge; or

5 (iii) has been employed for periods totaling
6 at least 3 years and at least 80 percent of the
7 time that the alien has had a valid employment
8 authorization, except that any period during
9 which the alien is not employed while having a
10 valid employment authorization and is enrolled
11 in an institution of higher education, a sec-
12 ondary school, or an education program de-
13 scribed in section 3(b)(1)(D)(iii), shall not
14 count toward the time requirements under this
15 clause.

16 (2) **HARDSHIP EXCEPTION.**—The Secretary
17 shall remove the conditional basis of an alien’s per-
18 manent resident status and grant the alien status as
19 an alien lawfully admitted for permanent residence
20 if the alien—

21 (A) satisfies the requirements under sub-
22 paragraphs (A) and (B) of paragraph (1);

23 (B) demonstrates compelling circumstances
24 for the inability to satisfy the requirements
25 under subparagraph (C) of such paragraph; and

1 (C) demonstrates that—

2 (i) the alien has a disability;

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

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

11 (3) CITIZENSHIP REQUIREMENT.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), the conditional basis of an
14 alien's permanent resident status granted under
15 this title may not be removed unless the alien
16 demonstrates that the alien satisfies the re-
17 quirements under section 312(a) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1423(a)).

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

23 (4) APPLICATION FEE.—

24 (A) IN GENERAL.—The Secretary shall re-
25 quire aliens applying for lawful permanent resi-

1 dent status under this section to pay a reason-
2 able fee that is commensurate with the cost of
3 processing the application.

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

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

8 (II) received total income, during the
9 12-month period immediately preceding the
10 date on which the alien files an application
11 under this section, that is less than 150
12 percent of the poverty line; and

13 (III) is in foster care or otherwise
14 lacking any parental or other familial sup-
15 port;

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

18 (iii)(I) cannot care for himself or her-
19 self because of a serious, chronic disability;
20 and

21 (II) received total income, during the
22 12-month period immediately preceding the
23 date on which the alien files an application
24 under this section, that is less than 150
25 percent of the poverty line; or

1 (iv)(I) during the 12-month period im-
2 mediately preceding the date on which the
3 alien files an application under this sec-
4 tion, the alien accumulated \$10,000 or
5 more in debt as a result of unreimbursed
6 medical expenses incurred by the alien or
7 an immediate family member of the alien;
8 and

9 (II) received total income, during the
10 12-month period immediately preceding the
11 date on which the alien files an application
12 under this section, that is less than 150
13 percent of the poverty line.

14 (5) SUBMISSION OF BIOMETRIC AND BIO-
15 GRAPHIC DATA.—The Secretary may not remove the
16 conditional basis of an alien’s permanent resident
17 status unless the alien submits biometric and bio-
18 graphic data, in accordance with procedures estab-
19 lished by the Secretary. The Secretary shall provide
20 an alternative procedure for applicants who are un-
21 able to provide such biometric data because of a
22 physical impairment.

23 (6) BACKGROUND CHECKS.—

24 (A) REQUIREMENT FOR BACKGROUND
25 CHECKS.—The Secretary shall utilize biometric,

1 biographic, and other data that the Secretary
2 determines appropriate—

3 (i) to conduct security and law en-
4 forcement background checks of an alien
5 applying for removal of the conditional
6 basis of the alien's permanent resident sta-
7 tus; and

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

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

19 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
20 TION.—

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

1 in the United States, as an alien lawfully admitted
2 for permanent residence.

3 (2) LIMITATION ON APPLICATION FOR NATU-
4 RALIZATION.—An alien may not apply for natu-
5 ralization while the alien is in permanent resident
6 status on a conditional basis.

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

9 (1) IN GENERAL.—An alien granted lawful per-
10 manent residence on a conditional basis under this
11 title may apply to have such conditional basis re-
12 moved at any time after such alien has met the eligi-
13 bility requirements set forth in subsection (a).

14 (2) APPROVAL WITH REGARD TO INITIAL APPLI-
15 CATIONS.—The Secretary shall provide lawful per-
16 manent residence status without conditional basis to
17 any alien who demonstrates eligibility for lawful per-
18 manent residence status on a conditional basis under
19 section 102, if such alien has already fulfilled the re-
20 quirements of subsection (a) at the time such alien
21 first submits an application for benefits under this
22 title.

1 **SEC. 105. DOCUMENTATION REQUIREMENTS.**

2 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
3 alien’s application for permanent resident status on a con-
4 ditional basis may include, as proof of identity—

5 (1) a passport or national identity document
6 from the alien’s country of origin that includes the
7 alien’s name and the alien’s photograph or finger-
8 print;

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

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

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

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

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

22 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-
23 ICAL PRESENCE IN THE UNITED STATES.—To establish
24 that an alien has been continuously physically present in
25 the United States, as required under section 102(b)(1)(A),
26 or to establish that an alien has not abandoned residence

1 in the United States, as required under section
2 104(a)(1)(B), the alien may submit documents to the Sec-
3 retary, including—

4 (1) employment records that include the em-
5 ployer's name and contact information;

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

8 (3) records of service from the Uniformed Serv-
9 ices;

10 (4) official records from a religious entity con-
11 firming the alien's participation in a religious cere-
12 mony;

13 (5) passport entries;

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

16 (7) automobile license receipts or registration;

17 (8) deeds, mortgages, or rental agreement con-
18 tracts;

19 (9) tax receipts;

20 (10) insurance policies;

21 (11) remittance records;

22 (12) rent receipts or utility bills bearing the
23 alien's name or the name of an immediate family
24 member of the alien, and the alien's address;

1 (13) copies of money order receipts for money
2 sent in or out of the United States;

3 (14) dated bank transactions; or

4 (15) 2 or more sworn affidavits from individ-
5 uals who are not related to the alien who have direct
6 knowledge of the alien's continuous physical pres-
7 ence in the United States, that contain—

8 (A) the name, address, and telephone num-
9 ber of the affiant; and

10 (B) the nature and duration of the rela-
11 tionship between the affiant and the alien.

12 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY
13 INTO THE UNITED STATES.—To establish under section
14 102(b)(1)(B) that an alien was younger than 18 years of
15 age on the date on which the alien initially entered the
16 United States, an alien may submit documents to the Sec-
17 retary, including—

18 (1) an admission stamp on the alien's passport;

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

21 (3) any document from the Department of Jus-
22 tice or the Department of Homeland Security stat-
23 ing the alien's date of entry into the United States;

24 (4) hospital or medical records showing medical
25 treatment or hospitalization, the name of the med-

1 ical facility or physician, and the date of the treat-
2 ment or hospitalization;

3 (5) rent receipts or utility bills bearing the
4 alien's name or the name of an immediate family
5 member of the alien, and the alien's address;

6 (6) employment records that include the em-
7 ployer's name and contact information;

8 (7) official records from a religious entity con-
9 firming the alien's participation in a religious cere-
10 mony;

11 (8) a birth certificate for a child who was born
12 in the United States;

13 (9) automobile license receipts or registration;

14 (10) deeds, mortgages, or rental agreement con-
15 tracts;

16 (11) tax receipts;

17 (12) travel records;

18 (13) copies of money order receipts sent in or
19 out of the country;

20 (14) dated bank transactions;

21 (15) remittance records; or

22 (16) insurance policies.

23 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN
24 INSTITUTION OF HIGHER EDUCATION.—To establish that
25 an alien has been admitted to an institution of higher edu-

1 cation, the alien shall submit to the Secretary a document
2 from the institution of higher education certifying that the
3 alien—

4 (1) has been admitted to the institution; or

5 (2) is currently enrolled in the institution as a
6 student.

7 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-
8 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—

9 To establish that an alien has acquired a degree from an
10 institution of higher education in the United States, the
11 alien shall submit to the Secretary a diploma or other doc-
12 ument from the institution stating that the alien has re-
13 ceived such a degree.

14 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH
15 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-
16 MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—

17 To establish that an alien has earned a high school di-
18 ploma or a commensurate alternative award from a public
19 or private high school, or has obtained a general edu-
20 cational development certificate recognized under State
21 law or a high school equivalency diploma in the United
22 States, the alien shall submit to the Secretary—

23 (1) a high school diploma, certificate of comple-
24 tion, or other alternate award;

1 (2) a high school equivalency diploma or certifi-
2 cate recognized under State law; or

3 (3) evidence that the alien passed a State-au-
4 thorized exam, including the general educational de-
5 velopment exam, in the United States.

6 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
7 EDUCATIONAL PROGRAM.—To establish that an alien is
8 enrolled in any school or education program described in
9 section 102(b)(1)(D)(iii), 102(d)(3)(A)(iii), or
10 104(a)(1)(C), the alien shall submit school records from
11 the United States school that the alien is currently attend-
12 ing that include—

13 (1) the name of the school; and

14 (2) the alien’s name, periods of attendance, and
15 current grade or educational level.

16 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM
17 APPLICATION FEES.—To establish that an alien is exempt
18 from an application fee under section 102(b)(5)(B) or
19 104(a)(4)(B), the alien shall submit to the Secretary the
20 following relevant documents:

21 (1) DOCUMENTS TO ESTABLISH AGE.—To es-
22 tablish that an alien meets an age requirement, the
23 alien shall provide proof of identity, as described in
24 subsection (a), that establishes that the alien is
25 younger than 18 years of age.

1 (2) DOCUMENTS TO ESTABLISH INCOME.—To
2 establish the alien’s income, the alien shall provide—

3 (A) employment records that have been
4 maintained by the Social Security Administra-
5 tion, the Internal Revenue Service, or any other
6 Federal, State, or local government agency;

7 (B) bank records; or

8 (C) at least 2 sworn affidavits from indi-
9 viduals who are not related to the alien and
10 who have direct knowledge of the alien’s work
11 and income that contain—

12 (i) the name, address, and telephone
13 number of the affiant; and

14 (ii) the nature and duration of the re-
15 lationship between the affiant and the
16 alien.

17 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,
18 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR
19 SERIOUS, CHRONIC DISABILITY.—To establish that
20 the alien was in foster care, lacks parental or famil-
21 ial support, is homeless, or has a serious, chronic
22 disability, the alien shall provide at least 2 sworn af-
23 fidavits from individuals who are not related to the
24 alien and who have direct knowledge of the cir-
25 cumstances that contain—

1 (A) a statement that the alien is in foster
2 care, otherwise lacks any parental or other fa-
3 miliar support, is homeless, or has a serious,
4 chronic disability, as appropriate;

5 (B) the name, address, and telephone num-
6 ber of the affiant; and

7 (C) the nature and duration of the rela-
8 tionship between the affiant and the alien.

9 (4) DOCUMENTS TO ESTABLISH UNPAID MED-
10 ICAL EXPENSE.—To establish that the alien has debt
11 as a result of unreimbursed medical expenses, the
12 alien shall provide receipts or other documentation
13 from a medical provider that—

14 (A) bear the provider's name and address;

15 (B) bear the name of the individual receiv-
16 ing treatment; and

17 (C) document that the alien has accumu-
18 lated \$10,000 or more in debt in the past 12
19 months as a result of unreimbursed medical ex-
20 penses incurred by the alien or an immediate
21 family member of the alien.

22 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
23 HARDSHIP EXEMPTION.—To establish that an alien satis-
24 fies one of the criteria for the hardship exemption set forth
25 in section 104(a)(2)(A)(iii), the alien shall submit to the

1 Secretary at least 2 sworn affidavits from individuals who
2 are not related to the alien and who have direct knowledge
3 of the circumstances that warrant the exemption, that
4 contain—

5 (1) the name, address, and telephone number of
6 the affiant; and

7 (2) the nature and duration of the relationship
8 between the affiant and the alien.

9 (j) DOCUMENTS ESTABLISHING SERVICE IN THE
10 UNIFORMED SERVICES.—To establish that an alien has
11 served in the Uniformed Services for at least the period
12 for which the alien was obligated to serve on active duty
13 and, if discharged, received an honorable discharge, the
14 alien shall submit to the Secretary—

15 (1) a Department of Defense form DD–214;

16 (2) a National Guard Report of Separation and
17 Record of Service form 22;

18 (3) personnel records for such service from the
19 appropriate Uniformed Service; or

20 (4) health records from the appropriate Uni-
21 formed Service.

22 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

23 (1) IN GENERAL.—An alien may satisfy the em-
24 ployment requirement under section
25 104(a)(1)(C)(iii) by submitting records that—

1 (A) establish compliance with such employ-
2 ment requirement; and

3 (B) have been maintained by the Social Se-
4 curity Administration, the Internal Revenue
5 Service, or any other Federal, State, or local
6 government agency.

7 (2) OTHER DOCUMENTS.—An alien who is un-
8 able to submit the records described in paragraph
9 (1) may satisfy the employment requirement by sub-
10 mitting at least 2 types of reliable documents that
11 provide evidence of employment, including—

12 (A) bank records;

13 (B) business records;

14 (C) employer records;

15 (D) records of a labor union, day labor
16 center, or organization that assists workers in
17 employment;

18 (E) sworn affidavits from individuals who
19 are not related to the alien and who have direct
20 knowledge of the alien's work, that contain—

21 (i) the name, address, and telephone
22 number of the affiant; and

23 (ii) the nature and duration of the re-
24 lationship between the affiant and the
25 alien; and

1 (F) remittance records.

2 (I) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-
3 UMENTS.—If the Secretary determines, after publication
4 in the Federal Register and an opportunity for public com-
5 ment, that any document or class of documents does not
6 reliably establish identity or that permanent resident sta-
7 tus on a conditional basis is being obtained fraudulently
8 to an unacceptable degree, the Secretary may prohibit or
9 restrict the use of such document or class of documents.

10 **SEC. 106. RULEMAKING.**

11 (a) INITIAL PUBLICATION.—Not later than 90 days
12 after the date of the enactment of this Act, the Secretary
13 shall publish regulations implementing this title in the
14 Federal Register. Such regulations shall allow eligible indi-
15 viduals to immediately apply affirmatively for the relief
16 available under section 102 without being placed in re-
17 moval proceedings.

18 (b) INTERIM REGULATIONS.—Notwithstanding sec-
19 tion 553 of title 5, United States Code, the regulations
20 published pursuant to subsection (a) shall be effective, on
21 an interim basis, immediately upon publication in the Fed-
22 eral Register, but may be subject to change and revision
23 after public notice and opportunity for a period of public
24 comment.

1 (c) FINAL REGULATIONS.—Not later than 180 days
2 after the date on which interim regulations are published
3 under this section, the Secretary shall publish final regula-
4 tions implementing this title.

5 (d) PAPERWORK REDUCTION ACT.—The require-
6 ments under chapter 35 of title 44, United States Code
7 (commonly known as the “Paperwork Reduction Act”),
8 shall not apply to any action to implement this title.

9 **SEC. 107. CONFIDENTIALITY OF INFORMATION.**

10 (a) IN GENERAL.—The Secretary may not disclose
11 or use information provided in applications filed under this
12 title or in requests for DACA for the purpose of immigra-
13 tion enforcement.

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

20 (c) LIMITED EXCEPTION.—Notwithstanding sub-
21 sections (a) and (b), information provided in an applica-
22 tion for permanent resident status on a conditional basis
23 or a request for DACA may be shared with Federal secu-
24 rity and law enforcement agencies—

1 (1) for assistance in the consideration of an ap-
2 plication for permanent resident status on a condi-
3 tional basis;

4 (2) to identify or prevent fraudulent claims;

5 (3) for national security purposes; or

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

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

11 **SEC. 108. RESTORATION OF STATE OPTION TO DETERMINE**
12 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
13 **CATION BENEFITS.**

14 (a) IN GENERAL.—Section 505 of the Illegal Immi-
15 gration Reform and Immigrant Responsibility Act of 1996
16 (8 U.S.C. 1623) is repealed.

17 (b) EFFECTIVE DATE.—The repeal under subsection
18 (a) shall take effect as if included in the original enact-
19 ment of the Illegal Immigration Reform and Immigrant
20 Responsibility Act of 1996 (division C of Public Law 104–
21 208; 110 Stat. 3009–546).

1 **TITLE II—SECURE MILES WITH**
2 **ALL RESOURCES AND TECH-**
3 **NOLOGY**

4 **SEC. 201. DEFINITIONS.**

5 In this title:

6 (1) OPERATIONAL CONTROL.—The term “oper-
7 ational control” has the meaning given such term in
8 section 2(b) of the Secure Fence Act of 2006 (8
9 U.S.C. 1701 note; Public Law 109–367).

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

12 (3) SITUATIONAL AWARENESS.—The term “sit-
13 uational awareness” has the meaning given the term
14 in section 1092(a)(7) of the National Defense Au-
15 thorization Act for Fiscal Year 2017 (Public Law
16 114–328).

17 **Subtitle A—Infrastructure and**
18 **Equipment**

19 **SEC. 211. STRENGTHENING THE REQUIREMENTS FOR BOR-**
20 **DER SECURITY TECHNOLOGY ALONG THE**
21 **SOUTHERN BORDER.**

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

25 (1) in subsection (a)—

1 (A) by inserting “and border technology”
2 before “in the vicinity of”; and

3 (B) by striking “illegal crossings in areas
4 of high illegal entry into the United States” and
5 inserting “, impede, and detect illegal activity in
6 high traffic areas”;

7 (2) in subsection (c)(1), by inserting “and, pur-
8 suant to subsection (d), the installation, operation,
9 and maintenance of technology” after “barriers and
10 roads”; and

11 (3) by adding at the end the following new sub-
12 sections:

13 “(d) INSTALLATION, OPERATION, AND MAINTENANCE OF TECHNOLOGY.—Not later than January 20,
14 2021, the Secretary of Homeland Security, in carrying out
15 subsection (a), shall deploy the most practical and effective
16 technology available along the United States border
17 for achieving situational awareness and operational control
18 of the border.
19

20 “(e) DEFINITIONS.—In this section:

21 “(1) HIGH TRAFFIC AREAS.—The term ‘high
22 traffic areas’ means sectors along the northern,
23 southern, or coastal border that—

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

1 “(B) have significant unlawful cross-border
2 activity.

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

7 “(3) SITUATIONAL AWARENESS DEFINED.—The
8 term ‘situational awareness’ has the meaning given
9 such term in section 1092(a)(7) of the National De-
10 fense Authorization Act for Fiscal Year 2017 (Pub-
11 lic Law 114–328).

12 “(4) TECHNOLOGY.—The term ‘technology’ in-
13 cludes border surveillance and detection technology,
14 including—

15 “(A) radar surveillance systems;

16 “(B) Vehicle and Dismount Exploitation
17 Radars (VADER);

18 “(C) 3-dimensional, seismic acoustic detec-
19 tion and ranging border tunneling detection
20 technology;

21 “(D) sensors;

22 “(E) unmanned cameras;

23 “(F) man-portable and mobile vehicle-
24 mounted unmanned aerial vehicles; and

1 “(G) any other devices, tools, or systems
2 found to be more effective or advanced than
3 those specified in subparagraphs (A) through
4 (F).”.

5 **SEC. 212. COMPREHENSIVE SOUTHERN BORDER STRATEGY.**

6 (a) **REQUIREMENT.**—Not later than one year after
7 the date of the enactment of this Act, the Secretary shall
8 submit to the Committee on Homeland Security of the
9 House of Representatives and the Committee on Home-
10 land Security and Governmental Affairs of the Senate a
11 comprehensive southern border strategy.

12 (b) **CONTENTS.**—The strategy submitted under sub-
13 section (a) shall include—

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

18 (2) a projected per mile cost estimate for each
19 physical barrier, levee, technology, tool, and other
20 device included on the list required under paragraph
21 (1);

22 (3) a detailed account of which type of physical
23 barrier, levee, technology, tool, or other device the
24 Department of Homeland Security believes is nec-
25 essary to achieve and maintain situational awareness

1 and operational control for each linear mile of the
2 southern border;

3 (4) an explanation for why such physical bar-
4 rier, levee, technology, tool, or other device was cho-
5 sen to achieve and maintain situational awareness
6 and operational control for each linear mile of the
7 southern border, including—

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

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

15 (C) the information collected and evaluated
16 from—

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

19 (ii) the Joint Task Force Commander;

20 (iii) the appropriate State Governor;

21 (iv) tribal government officials;

22 (v) border county and city elected offi-
23 cials;

24 (vi) local law enforcement officials;

25 (vii) private property owners;

1 (viii) local community groups, includ-
2 ing human rights organizations; and

3 (ix) other affected stakeholders; and

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

11 (5) a per mile cost calculation for each linear
12 mile of the southern border given the type of phys-
13 ical barrier, levee, technology, tool, or other device
14 chosen to achieve and maintain situational aware-
15 ness and operational control for each linear mile;
16 and

17 (6) a cost justification for each time a more ex-
18 pensive physical barrier, levee, technology, tool, or
19 other device is chosen over a less expensive option,
20 as established by the per mile cost estimates re-
21 quired in paragraph (2).

22 **SEC. 213. CONTROL OR ERADICATION OF CARRIZO CANE**
23 **AND SALT CEDAR.**

24 Not later than January 20, 2019, the Secretary, after
25 coordinating with the heads of relevant Federal, State,

1 and local agencies, shall begin controlling or eradicating,
2 as appropriate, the carrizo cane plant and any salt cedar
3 along the Rio Grande River.

4 **SEC. 214. AIR AND MARINE OPERATIONS FLIGHT HOURS.**

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

10 (b) UNMANNED AERIAL SYSTEM.—The Secretary
11 shall ensure that Air and Marine Operations operate un-
12 manned aerial systems for not less than 24 hours per day
13 for not fewer than five days per week.

14 (c) STUDY AND REPORT.—

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

18 (A) identify deficiencies and opportunities
19 for improvement in the capability of Air and
20 Marine Operations to fulfill air and marine sup-
21 port requirements for the U.S. Border Patrol
22 and other components of the Department of
23 Homeland Security, including support in critical
24 source and transit zones;

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

5 (C) identify deficiencies and opportunities
6 for improvement in the capabilities of the U.S.
7 Border Patrol and other departmental compo-
8 nents to develop rigorous estimates of such re-
9 quirements.

10 (2) REPORT.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary
12 shall submit to the Committee on Homeland Secu-
13 rity of the House of Representatives and the Com-
14 mittee on Homeland Security and Governmental Af-
15 fairs of the Senate a report containing the results of
16 the study required under paragraph (1), including
17 recommendations and timeframes for implementing
18 the recommendations contained in such study.

19 **SEC. 215. PORTS OF ENTRY INFRASTRUCTURE.**

20 (a) ADDITIONAL PORTS OF ENTRY.—

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

25 (2) CONSULTATION.—

1 (A) REQUIREMENT TO CONSULT.—The
2 Secretary shall consult with the Secretary of
3 the Interior, the Secretary of Agriculture, the
4 Administrator of General Services, and appro-
5 priate representatives of State and local govern-
6 ments, tribal governments, community groups,
7 and property owners in the United States prior
8 to selecting a location for any new port con-
9 structed pursuant to paragraph (1).

10 (B) CONSIDERATIONS.—The purpose of
11 the consultations required by subparagraph (A)
12 shall be to minimize any negative impacts of
13 any proposed new port on the environment, cul-
14 ture, commerce, and quality of life of the com-
15 munities and residents located near such new
16 port.

17 (b) EXPANSION AND MODERNIZATION OF HIGH-VOL-
18 UME SOUTHERN BORDER PORTS OF ENTRY.—Not later
19 than September 30, 2018, the Secretary shall provide to
20 the Committee on Homeland Security and Governmental
21 Affairs of the Senate, the Committee on Commerce,
22 Science, and Transportation of the Senate, the Committee
23 on Homeland Security of the House of Representatives,
24 and the Committee on Transportation and Infrastructure
25 of the House of Representatives a plan to expand the pri-

1 mary and secondary inspection lanes for vehicle, cargo,
2 and pedestrian inbound and outbound inspection lanes at
3 the top ten high-volume ports of entry on the southern
4 border, as determined by the Secretary.

5 (c) ESTIMATES OF INSPECTION PROCESSING GOALS
6 AND WAIT-TIME STANDARDS.—The plan required pursu-
7 ant to subsection (b) shall be based on estimates by the
8 Secretary of the number of such inspection lanes required
9 to meet inspection processing goals and wait-time stand-
10 ards established by the Secretary.

11 (d) PORT OF ENTRY PRIORITIZATION.—Prior to con-
12 structing any new ports of entry pursuant to subsection
13 (a), the Secretary shall complete the expansion and mod-
14 ernization of ports of entry pursuant to subsection (b),
15 to the extent practicable.

16 **Subtitle B—Grants**

17 **SEC. 221. OPERATION STONEGARDEN.**

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

21 **“SEC. 2009. OPERATION STONEGARDEN.**

22 “(a) ESTABLISHMENT.—There is established in the
23 Department a program, which shall be known as ‘Oper-
24 ation Stonegarden’, under which the Secretary, acting
25 through the Administrator, shall make grants to eligible

1 law enforcement agencies, through the State administra-
2 tive agency, to enhance border security in accordance with
3 this section.

4 “(b) ELIGIBLE RECIPIENTS.—To be eligible to re-
5 ceive a grant under this section, a law enforcement agen-
6 cy—

7 “(1) shall be located in—

8 “(A) a State bordering Canada or Mexico;

9 or

10 “(B) a State or territory with a maritime
11 border; and

12 “(2) shall be involved in an active, ongoing,
13 U.S. Customs and Border Protection operation co-
14 ordinated through a sector or field office.

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

17 “(1) equipment, including maintenance and
18 sustainment costs;

19 “(2) any cost or activity permitted for Oper-
20 ation Stonegarden under the Department of Home-
21 land Security’s Fiscal Year 2017 Homeland Security
22 Grant Program Notice of Funding Opportunity; and

23 “(3) any other appropriate border security ac-
24 tivity, as determined by the Administrator, in con-

1 sultation with the Commissioner of U.S. Customs
2 and Border Protection.

3 “(d) PERIOD OF PERFORMANCE.—The Secretary
4 shall award grants under this section to grant recipients
5 for a period of not less than 36 months.

6 “(e) REPORT.—For each of the fiscal years 2018
7 through 2022, the Administrator shall submit to the Com-
8 mittee on Homeland Security and Governmental Affairs
9 of the Senate and the Committee on Homeland Security
10 of the House of Representatives a report that contains in-
11 formation on the expenditure of grants made under this
12 section by each grant recipient.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated \$110,000,000 for each
15 of fiscal years 2018 through 2022 for grants under this
16 section.”.

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

20 “(a) GRANTS AUTHORIZED.—The Secretary, through
21 the Administrator, may award grants under sections 2003,
22 2004, and 2009 to State, local, and tribal governments,
23 as appropriate.”.

24 (c) CLERICAL AMENDMENT.—The table of contents
25 in section 1(b) of the Homeland Security Act of 2002 is

1 amended by inserting after the item relating to section
2 2008 the following new item:

“Sec. 2009. Operation Stonegarden.”.

3 **SEC. 222. SOUTHERN BORDER REGION EMERGENCY COM-**
4 **MUNICATIONS GRANT.**

5 (a) IN GENERAL.—The Secretary, in consultation
6 with the Governors of the States located on the southern
7 border, shall establish a two-year grant program to im-
8 prove emergency communications in the southern border
9 region.

10 (b) ELIGIBILITY FOR GRANTS.—An individual is eli-
11 gible for a grant under this section if the individual dem-
12 onstrates that the individual—

13 (1) regularly resides or works in a State on the
14 southern border; and

15 (2) is at greater risk of border violence due to
16 a lack of cellular and LTE network service at the in-
17 dividual’s residence or business and the individual’s
18 proximity to the southern border.

19 (c) USE OF GRANTS.—Grants awarded under this
20 section may be used to purchase satellite telephone com-
21 munications systems and services that—

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

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

1 **TITLE III—REDUCING SIGNIFI-**
2 **CANT DELAYS IN IMMIGRA-**
3 **TION COURT**

4 **SEC. 301. ELIMINATE IMMIGRATION COURT BACKLOGS.**

5 (a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—

6 The Attorney General of the United States shall increase
7 the total number of immigration judges to adjudicate
8 pending cases and efficiently process future cases by at
9 least—

10 (1) 55 judges during fiscal year 2018;

11 (2) an additional 55 judges during fiscal year
12 2019; and

13 (3) an additional 55 judges during fiscal year
14 2020.

15 (b) QUALIFICATIONS OF IMMIGRATION JUDGES.—

16 The Attorney General shall ensure that all newly hired im-
17 migration judges are highly qualified and trained to con-
18 duct fair, impartial hearings consistent with due process
19 and that all newly hired immigration judges represent a
20 diverse pool of individuals that includes a balance of indi-
21 viduals with non-governmental, private bar, or academic
22 experience in addition to government experience.

23 (c) NECESSARY SUPPORT STAFF FOR IMMIGRATION

24 JUDGES.—To address the shortage of support staff for
25 immigration judges, the Attorney General shall ensure

1 that each immigration judge has sufficient support staff,
2 adequate technological and security resources, and appro-
3 priate courtroom facilities.

4 (d) ANNUAL INCREASES IN BOARD OF IMMIGRATION
5 APPEALS PERSONNEL.—The Attorney General shall in-
6 crease the number of Board of Immigration Appeals staff
7 attorneys (including necessary additional support staff) to
8 efficiently process cases by at least—

9 (1) 23 attorneys during fiscal year 2018;

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

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

14 (e) GAO REPORT.—The Comptroller General of the
15 United States shall—

16 (1) conduct a study of the hurdles to efficient
17 hiring of immigration court judges within the De-
18 partment of Justice; and

19 (2) propose solutions to Congress for improving
20 the efficiency of the hiring process.

21 **SEC. 302. IMPROVED TRAINING FOR IMMIGRATION JUDGES**
22 **AND MEMBERS OF THE BOARD OF IMMIGRA-**
23 **TION APPEALS.**

24 (a) IN GENERAL.—To ensure efficient and fair pro-
25 ceedings, the Director of the Executive Office for Immi-

1 gration Review shall facilitate robust training programs
2 for immigration judges and members of the Board of Im-
3 migration Appeals.

4 (b) MANDATORY TRAINING.—Training facilitated
5 under subsection (a) shall include—

6 (1) an expansion of the training program for
7 new immigration judges and Board members;

8 (2) continuing education regarding current de-
9 velopments in immigration law through regularly
10 available training resources and an annual con-
11 ference;

12 (3) methods to ensure that immigration judges
13 are trained on properly crafting and dictating deci-
14 sions and standards of review, including improved
15 on-bench reference materials and decision templates;

16 (4) specialized training to handle cases involv-
17 ing other vulnerable populations including survivors
18 of domestic violence/sexual assault/trafficking and
19 individuals with mental disabilities in partnership
20 with the National Council of Juvenile and Family
21 Court Judges; and

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

1 **SEC. 303. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**
2 **CIENCY.**

3 The Director of the Executive Office for Immigration
4 Review shall modernize its case management and related
5 electronic systems, including allowing for electronic filing,
6 to improve efficiency in the processing of immigration pro-
7 ceedings.

8 **TITLE IV—ADVANCING REFORMS**
9 **IN CENTRAL AMERICA TO AD-**
10 **DRESS THE FACTORS DRIV-**
11 **ING MIGRATION**

12 **SEC. 401. DEFINITIONS.**

13 In this title:

14 (1) **NORTHERN TRIANGLE.**—The term “North-
15 ern Triangle” means the countries of El Salvador,
16 Guatemala, and Honduras.

17 (2) **PLAN.**—The term “Plan” means the Plan
18 of the Alliance for Prosperity in the Northern Tri-
19 angle, developed by the Governments of El Salvador,
20 Guatemala, and Honduras, with the technical assist-
21 ance of the Inter-American Development Bank, and
22 representing a comprehensive approach to address
23 the complex situation in the Northern Triangle.

1 **Subtitle A—Effectively Coordi-**
2 **nating United States Engage-**
3 **ment in Central America**

4 **SEC. 411. UNITED STATES COORDINATOR FOR ENGAGE-**
5 **MENT IN CENTRAL AMERICA.**

6 (a) DESIGNATION.—Not later than 30 days after the
7 date of the enactment of this Act, the President shall des-
8 ignate a senior official to coordinate the efforts of the Fed-
9 eral Government under this title and the efforts of inter-
10 national partners to strengthen citizen security, the rule
11 of law, and economic prosperity in Central America and
12 to protect vulnerable populations in the region.

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

15 (c) DUTIES.—The official designated under sub-
16 section (a) shall coordinate the efforts, activities, and pro-
17 grams related to United States engagement in Central
18 America under this title, including—

19 (1) coordinating with the Department of State,
20 the Department of Justice (including the Federal
21 Bureau of Investigation), the Department of Home-
22 land Security, the intelligence community, and inter-
23 national partners regarding United States efforts to
24 confront armed criminal gangs, illicit trafficking net-
25 works, and organized crime responsible for high lev-

1 els of violence, extortion, and corruption in Central
2 America;

3 (2) coordinating with the Department of State,
4 the United States Agency for International Develop-
5 ment, and international partners regarding United
6 States efforts to prevent and mitigate the effects of
7 violent criminal gangs and transnational criminal or-
8 ganizations on vulnerable Central American popu-
9 lations, including women and children;

10 (3) coordinating with the Department of State,
11 the Department of Homeland Security, and inter-
12 national partners regarding United States efforts to
13 counter human smugglers illegally transporting Cen-
14 tral American migrants to the United States;

15 (4) coordinating with the Department of State,
16 the Department of Homeland Security, the United
17 States Agency for International Development, and
18 international partners, including the United Nations
19 High Commissioner for Refugees, to increase protec-
20 tions for vulnerable Central American populations,
21 improve refugee processing, and strengthen asylum
22 systems throughout the region;

23 (5) coordinating with the Department of State,
24 the Department of Defense, the Department of Jus-
25 tice (including the Drug Enforcement Administra-

1 tion), the Department of the Treasury, the intel-
2 ligence community, and international partners re-
3 garding United States efforts to combat illicit nar-
4 cotics traffickers, interdict transshipments of illicit
5 narcotics, and disrupt the financing of the illicit nar-
6 cotics trade;

7 (6) coordinating with the Department of State,
8 the Department of the Treasury, the Department of
9 Justice, the intelligence community, the United
10 States Agency for International Development, and
11 international partners regarding United States ef-
12 forts to combat corruption, money laundering, and
13 illicit financial networks;

14 (7) coordinating with the Department of State,
15 the Department of Justice, the United States Agen-
16 cy for International Development, and international
17 partners regarding United States efforts to strength-
18 en the rule of law, democratic governance, and
19 human rights protections; and

20 (8) coordinating with the Department of State,
21 the Department of Agriculture, the United States
22 Agency for International Development, the Overseas
23 Private Investment Corporation, the United States
24 Trade and Development Agency, the Department of
25 Labor, and international partners, including the

1 Inter-American Development Bank, to strengthen
2 the foundation for inclusive economic growth and
3 improve food security, investment climate, and pro-
4 tections for labor rights.

5 (d) CONSULTATION.—The official designated under
6 subsection (a) shall consult with Congress, multilateral or-
7 ganizations and institutions, foreign governments, and do-
8 mestic and international civil society organizations in car-
9 rying out this section.

10 **Subtitle B—Targeting Assistance to**
11 **Appropriate Communities in the**
12 **Northern Triangle**

13 **SEC. 421. TARGETING ASSISTANCE TO APPROPRIATE COM-**
14 **MUNITIES.**

15 Not later than one year after the date of the enact-
16 ment of this Act and annually thereafter for each of the
17 five succeeding years, the Comptroller General of the
18 United States shall submit to the Committee on Foreign
19 Affairs and the Committee on Appropriations of the
20 House of Representatives and the Committee on Foreign
21 Relations and the Committee on Appropriations of the
22 Senate a report that contains the following:

23 (1) Raw data on the number of children migrat-
24 ing to the United States from each community or
25 geographic area in the Northern Triangle.

1 (2) An assessment of whether United States
2 foreign assistance to the Northern Triangle is effec-
3 tively reaching the communities and geographic
4 areas from which children are migrating.

5 (3) An assessment of the extent to which the
6 State Department and the United States Agency for
7 International Development are adjusting program-
8 ming in the Northern Triangle as migration patterns
9 shift.

10 **Subtitle C—Regional Millennium** 11 **Challenge Corporation Compacts**

12 **SEC. 431. MCC COMPACTS.**

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

16 (1) in subsection (a), by adding at the end the
17 following new sentence: “The Board may enter into
18 a Compact with more than one eligible country in a
19 region if the Board determines that a regional devel-
20 opment strategy would further regional development
21 objectives.”;

22 (2) in subsection (k)—

23 (A) by striking the first sentence; and

24 (B) by striking “the existing” and insert-
25 ing “an existing”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(1) CONCURRENT COMPACTS.—In accordance with
4 the requirements of this Act, an eligible country and the
5 United States may enter into and have in effect more than
6 one Compact at any given time, including a concurrent
7 Compact for purposes of regional economic integration or
8 cross-border collaborations, only if the Board determines
9 that such country is making considerable and demon-
10 strable progress in implementing the terms of the existing
11 Compact and any supplementary agreements thereto.”.

12 (b) CONFORMING AMENDMENTS.—The Millennium
13 Challenge Act of 2003 is amended—

14 (1) in subsection (b) of section 609 (22 U.S.C.
15 7708)—

16 (A) in paragraph (1)—

17 (i) in the matter preceding subpara-
18 graph (A), by striking “the national devel-
19 opment strategy of the eligible country”
20 and inserting “the national or regional de-
21 velopment strategy of the country or coun-
22 tries”; and

23 (ii) in each of subparagraphs (A), (B),
24 (E), and (J), by striking “the country”

1 each place it appears and inserting “the
2 country or countries”;

3 (B) in paragraph (3)—

4 (i) by inserting “or regional develop-
5 ment strategy” after “national develop-
6 ment strategy”; and

7 (ii) by inserting “or governments of
8 the countries in the case of regional invest-
9 ments” after “government of the country”;
10 and

11 (2) in subparagraph (A) of section 613(b)(2) of
12 such Act (22 U.S.C. 7712(b)(2)) is amended by
13 striking “the Compact” and inserting “any Com-
14 pact”.

15 **Subtitle D—United States Leader-**
16 **ship for Engaging International**
17 **Donors and Partners**

18 **SEC. 441. REQUIREMENT FOR STRATEGY TO SECURE SUP-**
19 **PORT OF INTERNATIONAL DONORS AND**
20 **PARTNERS.**

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

1 (1) describes how the United States will secure
2 support from international donors and regional part-
3 ners (including Colombia and Mexico) for the imple-
4 mentation of the Plan;

5 (2) identifies governments that are willing to
6 provide financial and technical assistance for the im-
7 plementation of the Plan and a description of such
8 assistance; and

9 (3) identifies the financial and technical assist-
10 ance to be provided by multilateral institutions, in-
11 cluding the Inter-American Development Bank, the
12 World Bank, the International Monetary Fund, the
13 Andean Development Corporation–Development
14 Bank of Latin America, and the Organization of
15 American States, and a description of such assist-
16 ance.

17 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-
18 TION.—The Secretary of State, in coordination with the
19 Secretary of the Treasury, as appropriate, shall—

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

1 (2) take all necessary steps to ensure effective
2 cooperation among international donors and part-
3 ners supporting the Plan.

4 (c) REPORT.—Not later than one year after submit-
5 ting the strategy required under subsection (a), the Sec-
6 retary of State shall submit to the appropriate congres-
7 sional committees a report that describes—

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

10 (2) the financial and technical assistance pro-
11 vided by international donors and partners, includ-
12 ing the multilateral institutions specified in sub-
13 section (a)(3).

14 (d) BRIEFINGS.—Upon a request from any of the ap-
15 propriate congressional committees, the Secretary of State
16 shall provide a briefing to such committee that describes
17 the progress made in implementing the strategy required
18 under subsection (a).

19 (e) DEFINED TERM.—In this section, the term “ap-
20 propriate congressional committees” means—

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

23 (2) the Committee on Appropriations of the
24 Senate;

- 1 (3) the Committee on Foreign Affairs of the
- 2 House of Representatives; and
- 3 (4) the Committee on Appropriations of the
- 4 House of Representatives.