

115TH CONGRESS  
2D SESSION

# S. 2367

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2018

Mr. COONS (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Uniting and Securing America Act of 2018” or as the  
6 “USA Act of 2018”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 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. Millennium Challenge Corporation 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 the Secretary of Homeland Security  
16 through a memorandum issued on June 15, 2012.

17 (3) **DISABILITY.**—The term “disability” has the  
18 meaning given such term in section 3(1) of the

1 Americans with Disabilities Act of 1990 (42 U.S.C.  
2 12102(1)).

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

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

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

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

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

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

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

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

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

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

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

21          (a) CONDITIONAL BASIS FOR STATUS.—Notwith-  
22          standing any other provision of law, and except as pro-  
23          vided in section 104(c)(2), an alien shall be considered,  
24          at the time of obtaining the status of an alien lawfully  
25          admitted for permanent residence under this section, to

1 have obtained such status on a conditional basis subject  
2 to the provisions under this title.

3 (b) REQUIREMENTS.—

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

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

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

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

22 (i) is not inadmissible under para-  
23 graph (2), (3), (6)(E), (6)(G), (8),  
24 (10)(A), (10)(C), or (10)(D) of section

1 212(a) of the Immigration and Nationality  
2 Act (8 U.S.C. 1182(a));

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

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

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

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

22 (III) a crime of domestic violence  
23 (as such term is defined in section  
24 237(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 (8  
8 U.S.C. 1101(a)(15)(T),  
9 1101(a)(15)(U), 1105a, and  
10 1229b(b)(2)) or section  
11 244(a)(3) of such Act (as in ef-  
12 fect on March 31, 1997);

13 (bb) the alien is a VAWA  
14 self-petitioner for immigration re-  
15 lief, as defined in section  
16 101(a)(51) of the Immigration  
17 and Nationality Act;

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



1                   ficking, having been battered or  
2                   subjected to extreme cruelty, hav-  
3                   ing been a victim of criminal ac-  
4                   tivity described in section  
5                   101(a)(15)(U)(iii) of the Immi-  
6                   gration and Nationality Act (8  
7                   U.S.C. 1101(a)(15)(U)(iii)); or

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

13                  (D) the alien—

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

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

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

1 (I) obtaining a regular high  
2 school diploma or its recognized equiv-  
3 alent under State law; or

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

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

17 (3) TREATMENT OF EXPUNGED CONVIC-  
18 TIONS.—For purposes of cancellation of removal, ad-  
19 justment to permanent resident status on a condi-  
20 tional basis, or other adjustment of status, the term  
21 “conviction” does not include an adjudication or  
22 judgment of guilt that has been dismissed, ex-  
23 punged, deferred, annulled, invalidated, withheld,  
24 sealed, vacated, pardoned, an order of probation

1 without entry of judgment, or any similar rehabilita-  
2 tive disposition.

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

10 (5) APPLICATION FEE.—

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

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

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

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

1 (III) is in foster care or otherwise  
2 lacking any parental or other familial sup-  
3 port;

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

6 (iii)(I) cannot care for himself or her-  
7 self because of a serious, chronic disability;  
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; or

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

1           (6) SUBMISSION OF BIOMETRIC AND BIO-  
2 GRAPHIC DATA.—The Secretary may not grant an  
3 alien permanent resident status on a conditional  
4 basis under this section unless the alien submits bio-  
5 metric and biographic data, in accordance with pro-  
6 cedures established by the Secretary. The Secretary  
7 shall provide an alternative procedure for aliens who  
8 are unable to provide such biometric or biographic  
9 data because of a physical impairment.

10           (7) BACKGROUND CHECKS.—

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

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

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

23           (B) COMPLETION OF BACKGROUND  
24 CHECKS.—The security and law enforcement  
25 background checks of an alien required under

1           subparagraph (A) shall be completed, to the  
2           satisfaction of the Secretary, before the date on  
3           which the Secretary grants such alien perma-  
4           nent resident status on a conditional basis  
5           under this section.

6           (8) MEDICAL EXAMINATION.—

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

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

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

23           (c) DETERMINATION OF CONTINUOUS PRESENCE.—

24                 (1) TERMINATION OF CONTINUOUS PERIOD.—  
25          Any period of continuous physical presence in the

1 United States of an alien who applies for permanent  
2 resident status on a conditional basis under this sec-  
3 tion shall not terminate when the alien is served a  
4 notice to appear under section 239(a) of the Immi-  
5 gration and Nationality Act (8 U.S.C. 1229(a)).

6 (2) TREATMENT OF CERTAIN BREAKS IN PRES-  
7 ENCE.—

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

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

1           (C) TRAVEL AUTHORIZED BY THE SEC-  
2           RETARY.—Any period of travel outside of the  
3           United States by an alien that was authorized  
4           by the Secretary may not be counted toward  
5           any period of departure from the United States  
6           under subparagraph (A).

7           (d) LIMITATION ON REMOVAL OF CERTAIN  
8           ALIENS.—

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

12          (2) ALIENS SUBJECT TO REMOVAL.—The Sec-  
13          retary shall provide an alien with a reasonable op-  
14          portunity to apply for relief under this section if the  
15          alien—

16                (A) requests such an opportunity or ap-  
17                pears prima facie eligible for relief under this  
18                section; and

19                (B) is in removal proceedings, is the sub-  
20                ject of a final removal order, or is the subject  
21                of a voluntary departure order.

22          (3) CERTAIN ALIENS ENROLLED IN ELEMEN-  
23          TARY OR SECONDARY SCHOOL.—



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

4                   (i) meets all the requirements under  
5                   subparagraphs (A), (B), and (C) of sub-  
6                   section (b)(1), subject to paragraphs (2)  
7                   and (3) of such subsection;

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

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

12           (B) COMMENCEMENT OF REMOVAL PRO-  
13           CEEDINGS.—The Secretary may not commence  
14           removal proceedings for an alien described in  
15           subparagraph (A).

16           (C) EMPLOYMENT.—An alien whose re-  
17           moval is stayed pursuant to subparagraph (A)  
18           or who may not be placed in removal pro-  
19           ceedings pursuant to subparagraph (B) shall,  
20           upon application to the Secretary, be granted  
21           an employment authorization document.

22           (D) LIFT OF STAY.—The Secretary or At-  
23           torney General may not lift the stay granted to  
24           an alien under subparagraph (A) unless the

1 alien ceases to meet the requirements under  
2 such subparagraph.

3 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—

4 Nothing in this section or in any other law may be con-  
5 strued to apply a numerical limitation on the number of  
6 aliens who may be granted permanent resident status, on  
7 a conditional basis or otherwise, under this title.

8 **SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A**  
9 **CONDITIONAL BASIS.**

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

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

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

15 (b) NOTICE OF REQUIREMENTS.—At the time an  
16 alien obtains permanent resident status on a conditional  
17 basis, the Secretary shall provide notice to the alien re-  
18 garding the provisions of this title and the requirements  
19 to have the conditional basis of such status removed.

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

23 (1) determines that the alien ceases to meet the  
24 requirements under section 102(b)(1)(C), subject to  
25 paragraphs (2) and (3) of section 102(b); and

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

3           (A) notice of the proposed termination;

4           and

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

8 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

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

18           (2) SPECIAL RULE FOR TEMPORARY PRO-  
19 TECTED STATUS.—An alien whose permanent resi-  
20 dent status on a conditional basis expires under sub-  
21 section (a)(1) or is terminated under subsection (c)  
22 or whose application for such status is denied and  
23 who had temporary protected status under section  
24 244 of the Immigration and Nationality Act (8  
25 U.S.C. 1254a) immediately before receiving or ap-

1 plying for such permanent resident status on a con-  
2 ditional basis, as appropriate, may not return to  
3 such temporary protected status if—

4 (A) the relevant designation under section  
5 244(b) of the Immigration and Nationality Act  
6 (8 U.S.C. 1254a(b)) has been terminated; or

7 (B) the Secretary determines that the rea-  
8 son for terminating the permanent resident sta-  
9 tus on a conditional basis renders the alien in-  
10 eligible for such temporary protected status.

11 **SEC. 104. REMOVAL OF CONDITIONAL BASIS OF PERMA-**  
12 **NENT RESIDENT STATUS.**

13 (a) **ELIGIBILITY FOR REMOVAL OF CONDITIONAL**  
14 **BASIS.—**

15 (1) **IN GENERAL.—**Subject to paragraph (2),  
16 the Secretary shall remove the conditional basis of  
17 an alien's permanent resident status granted under  
18 this title and grant the alien status as an alien law-  
19 fully admitted for permanent residence if the alien—

20 (A) is described in section 102(b)(1)(C),  
21 subject to paragraphs (2) and (3) of that sec-  
22 tion 102(b);

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

1 (C)(i) has acquired a degree from an insti-  
2 tution of higher education or has completed at  
3 least 2 years, in good standing, in a postsec-  
4 ondary vocational program or in a program for  
5 a bachelor's degree or higher degree in the  
6 United States;

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

11 (iii) has been employed for periods totaling  
12 at least 3 years and at least 80 percent of the  
13 time that the alien has had a valid employment  
14 authorization, except that any period during  
15 which the alien is not employed while having a  
16 valid employment authorization and is enrolled  
17 in an institution of higher education, a sec-  
18 ondary school, or an education program de-  
19 scribed in section 102(b)(1)(D)(iii), shall not  
20 count toward the time requirements under this  
21 clause.

22 (2) HARDSHIP EXCEPTION.—The Secretary  
23 shall remove the conditional basis of an alien's per-  
24 manent resident status and grant the alien status as

1 an alien lawfully admitted for permanent residence  
2 if the alien—

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

5 (B) demonstrates compelling circumstances  
6 for the inability to satisfy the requirements  
7 under subparagraph (C) of such paragraph; and

8 (C) demonstrates that—

9 (i) the alien has a disability;

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

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

18 (3) CITIZENSHIP REQUIREMENT.—

19 (A) IN GENERAL.—Except as provided in  
20 subparagraph (B), the conditional basis of an  
21 alien's permanent resident status granted under  
22 this title may not be removed unless the alien  
23 demonstrates that the alien satisfies the re-  
24 quirements under section 312(a) of the Immi-  
25 gration and Nationality Act (8 U.S.C. 1423(a)).

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

5 (4) APPLICATION FEE.—

6 (A) IN GENERAL.—The Secretary shall re-  
7 quire aliens applying for lawful permanent resi-  
8 dent status under this section to pay a reason-  
9 able fee that is commensurate with the cost of  
10 processing the application.

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

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

15 (II) received total income, during the  
16 12-month period immediately preceding the  
17 date on which the alien files an application  
18 under this section, that is less than 150  
19 percent of the poverty line; and

20 (III) is in foster care or otherwise  
21 lacking any parental or other familial sup-  
22 port;

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

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

4 (II) received total income, during the  
5 12-month period immediately preceding the  
6 date on which the alien files an application  
7 under this section, that is less than 150  
8 percent of the poverty line; or

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

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

22 (5) SUBMISSION OF BIOMETRIC AND BIO-  
23 GRAPHIC DATA.—The Secretary may not remove the  
24 conditional basis of an alien's permanent resident  
25 status unless the alien submits biometric and bio-



1 graphic data, in accordance with procedures estab-  
2 lished by the Secretary. The Secretary shall provide  
3 an alternative procedure for applicants who are un-  
4 able to provide such biometric data because of a  
5 physical impairment.

6 (6) BACKGROUND CHECKS.—

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

11 (i) to conduct security and law en-  
12 forcement background checks of an alien  
13 applying for removal of the conditional  
14 basis of the alien’s permanent resident sta-  
15 tus; 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 removal of such conditional basis.

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

1           which the Secretary removes the conditional  
2           basis of the alien's permanent resident status.

3       (b) TREATMENT FOR PURPOSES OF NATURALIZA-  
4 TION.—

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

12          (2) LIMITATION ON APPLICATION FOR NATU-  
13      RALIZATION.—An alien may not apply for natu-  
14      ralization while the alien is in permanent resident  
15      status on a conditional basis.

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

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

23          (2) APPROVAL WITH REGARD TO INITIAL APPLI-  
24      CATIONS.—The Secretary shall provide lawful per-  
25      manent residence status without conditional basis to

1 any alien who demonstrates eligibility for lawful per-  
2 manent residence status on a conditional basis under  
3 section 102, if such alien has already fulfilled the re-  
4 quirements of subsection (a) at the time such alien  
5 first submits an application for benefits under this  
6 title.

7 **SEC. 105. DOCUMENTATION REQUIREMENTS.**

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

11 (1) a passport or national identity document  
12 from the alien’s country of origin that includes the  
13 alien’s name and the alien’s photograph or finger-  
14 print;

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

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

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

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

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

3           (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-  
4 ICAL PRESENCE IN THE UNITED STATES.—To establish  
5 that an alien has been continuously physically present in  
6 the United States, as required under section 102(b)(1)(A),  
7 or to establish that an alien has not abandoned residence  
8 in the United States, as required under section  
9 104(a)(1)(B), the alien may submit documents to the Sec-  
10 retary, including—

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

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

15           (3) records of service from the Uniformed Serv-  
16           ices;

17           (4) official records from a religious entity con-  
18           firming the alien's participation in a religious cere-  
19           mony;

20           (5) passport entries;

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

23           (7) automobile license receipts or registration;

24           (8) deeds, mortgages, or rental agreement con-  
25           tracts;

1 (9) tax receipts;

2 (10) insurance policies;

3 (11) remittance records;

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

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

9 (14) dated bank transactions; or

10 (15) 2 or more sworn affidavits from individ-  
11 uals who are not related to the alien who have direct  
12 knowledge of the alien's continuous physical pres-  
13 ence in the United States, that contain—

14 (A) the name, address, and telephone num-  
15 ber of the affiant; and

16 (B) the nature and duration of the rela-  
17 tionship between the affiant and the alien.

18 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY  
19 INTO THE UNITED STATES.—To establish under section  
20 102(b)(1)(B) that an alien was younger than 18 years of  
21 age on the date on which the alien initially entered the  
22 United States, an alien may submit documents to the Sec-  
23 retary, including—

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

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

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

6           (4) hospital or medical records showing medical  
7 treatment or hospitalization, the name of the med-  
8 ical facility or physician, and the date of the treat-  
9 ment or hospitalization;

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

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

15          (7) official records from a religious entity con-  
16 firming the alien's participation in a religious cere-  
17 mony;

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

20          (9) automobile license receipts or registration;

21          (10) deeds, mortgages, or rental agreement con-  
22 tracts;

23          (11) tax receipts;

24          (12) travel records;

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

3           (14) dated bank transactions;

4           (15) remittance records; or

5           (16) insurance policies.

6           (d) DOCUMENTS ESTABLISHING ADMISSION TO AN  
7           INSTITUTION OF HIGHER EDUCATION.—To establish that  
8           an alien has been admitted to an institution of higher edu-  
9           cation, the alien shall submit to the Secretary a document  
10          from the institution of higher education certifying that the  
11          alien—

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

13           (2) is currently enrolled in the institution as a  
14          student.

15          (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-  
16          GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—  
17          To establish that an alien has acquired a degree from an  
18          institution of higher education in the United States, the  
19          alien shall submit to the Secretary a diploma or other doc-  
20          ument from the institution stating that the alien has re-  
21          ceived such a degree.

22          (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH  
23          SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-  
24          MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—  
25          To establish that an alien has earned a high school di-

1 ploma or a commensurate alternative award from a public  
2 or private high school, or has obtained a general edu-  
3 cational development certificate recognized under State  
4 law or a high school equivalency diploma in the United  
5 States, the alien shall submit to the Secretary—

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

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

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

13 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN  
14 EDUCATIONAL PROGRAM.—To establish that an alien is  
15 enrolled in any school or education program described in  
16 section 102(b)(1)(D)(iii), 102(d)(3)(A)(iii), or  
17 104(a)(1)(C), the alien shall submit school records from  
18 the United States school that the alien is currently attend-  
19 ing that include—

20 (1) the name of the school; and

21 (2) the alien's name, periods of attendance, and  
22 current grade or educational level.

23 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM  
24 APPLICATION FEES.—To establish that an alien is exempt  
25 from an application fee under section 102(b)(5)(B) or



1 104(a)(4)(B), the alien shall submit to the Secretary the  
2 following relevant documents:

3 (1) DOCUMENTS TO ESTABLISH AGE.—To es-  
4 tablish that an alien meets an age requirement, the  
5 alien shall provide proof of identity, as described in  
6 subsection (a), that establishes that the alien is  
7 younger than 18 years of age.

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

10 (A) employment records that have been  
11 maintained by the Social Security Administra-  
12 tion, the Internal Revenue Service, or any other  
13 Federal, State, or local government agency;

14 (B) bank records; or

15 (C) at least 2 sworn affidavits from indi-  
16 viduals who are not related to the alien and  
17 who have direct knowledge of the alien’s work  
18 and income that contain—

19 (i) the name, address, and telephone  
20 number of the affiant; and

21 (ii) the nature and duration of the re-  
22 lationship between the affiant and the  
23 alien.

24 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,  
25 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR

1       SERIOUS, CHRONIC DISABILITY.—To establish that  
2       the alien was in foster care, lacks parental or famil-  
3       ial support, is homeless, or has a serious, chronic  
4       disability, the alien shall provide at least 2 sworn af-  
5       fidavits from individuals who are not related to the  
6       alien and who have direct knowledge of the cir-  
7       cumstances that contain—

8               (A) a statement that the alien is in foster  
9               care, otherwise lacks any parental or other fa-  
10              miliar support, is homeless, or has a serious,  
11              chronic disability, as appropriate;

12             (B) the name, address, and telephone num-  
13             ber of the affiant; and

14             (C) the nature and duration of the rela-  
15             tionship between the affiant and the alien.

16       (4) DOCUMENTS TO ESTABLISH UNPAID MED-  
17       ICAL EXPENSE.—To establish that the alien has debt  
18       as a result of unreimbursed medical expenses, the  
19       alien shall provide receipts or other documentation  
20       from a medical provider that—

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

22             (B) bear the name of the individual receiv-  
23             ing treatment; and

24             (C) document that the alien has accumu-  
25             lated \$10,000 or more in debt in the past 12

1 months as a result of unreimbursed medical ex-  
2 penses incurred by the alien or an immediate  
3 family member of the alien.

4 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR  
5 HARDSHIP EXEMPTION.—To establish that an alien satis-  
6 fies one of the criteria for the hardship exemption set forth  
7 in section 104(a)(2)(A)(iii), the alien shall submit to the  
8 Secretary at least 2 sworn affidavits from individuals who  
9 are not related to the alien and who have direct knowledge  
10 of the circumstances that warrant the exemption, that  
11 contain—

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

14 (2) the nature and duration of the relationship  
15 between the affiant and the alien.

16 (j) DOCUMENTS ESTABLISHING SERVICE IN THE  
17 UNIFORMED SERVICES.—To establish that an alien has  
18 served in the Uniformed Services for at least the period  
19 for which the alien was obligated to serve on active duty  
20 and, if discharged, received an honorable discharge, the  
21 alien shall submit to the Secretary—

22 (1) a Department of Defense form DD-214;

23 (2) a National Guard Report of Separation and  
24 Record of Service form 22;

1           (3) personnel records for such service from the  
2 appropriate Uniformed Service; or

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

5 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

6           (1) IN GENERAL.—An alien may satisfy the em-  
7 ployment requirement under section  
8 104(a)(1)(C)(iii) by submitting records that—

9           (A) establish compliance with such employ-  
10 ment requirement; and

11           (B) have been maintained by the Social Se-  
12 curity Administration, the Internal Revenue  
13 Service, or any other Federal, State, or local  
14 government agency.

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

20           (A) bank records;

21           (B) business records;

22           (C) employer records;

23           (D) records of a labor union, day labor  
24 center, or organization that assists workers in  
25 employment;

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

4 (i) the name, address, and telephone  
5 number of the affiant; and

6 (ii) the nature and duration of the re-  
7 lationship between the affiant and the  
8 alien; and

9 (F) remittance records.

10 (I) **AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-**  
11 **UMENTS.**—If the Secretary determines, after publication  
12 in the Federal Register and an opportunity for public com-  
13 ment, that any document or class of documents does not  
14 reliably establish identity or that permanent resident sta-  
15 tus on a conditional basis is being obtained fraudulently  
16 to an unacceptable degree, the Secretary may prohibit or  
17 restrict the use of such document or class of documents.

18 **SEC. 106. RULEMAKING.**

19 (a) **INITIAL PUBLICATION.**—Not later than 90 days  
20 after the date of the enactment of this Act, the Secretary  
21 shall publish regulations implementing this title in the  
22 Federal Register. Such regulations shall allow eligible indi-  
23 viduals to immediately apply affirmatively for the relief  
24 available under section 102 without being placed in re-  
25 moval proceedings.

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

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

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

16 **SEC. 107. CONFIDENTIALITY OF INFORMATION.**

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

21 (b) REFERRALS PROHIBITED.—The Secretary may  
22 not refer any individual who has been granted permanent  
23 resident status on a conditional basis or who was granted  
24 DACA to U.S. Immigration and Customs Enforcement,

1 U.S. Customs and Border Protection, or any designee of  
2 either such entity.

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

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

11 (2) to identify or prevent fraudulent claims;

12 (3) for national security purposes; or

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

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

18 **SEC. 108. RESTORATION OF STATE OPTION TO DETERMINE**  
19 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**  
20 **CATION BENEFITS.**

21 (a) IN GENERAL.—Section 505 of the Illegal Immi-  
22 gration Reform and Immigrant Responsibility Act of 1996  
23 (8 U.S.C. 1623) is repealed.

24 (b) EFFECTIVE DATE.—The repeal under subsection  
25 (a) shall take effect as if included in the original enact-

1 ment of the Illegal Immigration Reform and Immigrant  
2 Responsibility Act of 1996 (division C of Public Law 104–  
3 208; 110 Stat. 3009–546).

4 **TITLE II—SECURE MILES WITH**  
5 **ALL RESOURCES AND TECH-**  
6 **NOLOGY**

7 **SEC. 201. DEFINITIONS.**

8 In this title:

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

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

15 (3) **SITUATIONAL AWARENESS.**—The term “sit-  
16 uational awareness” has the meaning given the term  
17 in section 1092(a)(7) of the National Defense Au-  
18 thorization Act for Fiscal Year 2017 (Public Law  
19 114–328).

20 (4) **SOUTHERN BORDER.**—The term “southern  
21 border” means the international border between the  
22 United States and Mexico.



1           **Subtitle A—Infrastructure and**  
2                           **Equipment**

3   **SEC. 211. STRENGTHENING THE REQUIREMENTS FOR BOR-**  
4                           **DER SECURITY TECHNOLOGY ALONG THE**  
5                           **SOUTHERN BORDER.**

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

9           (1) in subsection (a)—

10                   (A) by inserting “and border technology”

11                   before “in the vicinity of”; and

12                   (B) by striking “illegal crossings in areas

13                   of high illegal entry into the United States” and

14                   inserting “, impede, and detect illegal activity in

15                   high traffic areas”;

16           (2) in subsection (c)(1), by inserting “and, pur-

17                   suant to subsection (d), the installation, operation,

18                   and maintenance of technology” after “barriers and

19                   roads”; and

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

21                   “(d) **INSTALLATION, OPERATION, AND MAINTE-**

22                   **NANCE OF TECHNOLOGY.**—Not later than January 20,

23                   2021, the Secretary of Homeland Security, in carrying out

24                   subsection (a), shall deploy the most practical and effec-

25                   tive technology available along the United States border

1 for achieving situational awareness and operational con-  
2 trol of the border.

3 “(e) DEFINITIONS.—In this section:

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

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

9 “(B) have significant unlawful cross-border  
10 activity.

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

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

20 “(4) TECHNOLOGY.—The term ‘technology’ in-  
21 cludes border surveillance and detection technology,  
22 including—

23 “(A) radar surveillance systems;

24 “(B) Vehicle and Dismount Exploitation  
25 Radars (VADER);

1           “(C) 3-dimensional, seismic acoustic detec-  
2           tion and ranging border tunneling detection  
3           technology;

4           “(D) sensors;

5           “(E) unmanned cameras;

6           “(F) man-portable and mobile vehicle-  
7           mounted unmanned aerial vehicles; and

8           “(G) any other devices, tools, or systems  
9           found to be more effective or advanced than  
10          those specified in subparagraphs (A) through  
11          (F).”.

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

13          (a) **REQUIREMENT.**—Not later than 1 year after the  
14          date of the enactment of this Act, the Secretary shall sub-  
15          mit a comprehensive southern border strategy to the Com-  
16          mittee on Homeland Security and Governmental Affairs  
17          of the Senate and the Committee on Homeland Security  
18          of the House of Representatives.

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

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

1           (2) a projected per mile cost estimate for each  
2 physical barrier, levee, technology, tool, and other  
3 device included on the list required under paragraph  
4 (1);

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

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

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

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

22           (C) the information collected and evaluated  
23 from—

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

- 1 (ii) the Joint Task Force Commander;  
2 (iii) the appropriate State Governor;  
3 (iv) tribal government officials;  
4 (v) border county and city elected offi-  
5 cials;  
6 (vi) local law enforcement officials;  
7 (vii) private property owners;  
8 (viii) local community groups, includ-  
9 ing human rights organizations; and  
10 (ix) other affected stakeholders; and  
11 (D) a privacy evaluation conducted by the  
12 Privacy Officer of the Department of Homeland  
13 Security, in accordance with the responsibilities  
14 and authorities under section 222 of the Home-  
15 land Security Act of 2002 (6 U.S.C. 142), for  
16 each such physical barrier, levee, technology,  
17 tool, or other device;  
18 (5) a per mile cost calculation for each linear  
19 mile of the southern border given the type of phys-  
20 ical barrier, levee, technology, tool, or other device  
21 chosen to achieve and maintain situational aware-  
22 ness and operational control for each linear mile;  
23 and  
24 (6) a cost justification for each time a more ex-  
25 pensive physical barrier, levee, technology, tool, or

1 other device is chosen over a less expensive option,  
2 as established by the per mile cost estimates re-  
3 quired in paragraph (2).

4 **SEC. 213. CONTROL OR ERADICATION OF CARRIZO CANE**  
5 **AND SALT CEDAR.**

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

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

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

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

22 (c) STUDY AND REPORT.—

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

1 (A) to identify deficiencies and opportuni-  
2 ties for improvement in the capability of Air  
3 and Marine Operations to fulfill air and marine  
4 support requirements for the U.S. Border Pa-  
5 trol and other components of the Department of  
6 Homeland Security, including support in critical  
7 source and transit zones;

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

12 (C) to identify deficiencies and opportuni-  
13 ties for improvement in the capabilities of the  
14 U.S. Border Patrol and other departmental  
15 components to develop rigorous estimates of  
16 such requirements.

17 (2) REPORT.—Not later than 180 days after  
18 the date of the enactment of this Act, the Secretary  
19 shall submit a report to the Committee on Home-  
20 land Security and Governmental Affairs of the Sen-  
21 ate and the Committee on Homeland Security of the  
22 House of Representatives that contains the results  
23 of the study required under paragraph (1), including  
24 recommendations and timeframes for implementing  
25 the recommendations contained in such study.

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

2 (a) **ADDITIONAL PORTS OF ENTRY.—**

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

7 (2) **CONSULTATION.—**

8 (A) **REQUIREMENT TO CONSULT.—**The  
9 Secretary shall consult with the Secretary of  
10 the Interior, the Secretary of Agriculture, the  
11 Administrator of General Services, and appro-  
12 priate representatives of State and local govern-  
13 ments, tribal governments, community groups,  
14 and property owners in the United States prior  
15 to selecting a location for any new port con-  
16 structed pursuant to paragraph (1).

17 (B) **CONSIDERATIONS.—**The purpose of  
18 the consultations required by subparagraph (A)  
19 shall be to minimize any negative impacts of  
20 any proposed new port on the environment, cul-  
21 ture, commerce, and quality of life of the com-  
22 munities and residents located near such new  
23 port.

24 (b) **EXPANSION AND MODERNIZATION OF HIGH-VOL-**  
25 **UME SOUTHERN BORDER PORTS OF ENTRY.—**Not later  
26 than September 30, 2018, the Secretary shall submit a



1 plan to the Committee on Homeland Security and Govern-  
2 mental Affairs of the Senate, the Committee on Com-  
3 merce, Science, and Transportation of the Senate, the  
4 Committee on Homeland Security of the House of Rep-  
5 resentatives, and the Committee on Transportation and  
6 Infrastructure of the House of Representatives for ex-  
7 panding the primary and secondary inspection lanes for  
8 vehicle, cargo, and pedestrian inbound and outbound in-  
9 spection lanes at the top ten high-volume ports of entry  
10 on the southern border, as determined by the Secretary.

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

17 (d) PORT OF ENTRY PRIORITIZATION.—The Sec-  
18 retary shall complete the expansion and modernization of  
19 ports of entry pursuant to subsection (b), to the extent  
20 practicable, before constructing any new ports of entry  
21 pursuant to subsection (a).

## Subtitle B—Grants

### 2 **SEC. 221. OPERATION STONEGARDEN.**

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

### 6 **“SEC. 2009. OPERATION STONEGARDEN.**

7 “(a) ESTABLISHMENT.—There is established in the  
8 Department a program, which shall be known as ‘Oper-  
9 ation Stonegarden’, under which the Secretary, acting  
10 through the Administrator, shall make grants to eligible  
11 law enforcement agencies, through the State administra-  
12 tive agency, to enhance border security in accordance with  
13 this section.

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

17 “(1) shall be located in—

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

19 or

20 “(B) a State or territory with a maritime  
21 border; and

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

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

3           “(1) equipment, including maintenance and  
4 sustainment costs;

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

9           “(3) any other appropriate border security ac-  
10 tivity, as determined by the Administrator, in con-  
11 sultation with the Commissioner of U.S. Customs  
12 and Border Protection.

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

16       “(e) REPORT.—The Administrator shall submit an  
17 annual report, for each of the fiscal years 2018 through  
18 2022, to the Committee on Homeland Security and Gov-  
19 ernmental Affairs of the Senate and the Committee on  
20 Homeland Security of the House of Representatives that  
21 contains information on the expenditure of grants made  
22 under this section by each grant recipient.

23       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
24 is authorized to be appropriated \$110,000,000 for each

1 of the fiscal years 2018 through 2022 for grants under  
2 this section.”.

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

6 “(a) GRANTS AUTHORIZED.—The Secretary, through  
7 the Administrator, may award grants under sections 2003,  
8 2004, and 2009 to State, local, and tribal governments,  
9 as appropriate.”.

10 (c) CLERICAL AMENDMENT.—The table of contents  
11 in section 1(b) of the Homeland Security Act of 2002 is  
12 amended by inserting after the item relating to section  
13 2008 the following:

“Sec. 2009. Operation Stonegarden.”.

14 **SEC. 222. SOUTHERN BORDER REGION EMERGENCY COM-**  
15 **MUNICATIONS GRANT.**

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

21 (b) ELIGIBILITY FOR GRANTS.—An individual is eli-  
22 gible for a grant under this section if the individual—

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

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

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

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

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

11 **TITLE III—REDUCING SIGNIFI-**  
12 **CANT DELAYS IN IMMIGRA-**  
13 **TION COURT**

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

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

20               (1) 55 judges during fiscal year 2018;

21               (2) an additional 55 judges during fiscal year  
22          2019; and

23               (3) an additional 55 judges during fiscal year  
24          2020.

1 (b) QUALIFICATIONS OF IMMIGRATION JUDGES.—

2 The Attorney General shall ensure that all newly hired im-  
3 migration judges—

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

7 (2) represent a diverse pool of individuals that  
8 includes a balance of individuals with nongovern-  
9 mental, private bar, or academic experience in addi-  
10 tion to government experience.

11 (c) NECESSARY SUPPORT STAFF FOR IMMIGRATION

12 JUDGES.—To address the shortage of support staff for  
13 immigration judges, the Attorney General shall ensure  
14 that each immigration judge has sufficient support staff,  
15 adequate technological and security resources, and appro-  
16 priate courtroom facilities.

17 (d) ANNUAL INCREASES IN BOARD OF IMMIGRATION

18 APPEALS PERSONNEL.—The Attorney General shall in-  
19 crease the number of Board of Immigration Appeals staff  
20 attorneys (including necessary additional support staff) to  
21 efficiently process cases by at least—

22 (1) 23 attorneys during fiscal year 2018;

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

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

3       (e) GAO REPORT.—The Comptroller General of the  
4       United States shall—

5           (1) conduct a study of the hurdles to efficient  
6       hiring of immigration court judges within the De-  
7       partment of Justice; and

8           (2) propose solutions to Congress for improving  
9       the efficiency of the hiring process.

10 **SEC. 302. IMPROVED TRAINING FOR IMMIGRATION JUDGES**

11                           **AND MEMBERS OF THE BOARD OF IMMIGRA-**  
12                           **TION APPEALS.**

13       (a) IN GENERAL.—To ensure efficient and fair pro-  
14       ceedings, the Director of the Executive Office for Immi-  
15       gration Review shall facilitate robust training programs  
16       for immigration judges and members of the Board of Im-  
17       migration Appeals.

18       (b) MANDATORY TRAINING.—Training facilitated  
19       under subsection (a) shall include—

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

22           (2) continuing education regarding current de-  
23       velopments in immigration law through regularly  
24       available training resources and an annual con-  
25       ference;

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

5           (4) specialized training to handle cases involv-  
6           ing other vulnerable populations including survivors  
7           of domestic violence, sexual assault, or trafficking  
8           and individuals with mental disabilities in partner-  
9           ship with the National Council of Juvenile and Fam-  
10          ily Court Judges; and

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

15 **SEC. 303. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**  
16 **CIENCY.**

17          The Director of the Executive Office for Immigration  
18          Review shall modernize its case management and related  
19          electronic systems, including allowing for electronic filing,  
20          to improve efficiency in the processing of immigration pro-  
21          ceedings.



1 **TITLE IV—ADVANCING REFORMS**  
2 **IN CENTRAL AMERICA TO AD-**  
3 **DRESS THE FACTORS DRIV-**  
4 **ING MIGRATION**

5 **SEC. 401. DEFINITIONS.**

6 In this title:

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

10 (2) **PLAN.**—The term “Plan” means the Plan  
11 of the Alliance for Prosperity in the Northern Tri-  
12 angle, developed by the Governments of El Salvador,  
13 Guatemala, and Honduras, with the technical assist-  
14 ance of the Inter-American Development Bank, and  
15 representing a comprehensive approach to address  
16 the complex situation in the Northern Triangle.

17 **Subtitle A—Effectively Coordi-**  
18 **nating United States Engage-**  
19 **ment in Central America**

20 **SEC. 411. UNITED STATES COORDINATOR FOR ENGAGE-**  
21 **MENT IN CENTRAL AMERICA.**

22 (a) **DESIGNATION.**—Not later than 30 days after the  
23 date of the enactment of this Act, the President shall des-  
24 ignate a senior official (referred to in this section as the  
25 “Coordinator”)—

1           (1) to coordinate the efforts of the Federal Gov-  
2           ernment under this title; and

3           (2) to coordinate the efforts of international  
4           partners—

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

8                 (B) to protect vulnerable populations in  
9                 the region.

10          (b) SUPERVISION.—The Coordinator shall report di-  
11          rectly to the President.

12          (c) DUTIES.—The Coordinator shall coordinate the  
13          efforts, activities, and programs related to United States  
14          engagement in Central America under this title, includ-  
15          ing—

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

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

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

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

21          (5) coordinating with the Department of State,  
22          the Department of Defense, the Department of Jus-  
23          tice (including the Drug Enforcement Administra-  
24          tion), the Department of the Treasury, the intel-  
25          ligence community, and international partners re-

1        regarding United States efforts to combat illicit nar-  
2        cotics traffickers, interdict transshipments of illicit  
3        narcotics, and disrupt the financing of the illicit nar-  
4        cotics trade;

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

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

18           (8) coordinating with the Department of State,  
19        the Department of Agriculture, the United States  
20        Agency for International Development, the Overseas  
21        Private Investment Corporation, the United States  
22        Trade and Development Agency, the Department of  
23        Labor, and international partners, including the  
24        Inter-American Development Bank, to strengthen  
25        the foundation for inclusive economic growth and

1 improve food security, investment climate, and pro-  
 2 tectations for labor rights.

3 (d) CONSULTATION.—The Coordinator shall consult  
 4 with Congress, multilateral organizations and institutions,  
 5 foreign governments, and domestic and international civil  
 6 society organizations in carrying out this section.

7 **Subtitle B—Targeting Assistance to**  
 8 **Appropriate Communities in the**  
 9 **Northern Triangle**

10 **SEC. 421. TARGETING ASSISTANCE TO APPROPRIATE COM-**  
 11 **MUNITIES.**

12 Not later than 1 year after the date of the enactment  
 13 of this Act and annually thereafter for each of the 5 suc-  
 14 ceeding years, the Comptroller General of the United  
 15 States shall submit a report to the Committee on Foreign  
 16 Relations of the Senate, the Committee on Appropriations  
 17 of the Senate, the Committee on Foreign Affairs of the  
 18 House of Representatives, and the Committee on Appro-  
 19 priations of the House of Representatives that contains—

20 (1) raw data on the number of children migrat-  
 21 ing to the United States from each community or  
 22 geographic area in the Northern Triangle;

23 (2) an assessment of whether United States for-  
 24 eign assistance to the Northern Triangle is effec-

1 tively reaching the communities and geographic  
2 areas from which children are migrating; and

3 (3) an assessment of the extent to which the  
4 Department of State and the United States Agency  
5 for International Development are adjusting pro-  
6 gramming in the Northern Triangle as migration  
7 patterns shift.

8 **Subtitle C—Regional Millennium**  
9 **Challenge Corporation Compacts**

10 **SEC. 431. MILLENNIUM CHALLENGE CORPORATION COM-**  
11 **PACTS.**

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

15 (1) in subsection (a), by adding at the end the  
16 following: “The Board may enter into a Compact  
17 with more than 1 eligible country in a region if the  
18 Board determines that a regional development strat-  
19 egy would further regional development objectives.”;

20 (2) in subsection (k)—

21 (A) by striking the first sentence; and

22 (B) by striking “the existing” and insert-  
23 ing “an existing”; and

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

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

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

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

15                       (A) in paragraph (1)—

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

22                               (ii) in subparagraphs (A), (B), (E),  
23                               and (J), by inserting “or countries” after  
24                               “country” each place such term appears;  
25                               and

1 (B) in paragraph (3)—

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

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

9 (2) in section 613(b)(2)(A) (22 U.S.C.  
10 7712(b)(2)(A)) by striking “the Compact” and in-  
11 serting “any Compact”.

12 **Subtitle D—United States Leader-**  
13 **ship for Engaging International**  
14 **Donors and Partners**

15 **SEC. 441. REQUIREMENT FOR STRATEGY TO SECURE SUP-**  
16 **PORT OF INTERNATIONAL DONORS AND**  
17 **PARTNERS.**

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

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



1           (2) identifies governments that are willing to  
2 provide financial and technical assistance for the im-  
3 plementation of the Plan and a description of such  
4 assistance; and

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

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

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

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

23       (c) REPORT.—Not later than 1 year after submitting  
24 the strategy required under subsection (a), the Secretary

1 of State shall submit a report to the appropriate congres-  
2 sional committees that describes—

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

5 (2) the financial and technical assistance pro-  
6 vided by international donors and partners, includ-  
7 ing the multilateral institutions specified in sub-  
8 section (a)(3).

9 (d) BRIEFINGS.—Upon a request from any of the ap-  
10 propriate congressional committees, the Secretary of State  
11 shall provide a briefing to such committee that describes  
12 the progress made in implementing the strategy required  
13 under subsection (a).

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

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

18 (2) the Committee on Appropriations of the  
19 Senate;

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

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

○