

Congress was to weaken gun law safety provisions on the books. That was a vote that Senate Republicans brought up last year that prevented the Social Security Administration from alerting the FBI's gun background check system about people with mental illness.

It is likely that before this year is over, the Republican majority will call up more bills to weaken gun safety laws. That is the wrong response to the epidemic of gun violence in America.

I am not going to give up on trying to close the loopholes in our gun laws. I am going to keep fighting for universal background checks, tougher straw purchasing laws, and better laws to prevent gun theft. I am not going to give up because of people like Patrick Korellis, who was shot in the head 10 years ago at the tragedy at Northern Illinois University. Luckily, Patrick survived, and since that day, he has been a leader in Illinois, fighting for commonsense gun reform. I have come to know and admire him for his efforts.

No one should have to go through what Patrick went through and so many others went through on that day in DeKalb, IL, 10 years ago. We owe it to Patrick, to the other NIU victims and families and community members, and to the hundreds of thousands more across America who have been killed and wounded by guns this past decade to keep trying to reduce the toll of gun violence.

Maybe we can't stop every shooting, but if we do our best to keep guns out of dangerous hands, we will save lives. I intend to keep doing my best to achieve that goal.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**AMENDMENT NO. 1958, AS MODIFIED**

Mr. SCHUMER. Mr. President, I modify my amendment No. 1958 with the text at the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment, as modified, is as follows:

In lieu of the matter proposed to be stricken, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Immigration Security and Opportunity Act".

**SEC. 2. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**

(a) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by adding at the end the following:

**"SEC. 244A. CANCELLATION OF REMOVAL FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**

"(a) DEFINITIONS.—In this section:

"(1) APPLICABLE FEDERAL TAX LIABILITY.—The term 'applicable Federal tax liability' means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest on Federal taxes imposed under that Code.

"(2) ARMED FORCES.—The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101 of title 10, United States Code.

"(3) DACA.—The term 'DACA' means the deferred action for childhood arrivals policy described in the memorandum issued by the Secretary dated June 15, 2012 (rescinded on September 5, 2017).

"(4) DACA RECIPIENT.—The term 'DACA recipient' means an alien who was granted and remained in deferred action status under DACA.

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

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

"(7) ELEMENTARY SCHOOL.—The term 'elementary school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(8) FELONY.—

"(A) IN GENERAL.—The term 'felony' means a Federal, State, or local criminal offense punishable by imprisonment for a term that exceeds 1 year.

"(B) EXCLUSION.—The term 'felony' does not include a State or local criminal offense for which an essential element is the immigration status of an alien.

"(9) HIGH SCHOOL.—The term 'high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(10) INSTITUTION OF HIGHER EDUCATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

"(B) EXCLUSION.—The term 'institution of higher education' does not include an institution of higher education outside the United States.

"(11) MISDEMEANOR.—

"(A) IN GENERAL.—The term 'misdemeanor' means a Federal, State, or local criminal offense for which—

"(i) the maximum term of imprisonment is—

"(I) greater than 5 days; and

"(II) not greater than 1 year; and

"(ii) the individual was sentenced to time in custody of 90 days or less.

"(B) EXCLUSION.—The term 'misdemeanor' does not include a State or local offense for which an essential element is—

"(i) the immigration status of the alien;

"(ii) a significant misdemeanor; or

"(iii) a minor traffic offense.

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

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

"(14) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

"(16) SIGNIFICANT MISDEMEANOR.—

"(A) IN GENERAL.—The term 'significant misdemeanor' means a Federal, State, or local criminal offense—

"(i) for which the maximum term of imprisonment is—

"(I) more than 5 days; and

"(II) not more than 1 year; and

"(ii)(I) that, regardless of the sentence imposed, is—

"(aa) a crime of domestic violence (as defined in section 237(a)(2)(E)(i)); or

"(bb) an offense of—

"(AA) sexual abuse or exploitation;

"(BB) burglary;

"(CC) unlawful possession or use of a firearm;

"(DD) drug distribution or trafficking; or

"(EE) driving under the influence, if the applicable State law requires, as elements of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content equal to or greater than .08; or

"(II) that resulted in a sentence of time in custody of more than 90 days.

"(B) EXCLUSION.—The term 'significant misdemeanor' does not include a State or local offense for which an essential element is the immigration status of an alien.

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

"(b) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible to, or deportable from, the United States if—

"(1) the alien is a DACA recipient; or

"(2)(A) the alien has been continuously physically present in the United States since June 15, 2012;

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

"(C) subject to subsections (c) and (d), the alien—

"(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

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

"(iii) has not been convicted of—

"(I) a felony;

"(II) a significant misdemeanor; or

"(III) 3 or more misdemeanors—

"(aa) not occurring on the same date; and

"(bb) not arising out of the same act, omission, or scheme of misconduct;

"(D) the alien—

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

"(ii)(I) has earned a high school diploma or a commensurate alternative award from a public or private high school; or

"(II) has obtained—

"(aa) a general education development certificate recognized under State law; or

"(bb) a high school equivalency diploma in the United States;

"(iii) is enrolled in—

"(I) secondary school; or

"(II) an education program assisting student in—

"(aa) obtaining—

"(AA) a regular high school diploma; or

"(BB) the recognized equivalent of a regular high school diploma; or

"(bb) passing—

"(AA) a general educational development exam;

“(BB) a high school equivalence diploma examination; or

“(CC) any other similar State-authorized exam; or

“(iv)(I) has served, is serving, or has enlisted in the Armed Forces; or

“(II) in the case of an alien who has been discharged from the Armed Forces, has received an honorable discharge;

“(E)(i) the alien has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien was authorized to work in the United States; or

“(ii) the alien has entered into an agreement to pay, through a payment installment plan approved by the Commissioner of Internal Revenue, any applicable Federal tax liability incurred by the alien during the entire period for which the alien was authorized to work in the United States; and

“(F) the alien was under the age of 38 years on June 15, 2012.

“(c) WAIVER.—

“(1) IN GENERAL.—With respect to any benefit under this section, the Secretary may, on a case-by-case basis, waive a ground of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a)—

“(A) for humanitarian purposes; or

“(B) if the waiver is otherwise in the public interest.

“(2) QUARTERLY REPORT.—Not later than 180 days after the date of enactment of this section, and quarterly thereafter, the Secretary shall submit to Congress a report that identifies, for the preceding quarter—

“(A) the number of waivers requested by aliens under paragraph (1);

“(B) the number of waiver requests granted by the Secretary under that paragraph; and

“(C) the number of waiver requests denied by the Secretary under that paragraph.

“(d) TREATMENT OF EXPUNGED CONVICTIONS.—

“(1) IN GENERAL.—An expunged conviction shall not automatically be treated as a conviction referred to in subsection (b)(2)(C)(iii), (o)(3)(A)(iii), or (p)(1)(A)(i)(III).

“(2) CASE-BY-CASE EVALUATION.—The Secretary shall evaluate an expunged conviction on a case-by-case basis according to the nature and severity of the offense underlying the expunged conviction, based on the record of conviction, to determine whether, under the particular circumstances, the alien is eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status.

“(e) DACA RECIPIENTS.—With respect to a DACA recipient, the Secretary shall cancel the removal of the DACA recipient and adjust the status of the DACA recipient to the status of an alien lawfully admitted for permanent residence on a conditional basis unless, since the date on which the DACA recipient was granted deferred action status under DACA, the DACA recipient has engaged in conduct that would render an alien ineligible for deferred action status under DACA.

“(f) APPLICATION FEE.—

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

“(2) EXEMPTION.—An applicant may be exempted from paying the fee required under paragraph (1) only if the alien—

“(A)(i) is younger than 18 years of age;

“(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

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

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

“(C)(i) cannot care for himself or herself because of a serious, chronic disability; and

“(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

“(D)(i) during the 1-year period immediately preceding the date on which the alien files an application under this section, accumulated \$10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

“(ii) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

“(g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

“(1) IN GENERAL.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

“(2) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any alien who is unable to provide the biometric or biographic data referred to in paragraph (1) due to of a physical impairment.

“(h) BACKGROUND CHECKS.—

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

“(A) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis; and

“(B) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for permanent resident status on a conditional basis.

“(2) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under paragraph (1) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants the alien permanent resident status on a conditional basis.

“(3) CRIMINAL RECORD REQUESTS.—With respect to an alien seeking permanent resident status on a conditional basis, the Secretary, in cooperation with the Secretary of State, shall seek to obtain from INTERPOL, EUROPOL, or any other international or national law enforcement agency of the country of nationality, country of citizenship, or country of last habitual residence of the alien information about any criminal activity—

“(A) in which the alien engaged in the country of nationality, country of citizenship, or country of last habitual residence of the alien; or

“(B) for which the alien was convicted in the country of nationality, country of citizenship, or country of last habitual residence of the alien.

“(i) MEDICAL EXAMINATION.—

“(1) REQUIREMENT.—An alien applying for permanent resident status on a conditional basis shall undergo a medical examination.

“(2) POLICIES AND PROCEDURES.—The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under paragraph (1).

“(j) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section

shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under that Act.

“(k) DETERMINATION OF CONTINUOUS PRESENCE.—

“(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate on the date on which the alien is served a notice to appear under section 239(a).

“(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

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

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

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

“(l) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

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

“(2) ALIENS SUBJECT TO REMOVAL.—With respect to an alien who is in removal proceedings, the subject of a final removal order, or the subject of a voluntary departure order, the Attorney General shall provide the alien with a reasonable opportunity to apply for relief under this section.

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

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

“(A) meets all the requirements described in subparagraphs (A) through (C) of subsection (b)(2), subject to subsections (c) and (d);

“(B) is at least 5 years of age; and

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

“(2) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence removal proceedings for an alien described in paragraph (1).

“(3) EMPLOYMENT.—An alien whose removal is stayed pursuant to paragraph (1) or who may not be placed in removal proceedings pursuant to paragraph (2) shall, on application to the Secretary, be granted an employment authorization document.

“(4) LIFT OF STAY.—The Secretary or Attorney General may not lift the stay granted to an alien under paragraph (1) unless the alien ceases to meet the requirements under that paragraph.

“(n) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law applies a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis.

“(o) TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—

“(1) PERIOD OF STATUS.—

“(A) IN GENERAL.—Permanent resident status on a conditional basis is—

“(i) subject to subparagraph (B), valid for a period of 7 years; and

“(ii) subject to termination under paragraph (3).

“(B) EXTENSION AUTHORIZED.—The Secretary may extend the period described in subparagraph (A)(i).

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

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

“(A) subject to subsections (c) and (d), determines that the alien—

“(i) is inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

“(ii) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; or

“(iii) has been convicted of—

“(I) a felony;

“(II) a significant misdemeanor; or

“(III) 3 or more misdemeanors—

“(aa) not occurring on the same date; and

“(bb) not arising out of the same act, omission, or scheme of misconduct; and

“(B) prior to the termination, provides the alien—

“(i) notice of the proposed termination; and

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

“(4) RETURN TO PREVIOUS IMMIGRATION STATUS.—The immigration status of an alien whose permanent resident status on a conditional basis expires under paragraph (1)(A)(i) or is terminated under paragraph (3) or whose application for permanent resident status on a conditional basis is denied shall return to the immigration status of the alien on the day before the date on which the alien received permanent resident status on a conditional basis or applied for permanent resident status on a conditional basis, as appropriate.

“(p) REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.—

“(1) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall remove the conditional basis of the permanent resident status of an alien granted under this section and grant the alien status as an alien lawfully admitted for permanent residence if the alien—

“(i) subject to subsections (c) and (d)—

“(I) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

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

“(III) has not been convicted of—

“(aa) a felony;

“(bb) a significant misdemeanor; or

“(cc) 3 or more misdemeanors—

“(AA) not occurring on the same date; and

“(BB) not arising out of the same act, omission, or scheme of misconduct;

“(ii) has not abandoned the residence of the alien in the United States;

“(iii)(I) has acquired a degree from an institution of higher education or has completed at least 2 years, in good standing, in a program for a bachelor’s degree or higher degree in the United States;

“(II)(aa) has served in the Uniformed Services for at least 2 years; or

“(bb) in the case of an alien who has been discharged from the Uniformed Services, has received an honorable discharge; or

“(III) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in subsection (b)(2)(D)(iii), shall not count toward the time requirements under this clause;

“(iv)(I) has paid any applicable Federal tax liability incurred by the alien during the entire period for which the alien has been in permanent resident status on a conditional basis; or

“(II) has entered into an agreement to pay the applicable Federal tax liability through a payment installment plan approved by the Commissioner of Internal Revenue; and

“(v) has demonstrated good moral character during the entire period for which the alien has been in permanent resident status on a conditional basis.

“(B) CITIZENSHIP REQUIREMENT.—The conditional basis of the permanent resident status granted to an alien under this section may not be removed unless the alien demonstrates that the alien satisfies the requirements of section 312(a).

“(C) APPLICATION FEE.—

“(i) IN GENERAL.—The Secretary may require an alien applying for lawful permanent resident status under this subsection to pay a reasonable fee that is commensurate with the cost of processing the application.

“(ii) EXEMPTION.—An applicant may be exempted from paying the fee required under clause (i) only if the alien—

“(I)(aa) is younger than 18 years of age;

“(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and

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

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

“(III)(aa) cannot care for himself or herself because of a serious, chronic disability; and

“(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or

“(IV)(aa) during the 1-year period immediately preceding the date on which the alien files an application under this section, the alien accumulated \$10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

“(bb) received total income, during the 1-year period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line.

“(D) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—

“(i) IN GENERAL.—The Secretary may not remove the conditional basis of the permanent resident status of an alien unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary.

“(ii) ALTERNATIVE PROCEDURE.—The Secretary shall provide an alternative procedure for any applicant who is unable to provide the biometric or biographic data referred to in clause (i) due to physical impairment.

“(E) BACKGROUND CHECKS.—

“(i) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall use biometric, biographic, and other data that the Secretary determines to be appropriate—

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

“(II) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of the conditional basis of the permanent resident status of the alien.

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

“(2) NATURALIZATION.—

“(A) IN GENERAL.—For purposes of title III, an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and to be present in the United States, as an alien lawfully admitted for permanent residence.

“(B) LIMITATIONS ON APPLICATION FOR NATURALIZATION.—

“(i) IN GENERAL.—An alien shall not be naturalized—

“(I) on any date on which the alien is in permanent resident status on a conditional basis; or

“(II) subject to clause (iii), before the date that is 12 years after the date on which the alien was granted permanent resident status on a conditional basis.

“(ii) ADVANCED FILING DATE.—Subject to clause (iii), with respect to an alien granted permanent resident status on a conditional basis, the alien may file an application for naturalization not more than 90 days before the date that is 12 years after the date on which the alien was granted permanent resident status on a conditional basis.

“(iii) REDUCTION IN PERIOD.—

“(I) IN GENERAL.—Subject to subclause (II), the 12-year period referred to in clause (i)(II) and clause (ii) may be reduced by the number of days on which the alien was a DACA recipient, if applicable.

“(II) LIMITATION.—Notwithstanding subclause (I), the reduction in the 12-year period referred to in clause (i)(II) and clause (ii) shall be not more than 2 years.

“(3) LIMITATION ON CERTAIN PARENTS.—An alien shall not be eligible to adjust status to that of an alien lawfully admitted for permanent residence based on a petition filed by a child or a son or daughter of the alien if—

“(A) the child or son or daughter was granted permanent resident status on a conditional basis; and

“(B) the alien knowingly assisted the child or son or daughter to enter the United States unlawfully.

“(q) DOCUMENTATION REQUIREMENTS.—

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

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

“(B) the alien’s birth certificate and an identity card that includes the alien’s name and photograph;

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

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

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

“(F) a State-issued identification card bearing the alien’s name and photograph.

“(2) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under subsection (b)(2)(A), or to establish that an alien has not abandoned residence in the United States, as required under subsection (p)(1)(A)(ii), the alien may submit documents to the Secretary, including—

“(A) employment records that include the employer’s name and contact information;

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

“(C) records of service from the Uniformed Services;

“(D) official records from a religious entity confirming the alien’s participation in a religious ceremony;

“(E) passport entries;

“(F) a birth certificate for a child of the alien who was born in the United States;

“(G) automobile license receipts or registration;

“(H) deeds, mortgages, or rental agreement contracts;

“(I) tax receipts;

“(J) insurance policies;

“(K) remittance records;

“(L) rent receipts or utility bills bearing the alien’s name or the name of an immediate family member of the alien, and the alien’s address;

“(M) copies of money order receipts for money sent in or out of the United States;

“(N) dated bank transactions; or

“(O) 2 or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien’s continuous physical presence in the United States, that contain—

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

“(ii) the nature and duration of the relationship between the affiant and the alien.

“(3) DOCUMENTS ESTABLISHING INITIAL ENTRY INTO THE UNITED STATES.—To establish under subsection (b)(2)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

“(A) an admission stamp on the alien’s passport;

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

“(C) any document from the Department of Justice or the Department of Homeland Security stating the alien’s date of entry into the United States;

“(D) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;

“(E) rent receipts or utility bills bearing the alien’s name or the name of an immediate family member of the alien, and the alien’s address;

“(F) employment records that include the employer’s name and contact information;

“(G) official records from a religious entity confirming the alien’s participation in a religious ceremony;

“(H) a birth certificate for a child of the alien who was born in the United States;

“(I) automobile license receipts or registration;

“(J) deeds, mortgages, or rental agreement contracts;

“(K) tax receipts;

“(L) travel records;

“(M) copies of money order receipts sent in or out of the country;

“(N) dated bank transactions;

“(O) remittance records; or

“(P) insurance policies.

“(4) DOCUMENTS ESTABLISHING ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien—

“(A) has been admitted to the institution; or

“(B) is currently enrolled in the institution as a student.

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

“(6) DOCUMENTS ESTABLISHING RECEIPT OF HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary—

“(A) a high school diploma, certificate of completion, or other alternate award;

“(B) a high school equivalency diploma or certificate recognized under State law; or

“(C) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States.

“(7) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in subsection (b)(2)(D)(iii), (m)(1)(C), or (p)(1)(A)(iii)(III), the alien shall submit school records from the United States school that the alien is currently attending that include—

“(A) the name of the school; and

“(B) the alien’s name, periods of attendance, and current grade or educational level.

“(8) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under subsection (f)(2) or (p)(1)(C)(ii), the alien shall submit to the Secretary the following relevant documents:

“(A) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in paragraph (1), that establishes that the alien is younger than 18 years of age.

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

“(i) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

“(ii) bank records; or

“(iii) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien’s work and income that contain—

“(I) the name, address, and telephone number of the affiant; and

“(II) the nature and duration of the relationship between the affiant and the alien.

“(C) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain—

“(i) a statement that the alien is in foster care, otherwise lacks any parental or other familial support, is homeless, or has a serious, chronic disability, as appropriate;

“(ii) the name, address, and telephone number of the affiant; and

“(iii) the nature and duration of the relationship between the affiant and the alien.

“(D) DOCUMENTS TO ESTABLISH UNPAID MEDICAL EXPENSE.—To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that—

“(i) bear the provider’s name and address;

“(ii) bear the name of the individual receiving treatment; and

“(iii) document that the alien has accumulated \$10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien.

“(9) DOCUMENTS ESTABLISHING SERVICE IN THE UNIFORMED SERVICES.—To establish that an alien has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge, the alien shall submit to the Secretary—

“(A) a Department of Defense form DD-214;

“(B) a National Guard Report of Separation and Record of Service form 22;

“(C) personnel records for such service from the appropriate Uniformed Service; or

“(D) health records from the appropriate Uniformed Service.

“(10) DOCUMENTS ESTABLISHING EMPLOYMENT.—

“(A) IN GENERAL.—An alien may satisfy the employment requirement under section (p)(1)(A)(iii)(III) by submitting records that—

“(i) establish compliance with such employment requirement; and

“(ii) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

“(B) OTHER DOCUMENTS.—An alien who is unable to submit the records described in subparagraph (A) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

“(i) bank records;

“(ii) business records;

“(iii) employer records;

“(iv) records of a labor union, day labor center, or organization that assists workers in employment;

“(v) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien’s work, that contain—

“(I) the name, address, and telephone number of the affiant; and

“(II) the nature and duration of the relationship between the affiant and the alien; and

“(vi) remittance records.

“(11) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents

does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

“(r) RULEMAKING.—

“(1) INITIAL PUBLICATION.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall publish in the Federal Register regulations implementing this section.

“(B) AFFIRMATIVE APPLICATION.—The regulations published under subparagraph (A) shall allow any eligible individual to immediately apply affirmatively for the relief available under subsection (b) without being placed in removal proceedings.

“(2) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to paragraph (1)(A) shall be effective, on an interim basis, immediately on publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment.

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

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

“(s) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—The Secretary may not disclose or use for the purpose of immigration enforcement any information provided in—

“(A) an application filed under this section; or

“(B) a request for deferred action status under DACA.

“(2) REFERRALS PROHIBITED.—The Secretary may not refer to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection any individual who—

“(A) has been granted permanent resident status on a conditional basis; or

“(B) was granted deferred action status under DACA.

“(3) LIMITED EXCEPTION.—Notwithstanding paragraphs (1) and (2), information provided in an application for permanent resident status on a conditional basis or a request for deferred action status under DACA may be shared with a Federal security or law enforcement agency—

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

“(B) to identify or prevent fraudulent claims;

“(C) for national security purposes; or

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

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

(b) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 244 the following:

“Sec. 244A. Cancellation of removal for certain long-term residents who entered the United States as children.”

### SEC. 3. REDUCTION OF FAMILY-SPONSORED IMMIGRANT VISAS.

(a) PROHIBITION AGAINST THE SPONSOR OF UNMARRIED CHILDREN OLDER THAN 21 YEARS OF AGE BY LAWFUL PERMANENT RESIDENTS.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by striking paragraph (2) and inserting the following:

“(2) SPOUSES AND CHILDREN OF ALIENS LAWFULLY ADMITTED FOR PERMANENT RESIDENCE.—

“(A) IN GENERAL.—Qualified immigrants who are the spouse or child of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the sum of—

“(i) 114,200;

“(ii) the number (if any) by which such worldwide level exceeds 226,000; and

“(iii) the number of visas not required for the class described in paragraph (1).

“(B) TRANSITION PERIOD.—

“(i) IN GENERAL.—The Secretary of State shall not allocate a visa based on a petition filed by an alien lawfully admitted for permanent residence on behalf of an unmarried son or daughter under subparagraph (B) (as in effect on the day before the date of enactment of this Act) after December 31, 2018.

“(ii) SAVINGS CLAUSE.—The Secretary of State shall allocate a visa to a principal or derivative beneficiary of an approved petition filed by an alien lawfully admitted for permanent residence on behalf of a spouse or an unmarried son or daughter under subparagraph (B) (as in effect on the day before the date of enactment of this Act) before January 1, 2019, in accordance with that subparagraph (as in effect on the day before the date of enactment of this Act), if the principal or derivative beneficiary is otherwise eligible for the visa.

“(C) RETENTION OF PRIORITY DATE.—In the case of an alien child who is the principal or derivative beneficiary of a petition filed under subparagraph (A) who turns 21 years old before the date on which a visa becomes available, the alien may retain the priority date assigned to the alien under that subparagraph for a petition filed under this subsection.”

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(V) (8 U.S.C. 1101(a)(15)(V)), by striking “section 203(a)(2)(A)” each place such term appears and inserting “section 203(a)(2)”;

(2) in section 201(f)(2) (8 U.S.C. 1151(f)(2)), by striking “section 203(a)(2)(A)” and inserting “section 203(a)(2)”;

(3) in section 202—

(A) in subsection (a)(8 U.S.C. 1152(a))—

(i) in paragraph (2), by striking “(3), (4), and (5)” and inserting “(3) and (4)”

(ii) by striking paragraph (4); and

(iii) by redesignating paragraph (5) as paragraph (4); and

(B) in subsection (e), by striking “, or as limiting the number of visas that may be issued under section 203(a)(2)(A) pursuant to subsection (a)(4)(A)”;

(4) in section 203(h)—

(A) in paragraph (3), by striking “subsections (a)(2)(A) and (d)” and inserting “subsection (d)”;

(B) by striking “(a)(2)(A)” each place such term appears and inserting “(a)(2)”;

(5) in section 204—

(A) in subsection (a)(1)(B)—

(i) in clause (i)—

(I) in subclause (I), by striking “if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and”;

(II) in subclause (II)(cc), by striking “section 203(a)(2)(A)” and inserting “section 203(a)(2)”;

(ii) in clause (iii), by striking “section 203(a)(2)(A)” and inserting “section 203(a)(2)”;

(B) in subsection (k)(1)—

(i) by striking “alien unmarried son or daughter’s classification as a family-sponsored immigrant under section 203(a)(2)(B)” and inserting “alien child’s classification as a family-sponsored immigrant under section 203(a)(2)”;

(ii) by striking “son or daughter” and inserting “child”;

(iii) by striking “unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1)” and inserting “child as an immediate relative under section 201(b)(2)”;

(6) in section 214(q)(1)(B)(i), by striking “(a)(2)(A)” each place such term appears and inserting “(a)(2)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which—

(1) the Secretary of Homeland Security has adjudicated each petition that is filed under section 203(a)(2)(B) (as in effect on the day before the date of enactment of this Act) before January 1, 2019; and

(2) the Secretary of State has allocated to each eligible alien a visa based on a petition described in paragraph (1).

### SEC. 4. BORDER SECURITY.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means the Secretary of Homeland Security.

(b) APPROPRIATIONS FOR BORDER SECURITY.—The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for U.S. Customs and Border Protection, namely \$25,000,000,000 for—

(1) the construction of physical barriers;

(2) border security technologies;

(3) tactical infrastructure;

(4) marine vessels;

(5) aircraft;

(6) unmanned aerial systems;

(7) facilities; and

(8) equipment.

(c) AVAILABILITY FOR FISCAL YEAR 2018.—Of the amount appropriated by subsection (b), amounts shall be available for fiscal year 2018 as follows:

(1) For impedance and denial, \$1,571,000,000.

(2) For domain awareness, \$658,000,000.

(3) For access and mobility, \$143,000,000.

(4) For the retention, recruitment, and relocation of officers of Border Patrol Agents, Customs Officers, and Air and Marine personnel, \$148,000,000, including for not fewer than 615 officers of U.S. Customs and Border Protection.

(5) To hire 615 U.S. Customs and Border Protection Officers for deployment to ports of entry, \$75,000,000.

(d) AVAILABILITY FOR FISCAL YEARS 2019 THROUGH 2027.—

(1) IN GENERAL.—Subject to subsection (f), of the amount appropriated by subsection (b), the amount available for each of fiscal years 2019 through 2027 shall be \$2,500,000,000.

(2) LIMITATION.—Amounts appropriated under subsection (b) for fiscal years 2018 and 2019 shall only be available for operationally effective designs deployed as of the date of the Consolidated Appropriations Act, 2017 (Public Law 115-31), such as currently deployed steel bollard designs, that prioritize agent safety.

(e) REPORT ON PLAN FOR IMPROVEMENT OF BORDER SECURITY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives and the Committees of jurisdiction of the Senate and the House of Representatives a risk-based plan

for improving security along the borders of the United States, including the use of personnel, fencing, other forms of tactical infrastructure, and technology.

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A statement of goals, objectives, activities, and milestones for the plan.

(B) A detailed implementation schedule for the plan with estimates for the planned obligation of funds for fiscal years 2019 through 2027 that are linked to the milestone-based delivery of specific—

- (i) capabilities and services;
- (ii) mission benefits and outcomes;
- (iii) program management capabilities; and
- (iv) lifecycle cost estimates.

(C) A description of the manner in which specific projects under the plan will enhance border security goals and objectives and address the highest priority border security needs.

(D) An identification of the planned locations, quantities, and types of resources, such as fencing, other physical barriers, or other tactical infrastructure and technology, under the plan.

(E) A description of the methodology and analyses used to select specific resources for deployment to particular locations under the plan that includes—

- (i) analyses of alternatives, including comparative costs and benefits;
- (ii) an assessment of effects on communities and property owners near areas of infrastructure deployment; and
- (iii) a description of other factors critical to the decision-making process.

(F) An identification of staffing requirements under the plan, including full-time equivalents, contractors, and detailed personnel, by activity.

(G) A description of performance metrics for the plan for assessing and reporting on the contributions of border security capabilities realized from current and future investments.

(H) A description of the status of the actions of the Department of Homeland Security to address open recommendations by the Office of Inspector General and the Government Accountability Office relating to border security, including plans, schedules, and associated milestones for fully addressing such recommendations.

(I) A comprehensive plan to consult State and local elected officials on the eminent domain and construction process relating to physical barriers;

(J) A comprehensive analysis, following consultation with the Secretary of Interior and the Administrator of the Environmental Protection Agency, of the environmental impacts of the construction and placement of physical barriers planned along the Southwest border, including barriers in the Santa Ana National Wildlife Refuge;

(K) Certifications by the Under Secretary of Homeland Security for Management, including all documents, memoranda, and a description of the investment review and information technology management oversight and processes supporting such certifications, that—

(i) the plan has been reviewed and approved in accordance with an acquisition review management process that complies with capital planning and investment control and review requirements established by the Office of Management and Budget, including as provided in Circular A-11, part 7; and

(ii) all activities under the plan comply with Federal acquisition rules, requirements, guidelines, and practices.

(f) LIMITATION ON AVAILABILITY FOR FISCAL YEARS 2019 THROUGH 2027.—

(1) LIMITATION.—The amount specified in subsection (d) for each of fiscal years 2019

through 2027 shall not be available for such fiscal year unless—

(A) The Secretary submits to Congress, not later than 60 days before the beginning of such fiscal year, a report setting forth—

(i) a description of every planned expenditure in such fiscal year under the plan required by subsection (e) in an amount in excess of \$50,000,000;

(ii) a description of the total number of miles of security fencing or barriers that will be constructed in such fiscal year under the plan;

(iii) a statement of the number of new U.S. Customs and Border Protection Officers to be hired in such fiscal year under the plan and the intended location of deployment;

(iv) a description of the new roads to be installed in such fiscal year under the plan;

(v) a description of the land to be acquired in such fiscal year under the plan, including—

- (I) all necessary land acquisitions;
- (II) the total number of necessary condemnation actions; and

(III) the precise number of landowners that will be affected by the construction of such physical barriers;

(vi) a description of the amount and types of technology to be acquired for each of the northern border and the southern border in such fiscal year under the plan; and

(vii) a statement of the percentage of each of the northern border and the southern border for which the Department of Homeland Security will obtain full situational awareness in such fiscal year under the plan; and

(B) not later than October 1 of such fiscal year, the Secretary certifies to Congress that the Department of Homeland achieved not less than 75 percent of the goals of the Department under the plan (other than for land acquisition) for the prior fiscal year.

(2) AVAILABILITY WITHOUT CERTIFICATION.—If the Secretary is unable to make the certification described in paragraph (1)(B) with respect to a fiscal year as of October 1 of the succeeding fiscal year, the amount specified in subsection (d) for such succeeding fiscal year shall not be available except pursuant to an Act of Congress specifically making such amount available for such succeeding fiscal year that is enacted into law in such succeeding fiscal year.

(g) AVAILABILITY.—If amounts described in subsection (d) are available for a fiscal year, such amounts shall remain available for 5 years.

(h) LIMITATION.—Notwithstanding any other provision of law, none of the amounts appropriated under this section may be reprogrammed for or transferred to any other component of the Department of Homeland Security.

(i) BUDGET REQUEST.—An expenditure plan for amounts made available pursuant to subsection (b)—

(1) shall be included in each budget for a fiscal year submitted by the President under section 1105 of title 31, United States Code; and

(2) shall describe planned obligations by program, project, and activity in the receiving account at the same level of detail provided for in the request for other appropriations in that account.

(j) BUDGETARY EFFECTS.—

(1) IN GENERAL.—The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H.Con.Res. 71 (15th Congress).

(k) POINT OF ORDER.—

(1) DEFINITION.—In this subsection, the term “covered appropriation amount” means the amount appropriated for border security for a fiscal year under subsection (b).

(2) POINT OF ORDER IN THE SENATE.—

(A) POINT OF ORDER.—

(i) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would reduce the covered appropriation amount for a fiscal year.

(ii) POINT OF ORDER SUSTAINED.—If a point of order is made by a Senator against a provision described in clause (i), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974 (2 U.S.C. 644(e)).

(C) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subparagraph (A), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(D) SUPERMAJORITY WAIVER AND APPEAL.—In the Senate, this paragraph may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of Members of the Senate, duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(1) ENFORCEMENT PRIORITIES.—

(1) DEFINITIONS.—In this subsection:

(A) FELONY.—

(i) IN GENERAL.—The term “felony” means a Federal, State, or local criminal offense punishable by imprisonment for a term that exceeds 1 year.

(ii) EXCLUSION.—The term “felony” does not include a State or local criminal offense for which an essential element is the immigration status of an alien.

(B) MISDEMEANOR.—

(i) IN GENERAL.—The term “misdemeanor” means a Federal, State, or local criminal offense for which—

(I) the maximum term of imprisonment is—

- (aa) greater than 5 days; and
- (bb) not greater than 1 year; and

(II) the individual was sentenced to time in custody of 90 days or less.

(ii) EXCLUSION.—The term “misdemeanor” does not include a State or local offense for which an essential element is—

- (I) the immigration status of the alien;
- (II) a significant misdemeanor; or
- (III) a minor traffic offense.

(C) SIGNIFICANT MISDEMEANOR.—

(i) IN GENERAL.—The term “significant misdemeanor” means a Federal, State, or local criminal offense—

(I) for which the maximum term of imprisonment is—

- (aa) more than 5 days; and
- (bb) not more than 1 year; and
- (II)(aa) that, regardless of the sentence imposed, is—

(AA) a crime of domestic violence (as defined in section 237(a)(2)(E)(i)) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(E)(i)); or

- (BB) an offense of—
- (CC) sexual abuse or exploitation;
- (DD) burglary;
- (EE) unlawful possession or use of a firearm;

(FF) drug distribution or trafficking; or

(GG) driving under the influence, if the applicable State law requires, as elements of the offense, the operation of a motor vehicle and a finding of impairment or a blood alcohol content equal to or greater than .08; or

(bb) that resulted in a sentence of time in custody of more than 90 days.

(i) **EXCLUSION.**—The term “significant misdemeanor” does not include a State or local offense for which an essential element is the immigration status of an alien.

(2) **PRIORITIES.**—In carrying out immigration enforcement activities, the Secretary shall prioritize available immigration enforcement resources to aliens who—

- (A) have been convicted of—
- (i) a felony;
- (ii) a significant misdemeanor; or
- (iii) 3 or more misdemeanor offenses;
- (B) pose a threat to national security or public safety; or

(C)(i) are unlawfully present in the United States; and

(ii) arrived in the United States after June 30, 2018.

#### SEC. 5. OFFICE OF PROFESSIONAL RESPONSIBILITY.

Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient special agents at the Office of Professional Responsibility.

The PRESIDING OFFICER. The majority leader.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for amendment No. 1955.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 1955 to H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Angus S. King, Jr., Christopher A. Coons, Heidi Heitkamp, Joe Donnelly, Tim Kaine, Mark R. Warner, Sheldon Whitehouse, Debbie Stabenow, Margaret Wood Hassan, Jeanne Shaheen, Jack Reed, Tammy Baldwin, Patty Murray, Edward J. Markey, Amy Klobuchar, Richard J. Durbin, Brian Schatz, Charles E. Schumer.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for amendment No. 1948.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 1948 to H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Mitch McConnell, Thom Tillis, Chuck Grassley, John Cornyn, David Perdue, John Thune, Cory Gardner, Lindsey Graham, Bob Corker, James Lankford, John Hoeven, Rob Portman, Lamar Alexander, Steve Daines, Shelley Moore Capito, Dan Sullivan.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for amendment No. 1958, as modified.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 1958, as modified, to H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Mitch McConnell, Thom Tillis, Chuck Grassley, John Cornyn, David Perdue, John Thune, Cory Gardner, Lindsey Graham, Bob Corker, James Lankford, Lisa Murkowski, John Hoeven, Rob Portman, Lamar Alexander, Steve Daines, Shelley Moore Capito.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture amendment to the desk for amendment No. 1959.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 1959 to H.R. 2579, an act to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Mitch McConnell, Thom Tillis, Chuck Grassley, John Cornyn, David Perdue, John Thune, Cory Gardner, Lindsey Graham, Bob Corker, James Lankford, John Hoeven, Rob Portman, Lamar Alexander, Steve Daines, Shelley Moore Capito, Dan Sullivan.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 586.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination. The senior assistant legislative clerk read the nomination of Margaret Weichert, of Georgia, to be Deputy Director for Management, Office of Management and Budget.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Weichert nomination?

The nomination was confirmed.

### NOMINATIONS DISCHARGED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from and the Senate proceed to the consideration of PN474-2; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(d):

#### To be rear admiral

Rear Adm. (lh) Steven J. Andersen  
Rear Adm. (lh) Keith M. Smith

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business,