

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. CORREA OF CALIFORNIA**

Add at the end the following:

1 **SEC. ____ . WORKING GROUP TO IDENTIFY WAYS TO STIMU-**
2 **LATE ECONOMIC DEVELOPMENT AND INFRA-**
3 **STRUCTURE INVESTMENT IN BORDER COM-**
4 **MUNITIES.**

5 The Secretary shall take such actions as may be nec-
6 essary to establish a working group to identify ways to
7 stimulate economic development and infrastructure invest-
8 ment in communities along the southern border and pro-
9 mote cross-border investment and trade by the private sec-
10 tor.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. CORREA OF CALIFORNIA**

Add at the end the following:

1 **SEC. 30. CHILD CARE SERVICES FOR CBP AGENTS AND OF-**
2 **FICERS.**

3 The Commissioner shall take such actions as may be
4 necessary to establish child care services for CBP agents
5 and officers.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. GOLDMAN OF NEW YORK**

Amend subsection (c) of section 16 to read as follows:

1 (c) INCREASING FUNDING TO NONGOVERNMENTAL
2 ORGANIZATIONS SUPPORTING NONCITIZENS.— Congress
3 finds that nongovernmental organizations across the
4 United States provide essential services to noncitizens who
5 are entering or have entered the United States and ad-
6 vance our Nation’s commitment to welcoming people
7 searching for refuge and opportunity. In addition to
8 amounts otherwise authorized to be appropriated to sup-
9 port nongovernmental organizations providing services to
10 noncitizens, there is authorized to be appropriated
11 \$800,000,000 for each of fiscal years 2024 and 2025.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. GOLDMAN OF NEW YORK**

Amend subsection (a) of section 27 to read as follows:

1 (a) ALTERNATIVES TO DETENTION CASE MANAGE-
2 MENT PILOT PROGRAM.—Congress reaffirms the impor-
3 tance of the Alternatives to Detention Case Management
4 Pilot Program to provide assistance to individuals navi-
5 gating immigration proceedings and reduce reliance on im-
6 migration detention. In addition to amounts otherwise au-
7 thorized to be appropriated, there is authorized to be ap-
8 propriated \$40,000,000 for each of fiscal years 2024 and
9 2025 for the Alternatives to Detention Case Management
10 Pilot Program.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. GOLDMAN OF NEW YORK**

Amend subsection (a) of section 27 to read as follows:

1 (a) IMMIGRATION DETENTION OMBUDSMAN.—Con-
2 gress reaffirms the important mission of the Immigration
3 Detention Ombudsman, including establishing and admin-
4 istering an independent, neutral, and confidential process
5 to receive, investigate, resolve, and provide redress for in-
6 dividuals in immigration detention subjected to mis-
7 conduct, excessive force, or any other violations of law or
8 detention standards by Department personnel, including
9 contracted, subcontracted, or cooperating entity personnel.
10 In addition to amounts otherwise authorized to be appro-
11 priated, there is authorized to be appropriated
12 \$72,000,000 for each of fiscal years 2024 and 2025.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. GOLDMAN OF NEW YORK**

Amend subsection (d) of section 27 to read as follows:

1 (d) SHELTER AND SERVICES PROGRAM.—Congress
2 reaffirms the importance of the Shelter and Services Pro-
3 gram to provide resources and services, including shelter,
4 food, and necessities to migrants in the United States. In
5 addition to amounts otherwise authorized to be appro-
6 priated, there is authorized to be appropriated
7 \$800,000,000 for each of fiscal years 2024 and 2025.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. GOLDMAN OF NEW YORK**

Amend subsection (a) of section 16 to read as follows:

1 (a) REAFFIRMING COMMITMENT TO A FAIR AND
2 WORKABLE ASYLUM SYSTEM.—Congress reaffirms our
3 Nation’s commitment to welcoming the oppressed of other
4 countries and fulfilling our obligations under international
5 law. Through the Refugee Act of 1980, Congress estab-
6 lished that all persons who are physically present in the
7 United States, at a land border, or a port of entry, irre-
8 spective of their status, can apply for asylum. The Depart-
9 ment shall use funds authorized to be appropriated to
10 process the entry into the United States of noncitizens,
11 consistent with section 208(a) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1158(a)).



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. GOLDMAN OF NEW YORK**

Add at the end the following:

1 **SEC. ____ . REPORT ON THE REUNIFICATION OF FAMILIES**
2 **SEPARATED BY THE TRUMP ADMINISTRA-**
3 **TION.**

4 (a) IN GENERAL.—Not later than 60 days after the
5 date of the enactment of this Act, the Secretary shall sub-
6 mit to the appropriate congressional committees a report
7 on the status of reunification of children separated from
8 their families under the Trump Administration, including
9 through the Zero Tolerance Policy, as well as the pilot
10 program known as the “El Paso Initiative”. The report
11 shall include information relating to the following:

12 (1) The total number of children known to have
13 been separated from their families, including from
14 their parents, legal guardians, or siblings.

15 (2) Whether it is possible that more children
16 were separated but are still unknown to the Federal
17 Government.

18 (3) How the Federal Government is working to
19 identify United States-born children who may not

1 have been entered into any Federal databases upon
2 being separated from their families.

3 (4) The nationality of each child who was sepa-
4 rated.

5 (5) The age of each child at the time of being
6 separated from such child's family.

7 (6) The total duration of time each child was
8 separated from the parents or legal guardians of
9 such child.

10 (7) The total number of parents or legal guard-
11 ians who were removed from the United States after
12 being separated from their children.

13 (8) The total number of children who have yet
14 to be reunited with their families, and whether the
15 identities of such families are known.

16 (9) The total number of reports or complaints
17 by children or family members separated under the
18 Zero Tolerance Policy or the El Paso Initiative alleg-
19 ing abuse or violations of law by Department per-
20 sonnel, and the steps taken by the Department to
21 investigate such reports or complaints, as the case
22 may be.

23 (10) The total number of whistleblower com-
24 plaints made to the Department regarding family

1 separation, including through implementation of the
2 Zero Tolerance Policy or the El Paso Initiative.

3 (11) What actions are being taken to reunite
4 children who remain separated from their parents.

5 (12) Recommended actions Congress could take
6 to ensure that all children, parents, or legal guard-
7 ians impacted by the Zero Tolerance Policy or El
8 Paso Initiative are accounted for, as well as to sup-
9 port the reunification of families.

10 (b) NO IDENTIFYING INFORMATION.—The report re-
11 quired under subsection (a) may not include the name or
12 date of birth of any child or adult.

13 (c) DEFINITION.—In this section, the term “appro-
14 priate congressional committees” means—

15 (1) the Committee on Homeland Security and
16 the Committee on the Judiciary of the House of
17 Representatives; and

18 (2) the Committee on Homeland Security and
19 Governmental Affairs and the Committee on the Ju-
20 diciary of the Senate.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY Mr . Menendez**

Strike section 3.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. CARTER OF LOUISIANA**

Amend section 4 to read as follows:

1 SEC. 4. RANCHERS AND OTHER BORDER LAND OWNERS.

2 (a) ACTIONS.—Subject to subsection (b), the Sec-
3 retary shall take such actions as may be necessary (includ-
4 ing the removal of obstacles to detection of unlawful en-
5 trants) to construct, install, deploy, operate, and maintain
6 tactical infrastructure and technology in the vicinity of the
7 United States border to impede and detect unlawful activ-
8 ity in high traffic areas.

9 (b) PROHIBITION.—Notwithstanding any other provi-
10 sion of law, the Secretary may not exercise any authority
11 under subsection (a) until such time as the Secretary sub-
12 mits to Congress the following with respect to the pro-
13 posed exercise of eminent domain with respect to any
14 property subject to the exercise of such authority under
15 such subsection:

16 (1) A certification, provided not later than 30
17 days before the proposed exercise of such eminent
18 domain, that—

1 (A) the exercise of such eminent domain is
2 necessary for homeland security; and

3 (B) all options other than such exercise of
4 eminent domain have been evaluated and that
5 the security benefits that would be realized by
6 the Department in acquiring such property can-
7 not be achieved through other means.

8 (2) Supplementary information justifying the
9 matters described in subparagraphs (A) and (B) of
10 paragraph (1).



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Add at the end of section 7 the following:

1 (d) BODY-WORN CAMERAS.—

2 (1) REQUIREMENT.—Not later than 120 days
3 after the date of the enactment of this section, the
4 Ombudsman of the Department, in coordination
5 with the Commissioner, the Director of U.S. Immi-
6 gration and Customs Enforcement, and representa-
7 tives of labor organizations representing agents and
8 officers of CBP and U.S. Immigration and Customs
9 Enforcement, shall submit to the Committee on
10 Homeland Security and the Committee on the Judi-
11 ciary of the House of Representatives and the Com-
12 mittee on Homeland Security and Governmental Af-
13 fairs and the Committee on the Judiciary of the
14 Senate a plan for requiring, not later than one year
15 after such date of enactment, the use of body-worn
16 cameras by U.S. Border Patrol agents and U.S. Im-
17 migration and Customs Enforcement officers when-
18 ever such agents and officers are engaged in border

1 security or immigration enforcement activities, as
2 the case may be.

3 (2) ELEMENTS.—The plan required under
4 paragraph (1) shall include the following:

5 (A) Benchmarks for implementation of the
6 use of body-worn cameras within CBP and U.S.
7 Immigration and Customs Enforcement.

8 (B) Policies and procedures for the use of
9 body-worn cameras by agents and officers of
10 CBP and U.S. Immigration and Customs En-
11 forcement, including retention requirements for
12 such camera footage.

13 (C) Training requirements for the appro-
14 priate use of body-worn cameras.

15 (D) Mechanisms to ensure compliance with
16 body-worn camera policies and procedures and
17 adverse action for non-compliance.

18 (3) CONSIDERATIONS.—The plan required
19 under paragraph (1) shall be informed by the fol-
20 lowing:

21 (A) Existing State and local policies re-
22 quiring the use of body-worn cameras.

1 (B) Principles regarding body-worn cam-
2 eras published by major civil and human rights
3 organizations.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Page 24, line 13, strike “U.S. Border Patrol law enforcement agent” and insert “CBP officer or agent”.

Page 24, beginning line 16, strike “with the U.S. Border Patrol”.

Page 24, line 19, strike “with the U.S. Border Patrol”.

Page 24, beginning line 24, strike “not fewer than 22,000” and all that follows through “processing coordinators” on line 2 of page 25, and insert “equal to the level identified pursuant to the workforce staffing model required under subsection (c) of section 411 of the Homeland Security Act of 2002 (as amended by section 10 of this Act)”.

Page 25, line 2, insert before the period at the end the following: “, Office of Field Operations Officers at the level identified in the workload staffing model, Agricultural Specialists at the level identified in the agriculture resource allocation model, Technicians and Mis-

sion Support personnel as identified in the mission and operational support resource allocation model”.

Page 25, strike lines 3 through 8.



**AMENDMENT TO THE AMENDMENT IN THE
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OFFERED BY M . _____**

Page 26, line 1, strike “REQUIREMENT” and insert
“AUTHORITY”.

Page 26, line 3, strike “shall” and insert “may”.

Page 26, line 15, strike “and”.

Page 26, line 22, insert “and” after the semicolon.

Page 26, beginning line 23, insert the following:

1 “(D) holds, or has held within the past five
2 years a Secret, Top Secret, or Top Secret/Sen-
3 sitive Compartmented Information clearance or
4 has successfully completed a polygraph exam-
5 ination within the past five years, that included
6 questioning on matters relevant to suitability
7 determinations for U.S. Customs and Border
8 Protection.”.

Page 28, strike line 14 and all that follows through
page 29, line 2, and insert the following:

9 “(c) **TERMINATION OF WAIVER AUTHORITY.**—The
10 authority to issue a waiver under subsection (b) shall ter-

1 minate on the date that is five years after the date of the
2 enactment of this section.”.

Page 29, line 23, insert “or after” after “before”.

Page 30, beginning line 23, insert the following:

3 “(5) An assessment of the current impact of
4 such waiver authority on insider threat mitigation.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Amend section 15 to read as follows:

1 **SEC. 15. DHS SUICIDE PREVENTION AND RESILIENCY FOR**
2 **LAW ENFORCEMENT.**

3 (a) IN GENERAL.—The Homeland Security Act of
4 2002 is amended by inserting after section 710 the fol-
5 lowing new section:

6 **“SEC. 710A. SUICIDE PREVENTION AND RESILIENCY FOR**
7 **LAW ENFORCEMENT.**

8 “(a) DEPARTMENT COMPONENTS DEFINED.—In this
9 section, the term ‘Department components’ means the fol-
10 lowing:

11 “(1) U.S. Customs and Border Protection.

12 “(2) U.S. Immigration and Customs Enforce-
13 ment.

14 “(3) The Office of the Inspector General of the
15 Department of Homeland Security.

16 “(4) The United States Secret Service.

17 “(5) The Transportation Security Administra-
18 tion.

1 “(6) Any other Department component with law
2 enforcement officers or agents.

3 “(b) LAW ENFORCEMENT MENTAL HEALTH AND
4 WELLNESS PROGRAM.—

5 “(1) ESTABLISHMENT.—

6 “(A) IN GENERAL.—The Secretary shall
7 establish, within the office overseen by the
8 Chief Medical Officer of the Department, the
9 Law Enforcement Mental Health and Wellness
10 Program (in this section referred to as the
11 ‘Program’).

12 “(B) PURPOSE.—The purpose of the Pro-
13 gram shall be to provide a comprehensive ap-
14 proach to address the mental health and
15 wellness of Department law enforcement offi-
16 cers and agents.

17 “(C) ADMINISTRATION.—The Secretary,
18 working through the Program, shall—

19 “(i) establish and maintain policies
20 and standard operating procedures, con-
21 sistent with best evidence-based practices,
22 that detail the authority, roles, and respon-
23 sibilities of the Program;

24 “(ii) conduct data collection and re-
25 search on mental health, suicides, and, to

1 the extent possible, attempted suicides, of
2 Department law enforcement officers and
3 agents, in accordance with section 552a of
4 title 5, United States Code (commonly
5 known as the Privacy Act of 1974), section
6 501 of the Rehabilitation Act of 1973 (29
7 U.S.C. 791), the Department’s directives
8 and policies, and section 2(a) of the Law
9 Enforcement Suicide Data Collection Act
10 (Public Law 116–143);

11 “(iii) track current trends and leading
12 practices from other governmental and
13 nongovernmental organizations for law en-
14 forcement mental health and wellness;

15 “(iv) evaluate current mental health
16 and resiliency programs within the Depart-
17 ment components;

18 “(v) promote education and training
19 related to mental health, resilience, suicide
20 prevention, stigma, and mental health re-
21 sources to raise mental health awareness,
22 and provide support to others, inclusive of
23 the needs of supervisors, clinicians, care-
24 givers, peer support members, chaplains,

1 and those who have been exposed to trau-
2 ma;

3 “(vi) establish a Peer-to-Peer Support
4 Program Advisory Council, which shall—

5 “(I) include at least one licensed
6 clinician and at least one official with
7 requisite and relevant training and ex-
8 perience in peer support from each
9 Department component;

10 “(II) evaluate component peer
11 support programs;

12 “(III) identify and address any
13 potential deficiencies, limitations, and
14 gaps;

15 “(IV) provide for sharing of lead-
16 ing practices or best practices, includ-
17 ing internationally recognized peer
18 support standards of care protocols;

19 “(V) create a peer support net-
20 work that enables the sharing of
21 trained peer support personnel, chap-
22 lains, and other peer-to-peer personnel
23 across Department components; and

24 “(VI) sustain peer support pro-
25 grams through ongoing funding of an-

1 nual and refresher training and re-
2 sources for peer support programing
3 in the workplace to—

4 “(aa) ensure minimum
5 standards for peer support serv-
6 ices; and

7 “(bb) provide appropriate
8 care for peer support personnel
9 across Department components;

10 “(vii) assist Department components
11 in developing a program to provide suicide
12 prevention and resiliency support and
13 training for—

14 “(I) families of Department law
15 enforcement officers and agents; and

16 “(II) surviving families of officers
17 and agents who have been lost to sui-
18 cide;

19 “(viii) work with law enforcement
20 mental health and wellness program offi-
21 cials of Department components (including
22 peer support-trained personnel, agency
23 mental health professionals, chaplains,
24 and, for components with employees having
25 an exclusive representative, the exclusive

1 representative with respect to such pro-
2 gram) to implement new policies, proce-
3 dures, and programs that may be nec-
4 essary based on findings from data collec-
5 tion, research, and evaluation efforts; and

6 “(ix) conduct regular outreach and
7 messaging, across Department compo-
8 nents, of available training opportunities
9 and resources.

10 “(D) CONFIDENTIALITY; LIMITATION.—

11 “(i) CONFIDENTIALITY.—Activities
12 described in subparagraph (C) may not in-
13 clude the publication of any personally
14 identifiable information.

15 “(ii) LIMITATION.—Personally identi-
16 fiable information collected pursuant to
17 subparagraph (C) may not be maintained
18 or used for any purpose other than imple-
19 mentation of this section, unless otherwise
20 permitted under applicable law. Any such
21 personally identifiable information that is
22 so collected, maintained, or used pursuant
23 to this section is subject to applicable pub-
24 lic nondisclosure requirements, including

1 sections 552 and 552a of title 5, United
2 States Code.

3 “(E) PERSONNEL.—

4 “(i) MANAGEMENT.—The Workplace
5 Health and Wellness Coordinator of the
6 Department, under the direction of the
7 Chief Medical Officer of the Department,
8 shall be responsible for the ongoing man-
9 agement of the Program.

10 “(ii) MINIMUM CORE PERSONNEL RE-
11 QUIREMENTS.—Subject to appropriations,
12 the Secretary shall ensure the Program is
13 staffed with the number of employees the
14 Chief Medical Officer of the Department
15 determines necessary to carry out the du-
16 ties described in subparagraph (C), includ-
17 ing representatives from each Department
18 component and the Office of the Chief Pri-
19 vacy Officer.

20 “(2) DIRECTIVE.—Not later than 180 days
21 after the date of the enactment of this section, the
22 Chief Medical Officer of the Department shall—

23 “(A) issue a directive or policy that out-
24 lines the roles and responsibilities of the Pro-
25 gram; and

1 “(B) distribute such directive or policy
2 among all Department personnel.

3 “(c) COORDINATION.—The Chief Medical Officer of
4 the Department shall require the Program to regularly co-
5 ordinate with the Department components by assigning at
6 least one official from each such component to the Pro-
7 gram for the purpose of coordinating with field points of
8 contact who are responsible for carrying out duties within
9 Department mental health and wellness programs.

10 “(d) DEPARTMENT COMPONENTS.—The Secretary
11 shall require the head of each Department component to
12 prioritize and improve mental health and wellness pro-
13 grams that—

14 “(1) provide adequate resources for law enforce-
15 ment mental health, well-being, resilience, and sui-
16 cide prevention programs and research;

17 “(2) promote a culture that reduces the stigma
18 of seeking mental health assistance through regular
19 messaging, training, and raising mental health
20 awareness;

21 “(3) offer several avenues of seeking mental
22 health or counseling assistance, both within the com-
23 ponent and through private sources that provide for
24 anonymity and include access to external mental
25 health clinicians;

1 “(4) review and revise relevant policies of De-
2 partment components that inadvertently deter per-
3 sonnel from seeking mental health or counseling as-
4 sistance;

5 “(5) ensure that such programs include safe-
6 guards against adverse action, including automatic
7 referrals for a fitness for duty examination, by such
8 component with respect to any employee solely be-
9 cause such employee self-identifies a need for psy-
10 chological health counseling or assistance or receives
11 such counseling or assistance;

12 “(6) implement policies that require in-person
13 or live and interactive virtual suicide awareness and
14 law enforcement resiliency trainings to be provided
15 to law enforcement officers and agents;

16 “(7) makes such trainings available, as appro-
17 priate, to other component personnel—

18 “(A) upon the commencement of such offi-
19 cers’, agents’, and other component’s person-
20 nel’s employment;

21 “(B) on an annual basis during such em-
22 ployment;

23 “(C) during such officers’, agents’, or
24 other component’s personnel’s transition into
25 supervisory roles; and

1 “(D) if feasible, shortly before such officer,
2 agent, or other component’s personnel termi-
3 nates his or her employment with the Depart-
4 ment, if such officer, agent, or other compo-
5 nent’s personnel elects to participate; and

6 “(8) include prevention and awareness training
7 opportunities and support services for families of
8 agents, officers, and other component personnel.

9 “(e) DATA COLLECTION AND EVALUATION.—

10 “(1) ASSESSMENT OF EFFECTIVENESS OF LAW
11 ENFORCEMENT HEALTH AND WELLNESS PRO-
12 GRAMS.—The Workplace Health and Wellness Coor-
13 dinator, under the direction of the Chief Medical Of-
14 ficer of the Department—

15 “(A) shall—

16 “(i) develop criteria to assess the ef-
17 fectiveness of law enforcement health and
18 wellness programs carried out by the De-
19 partment;

20 “(ii) conduct annual confidential sur-
21 veys of law enforcement officers and
22 agents within Department components to
23 assist in evaluating the effectiveness of law
24 enforcement health and wellness programs

1 in accordance with the criteria developed
2 pursuant to clause (i); and

3 “(iii) ensure that the surveys con-
4 ducted pursuant to clause (ii)—

5 “(I) incorporate leading practices
6 in questionnaire and survey design
7 and development; and

8 “(II) establish a baseline and
9 subsequently measure change over
10 time; and

11 “(B) may utilize contractor support in car-
12 rying out the duties described in subparagraph
13 (A).

14 “(2) RECOMMENDATIONS.—The Chief Medical
15 Officer of the Department shall provide rec-
16 ommendations to Department components based on
17 the evaluation of programs and the results of the
18 surveys conducted pursuant to paragraph (1).

19 “(3) INCIDENT REPORTS.—Each Department
20 component shall report to the Workplace Health and
21 Wellness Coordinator incidents of suicide involving
22 law enforcement officers and agents, together with
23 any data relating thereto consistent with data col-
24 lected under section 2(a) of the Law Enforcement
25 Suicide Data Collection Act (Public Law 116–143).

1 The Coordinator shall forward such information to
2 the Law Enforcement Officers Suicide Data Collec-
3 tion Program established pursuant to such section.

4 “(4) CONFIDENTIALITY; LIMITATION.—

5 “(A) CONFIDENTIALITY.—Activities de-
6 scribed in paragraph (1) or reporting described
7 under paragraph (3) may not include the publi-
8 cation of any personally identifiable informa-
9 tion.

10 “(B) LIMITATION.—Personally identifiable
11 information collected pursuant to paragraph (1)
12 may not be maintained or used for any purpose
13 other than implementation of this section, un-
14 less otherwise permitted under applicable law.
15 Any such personally identifiable information
16 that is so collected, maintained, or used pursu-
17 ant to this section is subject to applicable public
18 nondisclosure requirements, including sections
19 552 and 552a of title 5, United States Code.

20 “(f) BRIEFING.—Not later than 180 days after the
21 date of the enactment of this section and annually there-
22 after through fiscal year 2027, the Chief Medical Officer
23 of the Department shall provide to the Committee on
24 Homeland Security of the House of Representatives and
25 the Committee on Homeland Security and Governmental

1 Affairs of the Senate a briefing regarding the implementa-
2 tion of this section.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended by inserting after the item relating to section
6 710 the following new item:

“Sec. 710A. Suicide prevention and resiliency for law enforcement.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Strike section 16.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Amend section 15 to read as follows:

1 **SEC. 15. PRESERVING AND RESTORING UNITY OF MIGRANT**
2 **FAMILIES.**

3 (a) IN GENERAL.—The Commissioner shall maintain
4 family unity to the greatest extent operationally feasible,
5 absent a legal requirement or an articulable safety or secu-
6 rity concern that requires separation, no child appre-
7 hended on the southern border may be separated from a
8 family member apprehended with such child.

9 (b) EXCEPTION.—On a nondelegable basis, an Office
10 of Field Operations Field Director or U.S. Border Patrol
11 Sector Chief may separate a child from a family member
12 only if there is evidence that the child may be a trafficking
13 victim in violation of section 235 of the William Wilber-
14 force Trafficking Victims Protection Reauthorization Act
15 of 2008 (8 U.S.C. 1232) and, in such instances, such Di-
16 rector of Sector Chief, as the case may be, shall retain
17 records of such evidence relied upon for reaching such a
18 determination and, upon separation, the information relat-
19 ing to the locations of the individuals involved.

1 (c) REUNIFICATION.—Until such time as all migrant
2 families and children who were separated by CBP begin-
3 ning in 2017 are reunited, the Secretary, in coordination
4 with the Secretary of Health and Human Services, the
5 Secretary of State, and the Attorney General, shall report,
6 on a quarterly basis, to Congress on the status of inter-
7 agency efforts to so reunify such migrant families, provide
8 needed support services to such reunified families, and
9 prevent future family separations, including of families
10 with United States citizen children.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Add at the end the following:

1 **SEC. 30. DISRUPTING THE SMUGGLING OF UNITED STATES-**
2 **SOURCED FIREARMS AND RELATED MUNI-**
3 **TIONS ACROSS THE LAND BORDER WITH**
4 **MEXICO.**

5 The Secretary shall enhance efforts to disrupt the
6 smuggling of United States-sourced firearms and related
7 munitions across the land border with Mexico by taking
8 the following actions:

9 (1) Intensifying collaboration, including joint
10 operations, between CBP and U.S. Immigration and
11 Customs Enforcement to identify, target, disrupt,
12 and dismantle transnational criminal organizations
13 responsible for exporting firearms and related muni-
14 tions from the United States to Mexico.

15 (2) Directing Homeland Security Investigations
16 of U.S. Immigration and Customs Enforcement to
17 establish a mechanism for sharing aggregated infor-
18 mation about the interdiction of firearms by law en-
19 forcement agents and officers of the Department in

1 the United States and the interdiction of United
2 States-sourced firearms in Mexico with Federal part-
3 ners.

4 (3) Expanding efforts within Homeland Secu-
5 rity Investigations of U.S. Immigration and Customs
6 Enforcement, including through Operation
7 Strawman, to collect information concerning fire-
8 arms recovered at crime scenes in Mexico and ana-
9 lyze such information for leads regarding United
10 States sources in order to disrupt cross-border fire-
11 arms smuggling by transnational criminal organiza-
12 tions.

13 (4) Enhancing CBP coordination with appro-
14 priate Mexican Government agencies to increase out-
15 bound inspections by CBP at certain mutually
16 agreed ports of entry across the land border with
17 Mexico.

18 (5) Establishing performance measures, in con-
19 sultation with appropriate Federal partners, for ef-
20 forts to disrupt the smuggling of United States-
21 sourced firearms across the land border with Mexico.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. SWALWELL OF CALIFORNIA**

Add at the end of section 16(c) the following: “The prohibition under this subsection shall not apply in the case of a nongovernmental organization that provides services to Afghan nationals who assisted United States military or intelligence operations in Afghanistan.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. PAYNE OF NEW JERSEY**

Add at the end the following:

1 **SEC. 30. BRIEFINGS ON COINS DEPICTING U.S. BORDER PA-**
2 **TROL INCIDENT REGARDING HAITIAN MI-**
3 **GRANTS.**

4 Not later than 30 days after the date of the enact-
5 ment of this Act, the Commissioner shall brief the Com-
6 mittee on Homeland Security of the House of Representa-
7 tives and the Committee on Homeland Security and Gov-
8 ernmental Affairs of the Senate regarding the findings of
9 the Office of Professional Responsibility investigation of
10 CBP employees involved in the development, distribution,
11 and acquisition of coins positively depicting a September
12 19, 2021, incident near Del Rio, Texas, in which multiple
13 U.S. Border Patrol agents on horseback were found to
14 have “used force, or threats of force” to coerce or compel
15 Haitian migrants to cross the Rio Grande River and re-
16 turn to Mexico after they reached the United States.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Amend section 3 to read as follows:

1 SEC. 3. BORDER SECURITY AND MIGRANT SAFETY.

2 (a) INTEGRATED BORDER INTELLIGENCE ANALYT-
3 ICAL CELL.—The Secretary shall establish within the Na-
4 tional Targeting Center of CBP a dedicated intelligence
5 cell focused on sharing information regarding con-
6 centrated surges of migrants arriving at the land border
7 of the United States, and illicit smuggling and trafficking
8 that may pose a border security, homeland security, public
9 health, or other threat to the land border of the United
10 States. Such cell shall integrate intelligence capabilities
11 from across the Department to carry out the following:

12 (1) Develop intelligence products to improve the
13 Department’s ability to track, prepare for, and man-
14 age in a humane and effective manner concentrated
15 surges of migrants arriving along the land border of
16 the United States.

17 (2) Report on transnational criminal organiza-
18 tions exploiting migrating populations and migration

1 routes to smuggle narcotics and other illicit goods
2 across the land border of the United States.

3 (3) Support Federal efforts to dismantle or dis-
4 rupt illicit smuggling and trafficking along the land
5 border of the United States.

6 (4) Report on communications by transnational
7 criminal organizations and other malicious actors
8 that seek to encourage illicit migrant travel to the
9 United States.

10 (5) Develop other related intelligence products
11 that support the Department's border security oper-
12 ations.

13 (b) DEPARTMENT JOINT TASK FORCE TO COMBAT
14 TRANSNATIONAL CRIMINAL ORGANIZATIONS EXPLOITING
15 MIGRATION SURGES.—

16 (1) IN GENERAL.—Notwithstanding subsection
17 (b)(11) of section 708 of the Homeland Security Act
18 of 2002 (6 U.S.C. 348), not later than 180 days
19 after the date of the enactment of this Act, the Sec-
20 retary shall, pursuant to such section, establish a de-
21 partmental Joint Task Force to conduct operations
22 using personnel and capabilities of the Department
23 to combat human trafficking and smuggling along
24 the land border of the United States for the purpose

1 specified in clause (i) of subsection (b)(2)(A) of such
2 section. Such task force shall—

3 (A) pay particular attention to
4 transnational criminal organizations that target
5 foreign nationals, particularly children and fam-
6 ilies, for smuggling and trafficking across the
7 land border of the United States; and

8 (B) when appropriate, refer to the Attor-
9 ney General for prosecution border-related
10 criminal activity.

11 (2) PERFORMANCE METRICS.—Consistent with
12 subsection (b)(9) of section 708 of the Homeland
13 Security Act of 2002, the Secretary shall establish
14 and submit to the appropriate congressional commit-
15 tees performance metrics to evaluate the effective-
16 ness of the Joint Task Force established pursuant to
17 paragraph (1). Such performance metrics shall in-
18 clude outcome-based metrics associated with efforts
19 to combat human trafficking and smuggling across
20 the land border of the United States, including in-
21 formation on effectiveness at identifying
22 transnational criminal organizations engaged in such
23 activity, the sharing of information regarding such
24 organizations, efforts to dismantle or disrupt such

1 activity by such organizations, and investigative con-
2 tributions to the prosecution of such organizations.

3 (3) QUARTERLY REPORTS TO CONGRESS.—Not
4 later than four months after the establishment of
5 the Joint Task Force pursuant to paragraph (1) and
6 every four months thereafter until such Joint Task
7 Force is disbanded by the Secretary in accordance
8 with paragraph (4), the Director of such Joint Task
9 Force shall report to the appropriate congressional
10 committees on the activities of such Joint Task
11 Force during the preceding four-month period.

12 (4) DISBANDING OF JOINT TASK FORCE.—The
13 Secretary shall—

14 (A) upon establishment of the Joint Task
15 Force pursuant to paragraph (1), report to the
16 appropriate congressional committees the cri-
17 teria to be applied by the Secretary before mak-
18 ing a determination to disband such Joint Task
19 Force; and

20 (B) not later than 15 days prior to dis-
21 banding such Joint Task Force, submit to such
22 committees a justification relating thereto.

23 (5) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES DEFINED.—In this subsection, the term “ap-
25 propriate congressional committees” means the com-

1 mittees specified in subparagraph (F) of section
2 708(b)(6) of the Homeland Security Act of 2002.

3 (6) REPEAL OF SUNSET.—Paragraph (13) of
4 section 708(b) of the Homeland Security Act of
5 2002 is repealed.

6 (c) STRENGTHENING CROSS-BORDER PARTNER-
7 SHIPS.—The Secretary, in coordination with the Secretary
8 of State, shall expand partnership efforts with law enforce-
9 ment entities in Canada, Mexico, Guatemala, Honduras,
10 and El Salvador to combat human smuggling and traf-
11 ficking in such countries, including through the following:

12 (1) Expansion of transnational criminal inves-
13 tigative units to identify, disrupt, dismantle, and
14 prosecute human smuggling and trafficking oper-
15 ations.

16 (2) Participation in the Bilateral Human Traf-
17 ficking Enforcement Initiative by U.S. Immigration
18 and Customs Enforcement and the Department of
19 Justice with their Mexican law enforcement counter-
20 parts.

21 (3) Advanced training programs for investiga-
22 tors and prosecutors from such countries.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. CORREA OF CALIFORNIA**

Amend section 3 to read as follows:

1 **SEC. 3. COOPERATION ON COMBATTING HUMAN SMUG-**
2 **GLING AND TRAFFICKING.**

3 (a) IN GENERAL.—The Secretary, in coordination
4 with the Secretary of State, shall expand partnership ef-
5 forts with law enforcement entities in Mexico and Central
6 American countries seeking to combat human smuggling
7 and trafficking in those countries, including through the
8 following:

9 (1) The establishment or expansion of
10 transnational criminal investigative units to identify,
11 disrupt, and prosecute human smuggling and traf-
12 ficking operations.

13 (2) Participation by U.S. Immigration and Cus-
14 toms Enforcement and the Department of Justice in
15 the Bilateral Human Trafficking Enforcement Ini-
16 tiative with their Mexican law enforcement counter-
17 parts.

1 (3) Advanced training programs for investiga-
2 tors and prosecutors from Mexico and Central Amer-
3 ican countries

4 (b) INVESTIGATION AND PROSECUTION OF HUMAN
5 SMUGGLING AND TRAFFICKING.—The Secretary, acting
6 through the Director of U.S. Immigration and Customs
7 Enforcement, shall expand collaborative programs involv-
8 ing Homeland Security Investigations that are aimed at
9 investigating and prosecuting human smugglers and traf-
10 fickers targeting Central American children and families
11 and operating at the southern border of the United States,
12 including the continuation and expansion of
13 antitrafficking coordination teams.

14 (c) INFORMATION CAMPAIGN ON DANGERS OF MI-
15 GRATION.—

16 (1) IN GENERAL.—The Secretary, in consulta-
17 tion with the Secretary of State, shall design and
18 implement public information campaigns in North-
19 ern Triangle countries to—

20 (A) disseminate information about the
21 dangers of travel across Mexico to the United
22 States; and

23 (B) combat misinformation about United
24 States immigration law or policy.

1 (2) SPECIFICATIONS.—The information cam-
2 paigns implemented pursuant to paragraph (1) shall,
3 to the greatest extent possible—

4 (A) be targeted at populations and local-
5 ities with high migration rates;

6 (B) employ a variety of communications
7 media; and

8 (C) be developed in consultation with pro-
9 gram officials at the Department, the Depart-
10 ment of State, or other government, nonprofit,
11 or academic entities in close contact with mi-
12 grant populations from Northern Triangle
13 countries, including repatriated migrants.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Amend section 3 to read as follows:

1 SEC. 3. AUTHORIZATION OF BLUE LOTUS.

2 There is within the Department a coordinated
3 counter-drug trafficking surge operation to be carried out
4 by CBP and Homeland Security Investigations of U.S.
5 Immigration and Customs Enforcement known as “Oper-
6 ation Blue Lotus”. Within the Operation, officers and
7 agents shall coordinate to carry out intelligence-driven and
8 targeted inspections at locations along the land border
9 with Mexico. Such inspections may involve U.S. Customs
10 and Border Protection officers, U.S. Border Patrol agents,
11 Homeland Security Investigations agents, non-intrusive
12 inspections equipment and other advanced technology, and
13 Department canine drug detection teams. Any intelligence
14 gained through the Operation may be used to enhance the
15 targeting of transnational drug trafficking operations and
16 their illicit networks, including United States persons, to
17 support Federal prosecutions of transnational criminal or-
18 ganizations. Such operation may coordinate with existing
19 departmental counter-drug operations including Operation

- 1 Four Horsemen within the U.S. Border Patrol and Border
- 2 Enforcement Security Task Forces.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Add at the end the following:

1 SEC. 30. PRESERVING RIGHTS OF CBP EMPLOYEES.

2 (a) IN GENERAL.—The Commissioner and all other
3 managerial and supervisory employees of CBP may not
4 restrict the participation of any employee, including a
5 CBP officer or U.S. Border Patrol agent, in a union elec-
6 tion, collective bargaining, or any other activity otherwise
7 allowed under title 5, United States Code.

8 (b) COMMISSIONER’S DUTIES.—Subsection (c) of sec-
9 tion 411 of the Homeland Security Act of 2002 (6 U.S.C.
10 211) is amended—

11 (1) in paragraph (18), by striking “and” after
12 the semicolon;

13 (2) by redesignating paragraph (19) as para-
14 graph (20); and

15 (3) by inserting after paragraph (18) the fol-
16 lowing new paragraph:

17 “(19) develop and implement policies that
18 would permit any employee, including a U.S. Cus-
19 toms and Border Protection officer or U.S. Border

1 Patrol agent, to have the right to participation in a
2 union election, collective bargaining, or any other ac-
3 tivity otherwise allowed under title 5, United States
4 Code; and”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY Mr. Correa**

Strike subsection (c) of section 12.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. THANEDAR OF MICHIGAN**

Strike section 21.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Amend section 4 to read as follows:

1 **SEC. 4. INNOVATIVE AND EMERGING BORDER TECH-**
2 **NOLOGY PLAN.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary, acting
5 through the Commissioner and the Under Secretary for
6 Science and Technology of the Department, shall submit
7 to the Committee on Homeland Security of the House of
8 Representatives and the Committee on Homeland Security
9 and Governmental Affairs of the Senate a plan to identify,
10 integrate, deploy, and sustain new, innovative, disruptive,
11 or other emerging border technologies that may incor-
12 porate artificial intelligence, machine-learning, automa-
13 tion, fiber-optic sensing technology, nanotechnology, opti-
14 cal and cognitive radar, modeling and simulation tech-
15 nology, hyperspectral and LIDAR sensors, imaging, iden-
16 tification, and categorization systems, and other emerging
17 and advanced technologies, to enhance border security op-
18 erations or address capability gaps in border security oper-
19 ations.

1 (b) CONTENTS.—The plan required under subsection
2 (a) shall include the following:

3 (1) Information on how CBP utilizes CBP In-
4 novation Team authority under subsection (c) and
5 other mechanisms to carry out the purposes speci-
6 fied in subsection (a).

7 (2) An assessment of the contributions directly
8 attributable to the exercise of CBP Innovation Team
9 authority under subsection (c).

10 (3) Information on the composition of each
11 CBP Innovation Team, and how each such Team co-
12 ordinates with the CBP requirements and acquisi-
13 tion program offices and other partners within CBP
14 and the Department.

15 (4) Identification of technologies used by other
16 Federal departments and agencies not in use by
17 CBP that could assist in addressing capability gaps
18 in border security operations.

19 (5) An analysis of authorities available to CBP
20 to procure technologies referred to in subsection (a),
21 and an assessment as to whether additional or alter-
22 native authorities are needed to carry out the pur-
23 poses specified in such subsection.

24 (6) An explanation of how CBP plans to scale
25 existing programs related to emerging and advanced

1 technologies and efficiently transition new, innova-
2 tive, disruptive, or other emerging border security
3 technologies into programs of record.

4 (7) An assessment of CBP legacy technology
5 programs that could be phased out and replaced by
6 technologies referred to in subsection (a), and cost
7 estimates relating to such phase out and replace-
8 ment.

9 (8) Information relating to how CBP is coordi-
10 nating with the Department's Science and Tech-
11 nology Directorate to—

12 (A) research and develop new, innovative,
13 disruptive, or other emerging border security
14 technologies to carry out the purposes specified
15 in subsection (a); and

16 (B) incentivize the private sector to de-
17 velop technologies that will help meet mission
18 needs to address gaps in border security oper-
19 ations.

20 (9) Information on metrics, including key per-
21 formance parameters for evaluating the effectiveness
22 of efforts to identify, integrate, and deploy new, in-
23 novative, disruptive, or other emerging border tech-
24 nologies to carry out the purposes specified in sub-
25 section (a).

1 (10) Any other information the Secretary deter-
2 mines relevant.

3 (c) CBP INNOVATION TEAM AUTHORITY.—

4 (1) IN GENERAL.—The Commissioner is au-
5 thORIZED to maintain one or more CBP Innovation
6 Teams to identify and adapt technologies that are
7 new, innovative, or disruptive that may be used by
8 CBP to—

9 (A) address capability gaps and urgent and
10 compelling mission needs; and

11 (B) assess potential outcomes or negative
12 consequences of the introduction of emerging
13 technologies where documented gaps in border
14 security operations are not yet determined.

15 (2) OPERATING PROCEDURES, PLANNING, STRA-
16 TEGIC GOALS.—The Commissioner shall require each
17 team maintained pursuant to paragraph (1) to es-
18 tablish the following:

19 (A) Operating procedures that include
20 specificity regarding roles and responsibilities
21 within each such team and with respect to De-
22 partment and its partners, and protocols for en-
23 tering into agreements to rapidly transition
24 technologies described in subsection (a) to CBP
25 partners.

1 (B) Planning and strategic goals for each
2 such team that includes projected costs, time
3 frames, metrics, and key performance param-
4 eters relating to the achievement of identified
5 strategic goals, including a metric to measure
6 the rate at which technologies described in sub-
7 section (a) are transitioned to CBP partners.

8 (3) REPORTING.—Not later than 180 days after
9 the date of the enactment of this Act and annually
10 thereafter, the Commissioner shall submit to the
11 Committee on Homeland Security of the House of
12 Representatives and the Committee on Homeland
13 Security and Governmental Affairs of the Senate in-
14 formation relating to the activities of one or more
15 CBP Innovation Teams, including information re-
16 garding the following:

17 (A) Copies of operating procedures and
18 planning and strategic goals required under
19 paragraph (2).

20 (B) Descriptions of the technologies piloted
21 by each such team over the immediately pre-
22 ceding fiscal year, including information on
23 which such technologies are determined success-
24 ful and what validated gaps are addressed.

1 (C) Information on the status of efforts to
2 rapidly transition technologies determined suc-
3 cessful in accordance with subparagraph (B) to
4 CBP partners.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

Amend section 4 to read as follows:

1 SEC. 4. JOINT PROCESSING CENTER AUTHORITY.

2 (a) IN GENERAL.—If the Secretary determines such
3 is appropriate, the Secretary may enter into contracts to
4 build permanent joint processing facilities, as appropriate,
5 at or in proximity to the border where personnel from
6 CBP, U.S. Immigration and Customs Enforcement,
7 United States Citizenship and Immigrations Services, and
8 other Federal, State, and local partners, including certain
9 non-profit organizations, as appropriate, are co-located in
10 order to integrate processes to improve processing of indi-
11 viduals seeking asylum at the border.

12 (b) NOTIFICATION.—The Secretary shall notify the
13 Committee on Homeland Security and the Committee on
14 the Judiciary of the House of Representatives and the
15 Committee on Homeland Security and Governmental Af-
16 fairs and the Committee on the Judiciary of the Senate
17 not later than 30 days after determining that a permanent
18 joint processing facility described in subsection (a) is to
19 be built. Such notification shall explain the basis for such

- 1 determination and the specificity regarding plans for the
- 2 joint processing center, including timeline and projected
- 3 cost.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M . _____**

In section 19(a), in the matter preceding paragraph
(1), insert “anonymized” before “information”.

Strike paragraph (2) of section 19(a).



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MS. CLARKE OF NEW YORK**

Add at the end the following:

1 **SEC. 30. CLIMATE CHANGE RESEARCH AND DEVELOPMENT.**

2 (a) IN GENERAL.—Title III of the Homeland Secu-
3 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
4 adding at the end the following new section:

5 **“SEC. 324. CLIMATE CHANGE RESEARCH AND DEVELOP-
6 MENT.**

7 “(a) IN GENERAL.—The Under Secretary for Science
8 and Technology—

9 “(1) shall evaluate existing Federal research re-
10 garding approaches to mitigate identified or poten-
11 tial negative effects of climate change on homeland
12 security that includes consideration of—

13 “(A) the degree to which such identified or
14 potential negative effects affect preparedness
15 and emergency planning and policies, including
16 with respect to preparedness, response to, and
17 recovery from natural disasters;

18 “(B) the degree to which the Federal fund-
19 ing structure to respond to major disaster dec-

1 larations and emergency declarations is appro-
2 priately structured to address such identified or
3 potential negative effects; and

4 “(C) such other matters as the Under Sec-
5 retary determines appropriate; and

6 “(2) may, subject to the availability of appro-
7 priations, conduct research and development on ap-
8 proaches to mitigate such identified or potential neg-
9 ative effects of climate change on homeland security
10 in response to the evaluation under paragraph (1).

11 “(b) SCOPE.—The scope of the research and develop-
12 ment under subsection (a)(2)—

13 “(1) shall prioritize mitigating identified or po-
14 tential negative effects that impact the ability of the
15 Department to carry out operations; and

16 “(2) may address the matters described in sub-
17 section (a)(1).

18 “(c) CONSULTATION AND COORDINATION.—In car-
19 rying out this section, the Under Secretary for Science and
20 Technology shall consult, and may, as appropriate, coordi-
21 nate, with—

22 “(1) the heads of—

23 “(A) other relevant Federal agencies and
24 departments; and

1 “(B) State, local, Tribal, and territorial
2 governments; and

3 “(2) relevant owners and operators of critical
4 infrastructure.

5 “(d) CLIMATE CHANGE DEFINED.—The term ‘cli-
6 mate change’ refers to detectable changes in one or more
7 climate system components that is directly or indirectly
8 attributed to—

9 “(1) human activity; and

10 “(2) altering the composition of the global at-
11 mosphere.”.

12 (b) REPORT TO CONGRESS.— Not later than one year
13 after the date of the enactment of this section and annu-
14 ally thereafter for three years, the Under Secretary for
15 Science and Technology of the Department shall submit
16 to the Committee on Homeland Security and the Com-
17 mittee on Science, Space, and Technology of the House
18 of Representatives and the Committee on Homeland Secu-
19 rity and Governmental Affairs of the Senate a report on
20 any research and development activities carried out pursu-
21 ant to section 324 of the Homeland Security Act of 2002,
22 as added by subsection (a).

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

1 amended by inserting after the item relating to section

2 323 the following new item:

“Sec. 324. Climate change research and development.”



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY M. _____**

Add at the end the following:

1 **SEC. ____ . HARMONIZATION OF PAY FOR U.S. BORDER PA-**
2 **TROL AGENTS AND CBP OFFICERS.**

3 Not later than 60 days after the date of the enact-
4 ment of this Act, the Secretary shall take such actions
5 as may be necessary to harmonize—

6 (1) pay levels for U.S. Border Patrol agents
7 and CBP officers at each pay scale in a manner so
8 as to ensure greater or the same level of pay; and

9 (2) such other pay incentives and overtime
10 scales.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MRS. RAMIREZ OF ILLINOIS**

Add at the end the following:

1 **SEC. 30. EMERGENCY FOOD AND SHELTER PROGRAM REIM-**
2 **BURSEMENTS.**

3 The Secretary shall take such actions as may be nec-
4 essary to ensure the total reimbursement of individuals,
5 families, and nongovernmental organizations covered by
6 the Emergency Food and Shelter Program administered
7 by the Federal Emergency Management Administration.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. CORREA OF CALIFORNIA**

Add at the end the following:

1 **SEC. 30. CHILD CARE SERVICES FOR CBP AGENTS AND OF-**
2 **FICERS.**

3 The Commissioner shall take such actions as may be
4 necessary to establish child care services for CBP agents
5 and officers.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

Add at the end the following:

1 **SEC. ____ . CRIMINAL BACKGROUND CHECK REQUIRED BE-**
2 **FORE NON-RETAIL SALE OF FIREARM WITHIN**
3 **100 MILES OF THE BORDER.**

4 Section 922 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(aa)(1)(A) It shall be unlawful for a person who is
7 not a licensed importer, licensed manufacturer, or licensed
8 dealer to transfer a firearm within 100 miles of the border
9 of the United States to any other person who is not so
10 licensed unless a licensed importer, licensed manufacturer,
11 or licensed dealer has first taken possession of the firearm
12 for the purposes of complying with subsection (t).

13 “(B) Upon taking possession of a firearm under sub-
14 paragraph (A), a licensee shall comply with all require-
15 ments of this chapter as if the licensee were transferring
16 the firearm from the inventory of the licensee to the unli-
17 censed transferee.

18 “(2) Paragraph (1) shall not apply with respect to—

19 “(A) a transfer that is a gift—

1 “(i) between spouses;
2 “(ii) between domestic partners;
3 “(iii) between a parent and a child of the
4 parent; or
5 “(iv) between siblings; or
6 “(B) a temporary transfer to prevent imminent
7 death or great bodily harm.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

Add at the end the following:

1 **SEC. ____ . APPLYING THE KEEPING GUN DEALERS HONEST**
2 **ACT OF 2021 WITHIN 100 MILES OF THE BOR-**
3 **DER.**

4 (a) INCREASING THE NUMBER OF ALLOWED COM-
5 PLIANCE INSPECTIONS OF FIREARMS DEALERS.—Section
6 923(g)(1)(B)(ii)(I) of title 18, United States Code, is
7 amended by striking “once” and inserting “3 times”.

8 (b) INCREASING PENALTIES ON FIREARMS LICENS-
9 EES.—Section 924(a)(3) of title 18, United States Code,
10 is amended in the matter following subparagraph (B) by
11 striking “one year” and inserting “5 years”.

12 (c) SERIOUS RECORDKEEPING OFFENSES THAT AID
13 GUN TRAFFICKING.—Section 924(a)(3) of title 18, United
14 States Code, is amended by adding at the end the fol-
15 lowing: “If the conduct described in subparagraph (A) or
16 (B) is in relation to an offense under subsection (a)(6)
17 or (d) of section 922, the licensed dealer, licensed im-
18 porter, licensed manufacturer, or licensed collector shall

1 be fined under this title, imprisoned not more than 10
2 years, or both.”.

3 (d) SUSPENSION OF FIREARMS DEALER’S LICENSE
4 AND CIVIL PENALTIES FOR VIOLATIONS OF THE GUN
5 CONTROL ACT.—Section 923 of title 18, United States
6 Code, is amended by striking subsections (e) and (f) and
7 inserting the following:

8 “(e)(1)(A) The Attorney General may, after notice
9 and opportunity for hearing, suspend or revoke any license
10 issued under this section, or may subject the licensee to
11 a civil penalty of not more than \$10,000 per violation, if
12 the holder of the license—

13 “(i) has violated any provision of this chapter
14 or any rule or regulation prescribed by the Attorney
15 General under this chapter; or

16 “(ii) except as provided in subparagraph (B),
17 fails to have secure gun storage or safety devices
18 available at any place in which firearms are sold
19 under the license to persons who are not licensees.

20 “(B) Subparagraph (A)(ii) shall not apply in any case
21 in which a secure gun storage or safety device is tempo-
22 rarily unavailable because of theft, casualty loss, consumer
23 sales, backorders from a manufacturer, or any other simi-
24 lar reason beyond the control of the licensee.

1 “(2) The Attorney General may, after notice and op-
2 portunity for hearing, suspend or revoke the license of,
3 or assess a civil penalty of not more than \$10,000 on, a
4 dealer who transfers armor piercing ammunition.

5 “(3) The Attorney General may at any time com-
6 promise, mitigate, or remit the liability with respect to any
7 violation of this chapter or any rule or regulation pre-
8 scribed by the Attorney General under this chapter.

9 “(4) The Attorney General’s actions under this sub-
10 section may be reviewed only as provided in subsection (f).

11 “(f)(1) Any person whose application for a license is
12 denied and any holder of a license which is suspended or
13 revoked or who is assessed a civil penalty shall receive a
14 written notice from the Attorney General stating specifi-
15 cally the grounds upon which the application was denied
16 or upon which the license was suspended or revoked or
17 the civil penalty assessed. Any notice of a suspension or
18 revocation of a license shall be given to the holder of the
19 license before the effective date of the suspension or rev-
20 ocation.

21 “(2) If the Attorney General denies an application
22 for a license, or suspends or revokes a license, or assesses
23 a civil penalty, the Attorney General shall, upon request
24 by the aggrieved party, promptly hold a hearing to review
25 the denial, suspension, revocation, or assessment. In the

1 case of a suspension or revocation of a license, the Attor-
2 ney General shall, on the request of the holder of the li-
3 cense, stay the effective date of the suspension or revoca-
4 tion. A hearing under this paragraph shall be held at a
5 location convenient to the aggrieved party.

6 “(3)(A) If after a hearing held under paragraph (2)
7 the Attorney General decides not to reverse the decision
8 to deny an application or suspend or revoke a license or
9 assess a civil penalty, the Attorney General shall give no-
10 tice of the decision to the aggrieved party.

11 “(B) The aggrieved party may at any time within 60
12 days after the date notice is given under subparagraph
13 (A) file a petition with the United States district court
14 for the district in which the party resides or in which the
15 party’s principal place of business is located for a de novo
16 judicial review of the denial, suspension, revocation, or as-
17 sessment.

18 “(C) In a proceeding conducted under this para-
19 graph, the court may consider any evidence submitted by
20 the parties to the proceeding without regard to whether
21 such evidence was considered at the hearing held under
22 paragraph (2).

23 “(D) If the court decides that the Attorney General
24 was not authorized to deny the application or to suspend
25 or revoke the license or to assess the civil penalty, the

1 court shall order the Attorney General to take such action
2 as may be necessary to comply with the judgment of the
3 court.”.

4 (e) TERMINATION OF FIREARMS DEALER’S LICENSE
5 UPON FELONY CONVICTION.—Section 925(b) of title 18,
6 United States Code, is amended by striking “until any
7 conviction pursuant to the indictment becomes final” and
8 inserting “until the date of any conviction pursuant to the
9 indictment”.

10 (f) AUTHORITY TO HIRE ADDITIONAL PER-
11 SONNEL.—The Director of the Bureau of Alcohol, To-
12 bacco, Firearms and Explosives may hire at least 80 addi-
13 tional employees for the purpose of carrying out additional
14 inspections as provided for in the amendments made by
15 this section within 100 miles of the southern border of
16 the United States.

17 (g) AUTHORITY TO REQUIRE LICENSED DEALER TO
18 CONDUCT A PHYSICAL INVENTORY AND PROVIDE INVEN-
19 TORY RECORD IF DEALER HAS UNLAWFULLY TRANS-
20 FERRED A FIREARM OR 10 OR MORE CRIME GUNS ARE
21 TRACED TO THE DEALER.—

22 (1) IN GENERAL.—Section 923(g)(1) of title
23 18, United States Code, is amended by adding at
24 the end the following:

1 “(E) The Attorney General may require a licensed
2 importer, licensed manufacturer, or licensed dealer to con-
3 duct a physical inventory of the firearms in the business
4 inventory of the licensee, and provide the Attorney General
5 with a detailed record of the physical inventory if—

6 “(i) the licensee has been convicted of transfer-
7 ring a firearm unlawfully; or

8 “(ii) the Attorney General finds that 10 or
9 more firearms used in a crime under Federal, State,
10 or local law have been traced back to the licensee.”.

11 (2) CONFORMING AMENDMENTS.—

12 (A) Section 923(j) of such title is amended
13 in the 6th sentence by inserting “, except as re-
14 quired under subsection (g)(1)(E)” before the
15 period.

16 (B) The matter under the heading “SALA-
17 RIES AND EXPENSES” under the heading “BU-
18 REAU OF ALCOHOL, TOBACCO, FIREARMS AND
19 EXPLOSIVES” under title II of division B of the
20 Consolidated and Further Continuing Appro-
21 priations Act, 2013 (Public Law 113–6; 127
22 Stat. 247) is amended in the 5th proviso by in-
23 serting “, except as required under subsection
24 (g)(1)(E) of such section 923” before the colon.

1 (h) ISSUANCE OF LICENSES.—Section 923 of title 18,
2 United States Code, is amended—

3 (1) in subsection (c)—

4 (A) by inserting “(1)” before “Upon”;

5 (B) in the first sentence, by inserting “,
6 subject to paragraph (2),” after “Attorney Gen-
7 eral shall”; and

8 (C) by adding at the end the following:

9 “(2) The Attorney General may deny an application
10 submitted under subsection (a) or (b) if the Attorney Gen-
11 eral determines that—

12 “(A) issuing the license would pose a danger to
13 public safety; or

14 “(B) the applicant—

15 “(i) is not likely to comply with the law; or

16 “(ii) is otherwise not suitable to be issued
17 a license.”; and

18 (2) in subsection (d)(1), in the matter pre-
19 ceding subparagraph (A), by inserting “, subject to
20 subsection (c)(2),” after “shall”.

21 (i) LIABILITY STANDARDS.—Section 923 of title 18,
22 United States Code, is amended—

23 (1) in subsection (c), in the third sentence, by
24 striking “willfully”; and

1 (2) in subsection (d), by striking “willfully”
2 each place it appears.

3 (j) REGULATORY FLEXIBILITY.—Section 926(a) of
4 title 18, United States Code, is amended in the matter
5 preceding paragraph (1) by striking “only”.

6 (k) LIMITATION ON APPLICABILITY OF THIS SEC-
7 TION TO WITHIN 100 MILES OF THE BORDER OF THE
8 UNITED STATES.—The amendments made by this section
9 shall not apply to conduct occurring, or with respect to
10 business premises of a firearms dealer that is located,
11 more than 100 miles from the border of the United States.

12 (l) REPORT TO THE CONGRESS.—The Director of the
13 Bureau of Alcohol, Tobacco, Firearms and Explosives
14 shall submit biennial reports to Congress on the imple-
15 mentation of this section and the amendments made by
16 this section, which shall include—

17 (1) a statement by the Director as to what ad-
18 ditional resources, if any, are necessary in order to
19 implement this section and the amendments made by
20 this section; and

21 (2) any recommendations of the Director for
22 how better to ensure that—

23 (A) firearms dealers within 100 miles of
24 the southern border of the United States are

1 complying with all laws and regulations that
2 apply with respect to dealing in firearms; and

3 (B) noncompliant firearms dealers are sub-
4 ject to appropriate action in a timely manner.

5 (m) SEVERABILITY.—If any provision of this section
6 or of an amendment made by this section, or the applica-
7 tion of such a provision to any person or circumstance,
8 is held to be invalid, the remainder of this section or of
9 such an amendment, or the application of this section or
10 of such an amendment to other persons or circumstances,
11 shall not be affected.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

Add at the end the following:

1 **SEC. ____ . BAN ON ASSAULT WEAPONS WITHIN 100 MILES**
2 **OF THE BORDER OF THE UNITED STATES.**

3 (a) IN GENERAL.—Section 922 of title 18, United
4 States Code, is amended by inserting after subsection (u)
5 the following:

6 “(v) It shall be unlawful for a person to possess, in
7 or affecting interstate or foreign commerce, a semiauto-
8 matic assault weapon within 100 miles of the border of
9 the United States.”.

10 (b) PENALTIES.—Section 924(a)(5) of such title is
11 amended by striking “(s) or (t)” and inserting “(s), (t),
12 or (v)”.

13 (c) DEFINITIONS.—Section 921(a) of such title is
14 amended by adding at the end the following:

15 “(38) The term ‘semiautomatic assault weapon’
16 means any of the following, regardless of country of manu-
17 facture or caliber of ammunition accepted:

18 “(A) A semiautomatic rifle that—

1 “(i) has the capacity to accept a detachable
2 ammunition feeding device; and

3 “(ii) has any 1 of the following:

4 “(I) A pistol grip.

5 “(II) A forward grip.

6 “(III) A folding, telescoping, or de-
7 tachable stock, or a stock that is otherwise
8 foldable or adjustable in a manner that op-
9 erates to reduce the length, size, or any
10 other dimension, or otherwise enhances the
11 concealability, of the weapon.

12 “(IV) A grenade launcher.

13 “(V) A barrel shroud.

14 “(VI) A threaded barrel.

15 “(B) A semiautomatic rifle that has a fixed am-
16 munition feeding device with the capacity to accept
17 more than 15 rounds, except for an attached tubular
18 device designed to accept, and capable of operating
19 only with, .22 caliber rimfire ammunition.

20 “(C) Any part, combination of parts, compo-
21 nent, device, attachment, or accessory that is de-
22 signed or functions to accelerate the rate of fire of
23 a semiautomatic firearm but not convert the semi-
24 automatic firearm into a machinegun.

25 “(D) A semiautomatic pistol that—

1 “(i) has an ammunition feeding device that
2 is not a fixed ammunition feeding device; and

3 “(ii) has any 1 of the following:

4 “(I) A threaded barrel.

5 “(II) A second pistol grip.

6 “(III) A barrel shroud.

7 “(IV) The capacity to accept a de-
8 tachable ammunition feeding device at
9 some location outside of the pistol grip.

10 “(V) A semiautomatic version of an
11 automatic firearm.

12 “(VI) A manufactured weight of 50
13 ounces or more when unloaded.

14 “(VII) A buffer tube, stabilizing brace
15 or similar component that protrudes hori-
16 zontally behind the pistol grip, and is de-
17 signed or redesigned to allow or facilitate
18 a firearm to be fired from the shoulder.

19 “(E) A semiautomatic pistol with a fixed am-
20 munition feeding device that has the capacity to ac-
21 cept more than 15 rounds.

22 “(F) A semiautomatic shotgun that—

23 “(i) has the capacity to accept a detachable
24 ammunition feeding device or a fixed ammuni-

1 tion feeding device that has the capacity to ac-
2 cept more than 5 rounds; and

3 “(ii) has any 1 of the following:

4 “(I) A folding, telescoping, or detach-
5 able stock.

6 “(II) A pistol grip or bird’s head grip.

7 “(III) A forward grip.

8 “(IV) A grenade launcher.

9 “(G) Any shotgun with a revolving cylinder.

10 “(H) All of the following rifles, copies, dupli-
11 cates, variants, or altered facsimiles with the capa-
12 bility of any such weapon thereof:

13 “(i) All AK types, including the following:

14 “(I) AK, AK47, AK47S, AK-74,
15 AKM, AKS, ARM, MAK90, MISR,
16 NHM90, NHM91, Rock River Arms LAR-
17 47, SA85, SA93, Vector Arms AK-47,
18 VEPR, WASR-10, and WUM.

19 “(II) IZHMAASH Saiga AK.

20 “(III) MAADI AK47 and ARM.

21 “(IV) Norinco 56S, 56S2, 84S, and
22 86S.

23 “(V) Poly Technologies AK47 and
24 AKS.

1 “(VI) SKS with a detachable ammu-
2 nition feeding device.

3 “(ii) All AR types, including the following:

4 “(I) AR-10.

5 “(II) AR-15.

6 “(III) Alexander Arms Overmatch
7 Plus 16.

8 “(IV) Armalite M15 22LR Carbine.

9 “(V) Armalite M15-T.

10 “(VI) Barrett REC7.

11 “(VII) Beretta AR-70.

12 “(VIII) Black Rain Ordnance Recon
13 Scout.

14 “(IX) Bushmaster ACR.

15 “(X) Bushmaster Carbon 15.

16 “(XI) Bushmaster MOE series.

17 “(XII) Bushmaster XM15.

18 “(XIII) Chiappa Firearms MFour ri-
19 fles.

20 “(XIV) Colt Match Target rifles.

21 “(XV) CORE Rifle Systems CORE15
22 rifles.

23 “(XVI) Daniel Defense M4A1 rifles.

24 “(XVII) Devil Dog Arms 15 Series ri-
25 fles.

- 1 “(XVIII) Diamondback DB15 rifles.
- 2 “(XIX) DoubleStar AR rifles.
- 3 “(XX) DPMS Tactical rifles.
- 4 “(XXI) DSA Inc. ZM-4 Carbine.
- 5 “(XXII) Heckler & Koch MR556.
- 6 “(XXIII) High Standard HSA-15 ri-
- 7 fles.
- 8 “(XXIV) Jesse James Nomad AR-15
- 9 rifle.
- 10 “(XXV) Knight’s Armament SR-15.
- 11 “(XXVI) Lancer L15 rifles.
- 12 “(XXVII) MGI Hydra Series rifles.
- 13 “(XXVIII) Mossberg MMR Tactical
- 14 rifles.
- 15 “(XXIX) Noreen Firearms BN 36
- 16 rifle.
- 17 “(XXX) Olympic Arms.
- 18 “(XXXI) POF USA P415.
- 19 “(XXXII) Precision Firearms AR ri-
- 20 fles.
- 21 “(XXXIII) Remington R-15 rifles.
- 22 “(XXXIV) Rhino Arms AR rifles.
- 23 “(XXXV) Rock River Arms LAR-15.
- 24 “(XXXVI) Sig Sauer SIG516 rifles
- 25 and MCX rifles.

- 1 “(XXXVII) Smith & Wesson M&P15
2 rifles.
3 “(XXXVIII) Stag Arms AR rifles.
4 “(XXXIX) Sturm, Ruger & Co.
5 SR556 and AR-556 rifles.
6 “(XL) Uselton Arms Air-Lite M-4 ri-
7 fles.
8 “(XLI) Windham Weaponry AR ri-
9 fles.
10 “(XLII) WMD Guns Big Beast.
11 “(XLIII) Yankee Hill Machine Com-
12 pany, Inc. YHM-15 rifles.
13 “(iii) Barrett M107A1.
14 “(iv) Barrett M82A1.
15 “(v) Beretta CX4 Storm.
16 “(vi) Calico Liberty Series.
17 “(vii) CETME Sporter.
18 “(viii) Daewoo K-1, K-2, Max 1, Max 2,
19 AR 100, and AR 110C.
20 “(ix) Fabrique Nationale/FN Herstal
21 FAL, LAR, 22 FNC, 308 Match, L1A1
22 Sporter, PS90, SCAR, and FS2000.
23 “(x) Feather Industries AT-9.
24 “(xi) Galil Model AR and Model ARM.
25 “(xii) Hi-Point Carbine.

1 “(xiii) HK-91, HK-93, HK-94, HK-
2 PSG-1, and HK USC.

3 “(xiv) IWI TAVOR, Galil ACE rifle.

4 “(xv) Kel-Tec Sub-2000, SU-16, and
5 RFB.

6 “(xvi) SIG AMT, SIG PE-57, Sig Sauer
7 SG 550, Sig Sauer SG 551, and SIG MCX.

8 “(xvii) Springfield Armory SAR-48.

9 “(xviii) Steyr AUG.

10 “(xix) Sturm, Ruger & Co. Mini-14 Tac-
11 tical Rifle M-14/20CF.

12 “(xx) All Thompson rifles, including the
13 following:

14 “(I) Thompson M1SB.

15 “(II) Thompson T1100D.

16 “(III) Thompson T150D.

17 “(IV) Thompson T1B.

18 “(V) Thompson T1B100D.

19 “(VI) Thompson T1B50D.

20 “(VII) Thompson T1BSB.

21 “(VIII) Thompson T1-C.

22 “(IX) Thompson T1D.

23 “(X) Thompson T1SB.

24 “(XI) Thompson T5.

25 “(XII) Thompson T5100D.

1 “(XIII) Thompson TM1.

2 “(XIV) Thompson TM1C.

3 “(xxi) UMAREX UZI rifle.

4 “(xxii) UZI Mini Carbine, UZI Model A
5 Carbine, and UZI Model B Carbine.

6 “(xxiii) Valmet M62S, M71S, and M78.

7 “(xxiv) Vector Arms UZI Type.

8 “(xxv) Weaver Arms Nighthawk.

9 “(xxvi) Wilkinson Arms Linda Carbine.

10 “(I) All of the following pistols, copies, dupli-
11 cates, variants, or altered facsimiles with the capa-
12 bility of any such weapon thereof:

13 “(i) All AK types, including the following:

14 “(I) Centurion 39 AK pistol.

15 “(II) CZ Scorpion pistol.

16 “(III) Draco AK-47 pistol.

17 “(IV) HCR AK-47 pistol.

18 “(V) IO Inc. Hellpup AK-47 pistol.

19 “(VI) Krinkov pistol.

20 “(VII) Mini Draco AK-47 pistol.

21 “(VIII) PAP M92 pistol.

22 “(IX) Yugo Krebs Krink pistol.

23 “(ii) All AR types, including the following:

24 “(I) American Spirit AR-15 pistol.

25 “(II) Bushmaster Carbon 15 pistol.

- 1 “(III) Chiappa Firearms M4 Pistol
2 GEN II.
- 3 “(IV) CORE Rifle Systems CORE15
4 Roscoe pistol.
- 5 “(V) Daniel Defense MK18 pistol.
- 6 “(VI) DoubleStar Corporation AR pis-
7 tol.
- 8 “(VII) DPMS AR–15 pistol.
- 9 “(VIII) Jesse James Nomad AR–15
10 pistol.
- 11 “(IX) Olympic Arms AR–15 pistol.
- 12 “(X) Osprey Armament MK–18 pis-
13 tol.
- 14 “(XI) POF USA AR pistols.
- 15 “(XII) Rock River Arms LAR 15 pis-
16 tol.
- 17 “(XIII) Usselton Arms Air-Lite M–4
18 pistol.
- 19 “(iii) Calico pistols.
- 20 “(iv) DSA SA58 PKP FAL pistol.
- 21 “(v) Encom MP–9 and MP–45.
- 22 “(vi) Heckler & Koch model SP–89 pistol.
- 23 “(vii) Intratec AB–10, TEC–22 Scorpion,
24 TEC–9, and TEC–DC9.

1 “(viii) IWI Galil Ace pistol, UZI PRO pis-
2 tol.

3 “(ix) Kel-Tec PLR 16 pistol.

4 “(x) All MAC types, including the fol-
5 lowing:

6 “(I) MAC-10.

7 “(II) MAC-11.

8 “(III) Masterpiece Arms MPA A930
9 Mini Pistol, MPA460 Pistol, MPA Tactical
10 Pistol, and MPA Mini Tactical Pistol.

11 “(IV) Military Armament Corp.
12 Ingram M-11.

13 “(V) Velocity Arms VMAC.

14 “(xi) Sig Sauer P556 pistol.

15 “(xii) Sites Spectre.

16 “(xiii) All Thompson types, including the
17 following:

18 “(I) Thompson TA510D.

19 “(II) Thompson TA5.

20 “(xiv) All UZI types, including Micro-UZI.

21 “(J) All of the following shotguns, copies, dupli-
22 cates, variants, or altered facsimiles with the capa-
23 bility of any such weapon thereof:

24 “(i) DERYA Anakon MC-1980, Anakon
25 SD12.

1 “(ii) Doruk Lethal shotguns.

2 “(iii) Franchi LAW-12 and SPAS 12.

3 “(iv) All IZHMASH Saiga 12 types, in-
4 cluding the following:

5 “(I) IZHMASH Saiga 12.

6 “(II) IZHMASH Saiga 12S.

7 “(III) IZHMASH Saiga 12S EXP-
8 01.

9 “(IV) IZHMASH Saiga 12K.

10 “(V) IZHMASH Saiga 12K-030.

11 “(VI) IZHMASH Saiga 12K-040
12 Taktika.

13 “(v) Streetsweeper.

14 “(vi) Striker 12.

15 “(K) All belt-fed semiautomatic firearms, in-
16 cluding TNW M2HB and FN M2495.

17 “(L) Any combination of parts from which a
18 firearm described in subparagraphs (A) through (K)
19 can be assembled.

20 “(M) The frame or receiver of a rifle or shot-
21 gun described in subparagraph (G), (H), (J), or (K).

22 “(39) The term ‘semiautomatic pistol’ means any re-
23 peating pistol that—

1 “(A) utilizes a portion of the energy of a firing
2 cartridge to extract the fired cartridge case and
3 chamber the next round; and

4 “(B) requires a separate pull of the trigger to
5 fire each cartridge.

6 “(40) The term ‘semiautomatic shotgun’ means any
7 repeating shotgun that—

8 “(A) utilizes a portion of the energy of a firing
9 shell to extract the fired shell casing and chamber
10 the next round; and

11 “(B) requires a separate pull of the trigger to
12 fire each shell.

13 “(41) The term ‘barrel shroud’—

14 “(A) means a shroud that is attached to, or
15 partially or completely encircles, the barrel of a fire-
16 arm so that the shroud protects the user of the fire-
17 arm from heat generated by the barrel; and

18 “(B) does not include—

19 “(i) a slide that partially or completely en-
20 closes the barrel; or

21 “(ii) an extension of the stock along the
22 bottom of the barrel which does not encircle or
23 substantially encircle the barrel.

24 “(42) The term ‘detachable ammunition feeding de-
25 vice’ means an ammunition feeding device that can be re-

1 moved from a firearm without disassembly of the firearm
2 action.

3 “(43) The term ‘fixed ammunition feeding device’
4 means an ammunition feeding device that is contained in
5 and not removable from or is permanently fixed to the fire-
6 arm, but does not include an attached tubular device de-
7 signed to accept, and capable of operating only with, .22
8 caliber rimfire ammunition.

9 “(44) The term ‘folding, telescoping, or detachable
10 stock’ means a stock that folds, telescopes, detaches or
11 otherwise operates to reduce the length, size, or any other
12 dimension, or otherwise enhances the concealability, of a
13 firearm.

14 “(45) The term ‘forward grip’ means a grip located
15 forward of the trigger that functions as a pistol grip.

16 “(46) The term ‘grenade launcher’ means an attach-
17 ment for use on a firearm that is designed to propel a
18 grenade or other similar destructive device.

19 “(47) The term ‘permanently inoperable’ means a
20 firearm which is incapable of discharging a shot by means
21 of an explosive and incapable of being readily restored to
22 a firing condition.

23 “(48) The term ‘pistol grip’ means a grip, a thumb-
24 hole stock or Thordsen-type grip or stock, or any other
25 characteristic that can function as a grip.

1 “(49) The term ‘threaded barrel’ means a feature or
2 characteristic that is designed in such a manner to allow
3 for the attachment of a device such as a firearm silencer
4 or a flash suppressor.

5 “(50) The term ‘belt-fed semiautomatic firearm’
6 means any repeating firearm that—

7 “(A) utilizes a portion of the energy of a firing
8 cartridge to extract the fired cartridge case and
9 chamber the next round;

10 “(B) requires a separate pull of the trigger to
11 fire each cartridge; and

12 “(C) has the capacity to accept a belt ammuni-
13 tion feeding device.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. _____
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

Add at the end the following:

1 SEC. 30. SENSE OF CONGRESS.

2 It is the sense of Congress that the Federal Bureau
3 of Investigation is vital to border security, and Congress
4 disapproves of any attempt to defund the Federal Bureau
5 of Investigation.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. _____
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

Add at the end the following:

1 SEC. 30. SENSE OF CONGRESS.

2 It is the sense of Congress that the Bureau of Alco-
3 hol, Tobacco, Firearms and Explosives is vital to border
4 security, and Congress disapproves of any attempt to
5 defund the Bureau of Alcohol, Tobacco, Firearms and Ex-
6 plosives.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

In subparagraph (D) of section 14(b)(3), insert
“firearm trafficking,” after “drug trafficking.”



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

Add at the end of section 16(c) the following: “The prohibition under this subsection shall not apply in the case of a nonprofit or faith-based organization that provides medical assistance to migrants.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

Add at the end of section 16(c) the following: “The prohibition under this subsection shall not apply in the case of a nonprofit or faith-based organization that provides food, shelter, medical assistance, or supportive services to children.”.



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MR. MAGAZINER OF RHODE ISLAND**

Add at the end of section 16(c) the following: “The prohibition under this subsection shall not apply in the case of a nonprofit or faith-based organization that provides supportive services to pregnant women or women who are survivors of human trafficking, domestic violence, or sexual assault.”.



**SUBSTITUTE AMENDMENT FOR THE AMENDMENT
IN THE NATURE OF A SUBSTITUTE TO H.R. 2794
OFFERED BY MRS. RAMIREZ OF ILLINOIS**

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “American Dream and Promise Act of 2023”.

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

Sec. 1. Short title; table of contents.

TITLE I—DREAM ACT OF 2023

Sec. 101. Short title.

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. Restoration of State option to determine residency for purposes of higher education benefits.

TITLE II—AMERICAN PROMISE ACT OF 2023

Sec. 201. Short title.

Sec. 202. Adjustment of status for certain nationals of certain countries designated for temporary protected status or deferred enforced departure.

Sec. 203. Clarification.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.

Sec. 302. Submission of biometric and biographic data; background checks.

Sec. 303. Limitation on removal; application and fee exemption; and other conditions on eligible individuals.

Sec. 304. Determination of continuous presence and residence.

Sec. 305. Exemption from numerical limitations.

Sec. 306. Availability of administrative and judicial review.

- Sec. 307. Documentation requirements.
Sec. 308. Rule making.
Sec. 309. Confidentiality of information.
Sec. 310. Grant program to assist eligible applicants.
Sec. 311. Provisions affecting eligibility for adjustment of status.
Sec. 312. Supplementary surcharge for appointed counsel.
Sec. 313. Annual report on provisional denial authority.

1 **TITLE I—DREAM ACT OF 2023**

2 **SEC. 101. SHORT TITLE.**

3 This title may be cited as the “Dream Act of 2023”.

4 **SEC. 102. PERMANENT RESIDENT STATUS ON A CONDI-** 5 **TIONAL BASIS FOR CERTAIN LONG-TERM** 6 **RESIDENTS WHO ENTERED THE UNITED** 7 **STATES AS CHILDREN.**

8 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-
9 standing any other provision of law, and except as pro-
10 vided in section 104(c)(2), an alien shall be considered,
11 at the time of obtaining the status of an alien lawfully
12 admitted for permanent residence under this section, to
13 have obtained such status on a conditional basis subject
14 to the provisions of this title.

15 (b) **REQUIREMENTS.**—

16 (1) **IN GENERAL.**—Notwithstanding any other
17 provision of law, the Secretary or the Attorney Gen-
18 eral shall adjust to the status of an alien lawfully
19 admitted for permanent residence on a conditional
20 basis, or without the conditional basis as provided in
21 section 104(c)(2), an alien who is inadmissible or de-
22 portable from the United States, is subject to a

1 grant of Deferred Enforced Departure, has tem-
2 porary protected status under section 244 of the Im-
3 migration and Nationality Act (8 U.S.C. 1254a), or
4 is the son or daughter of an alien admitted as a non-
5 immigrant under subparagraphs (E)(i), (E)(ii),
6 (H)(i)(b), or (L) of section 101(a)(15) of such Act
7 (8 U.S.C. 1101(a)(15)) if—

8 (A) the alien has been continuously phys-
9 ically present in the United States since Janu-
10 ary 1, 2023;

11 (B) the alien was 18 years of age or
12 younger on the date on which the alien entered
13 the United States and has continuously resided
14 in the United States since such entry;

15 (C) the alien—

16 (i) subject to paragraph (2), is not in-
17 admissible under paragraph (1), (6)(E),
18 (6)(G), (8), or (10) of section 212(a) of
19 the Immigration and Nationality Act (8
20 U.S.C. 1182(a));

21 (ii) has not ordered, incited, assisted,
22 or otherwise participated in the persecution
23 of any person on account of race, religion,
24 nationality, membership in a particular so-
25 cial group, or political opinion; and

1 (iii) is not barred from adjustment of
2 status under this title based on the crimi-
3 nal and national security grounds de-
4 scribed under subsection (c), subject to the
5 provisions of such subsection; and

6 (D) the alien—

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

9 (ii) has been admitted to an area ca-
10 reer and technical education school at the
11 postsecondary level;

12 (iii) in the United States, has ob-
13 tained—

14 (I) a high school diploma or a
15 commensurate alternative award from
16 a public or private high school;

17 (II) a General Education Devel-
18 opment credential, a high school
19 equivalency diploma recognized under
20 State law, or another similar State-
21 authorized credential;

22 (III) a credential or certificate
23 from an area career and technical
24 education school at the secondary
25 level; or

1 (IV) a recognized postsecondary
2 credential; or

3 (iv) is enrolled in secondary school or
4 in an education program assisting students
5 in—

6 (I) obtaining a high school di-
7 ploma or its recognized equivalent
8 under State law;

9 (II) passing the General Edu-
10 cation Development test, a high school
11 equivalence diploma examination, or
12 other similar State-authorized exam;

13 (III) obtaining a certificate or
14 credential from an area career and
15 technical education school providing
16 education at the secondary level; or

17 (IV) obtaining a recognized post-
18 secondary credential.

19 (2) WAIVER OF GROUNDS OF INADMIS-
20 SIBILITY.—With respect to any benefit under this
21 title, and in addition to the waivers under subsection
22 (c)(2), the Secretary may waive the grounds of inad-
23 missibility under paragraph (1), (6)(E), (6)(G), or
24 (10)(D) of section 212(a) of the Immigration and
25 Nationality Act (8 U.S.C. 1182(a)) for humanitarian

1 purposes, for family unity, or because the waiver is
2 otherwise in the public interest.

3 (3) APPLICATION FEE.—

4 (A) IN GENERAL.—The Secretary may,
5 subject to an exemption under section 303(c),
6 require an alien applying under this section to
7 pay a reasonable fee that is commensurate with
8 the cost of processing the application but does
9 not exceed \$495.00.

10 (B) SPECIAL PROCEDURES FOR APPLI-
11 CANTS WITH DACA.—The Secretary shall estab-
12 lish a streamlined procedure for aliens who have
13 been granted DACA and who meet the require-
14 ments for renewal (under the terms of the pro-
15 gram in effect on January 1, 2017) to apply for
16 adjustment of status to that of an alien lawfully
17 admitted for permanent residence on a condi-
18 tional basis under this section, or without the
19 conditional basis as provided in section
20 104(c)(2). Such procedure shall not include a
21 requirement that the applicant pay a fee, except
22 that the Secretary may require an applicant
23 who meets the requirements for lawful perma-
24 nent residence without the conditional basis
25 under section 104(c)(2) to pay a fee that is

1 commensurate with the cost of processing the
2 application, subject to the exemption under sec-
3 tion 303(c).

4 (4) BACKGROUND CHECKS.—The Secretary
5 may not grant an alien permanent resident status on
6 a conditional basis under this section until the re-
7 quirements of section 302 are satisfied.

8 (5) MILITARY SELECTIVE SERVICE.—An alien
9 applying for permanent resident status on a condi-
10 tional basis under this section, or without the condi-
11 tional basis as provided in section 104(c)(2), shall
12 establish that the alien has registered under the
13 Military Selective Service Act (50 U.S.C. 3801 et
14 seq.), if the alien is subject to registration under
15 such Act.

16 (c) CRIMINAL AND NATIONAL SECURITY BARS.—

17 (1) GROUNDS OF INELIGIBILITY.—Except as
18 provided in paragraph (2), an alien is ineligible for
19 adjustment of status under this title (whether on a
20 conditional basis or without the conditional basis as
21 provided in section 104(c)(2)) if any of the following
22 apply:

23 (A) The alien is inadmissible under para-
24 graph (2) or (3) of section 212(a) of the Immi-
25 gration and Nationality Act (8 U.S.C. 1182(a)).

1 (B) Excluding any offense under State law
2 for which an essential element is the alien's im-
3 migration status, and any minor traffic offense,
4 the alien has been convicted of—

5 (i) any felony offense;

6 (ii) three or more misdemeanor of-
7 fenses (excluding simple possession of can-
8 nabis or cannabis-related paraphernalia,
9 any offense involving cannabis or cannabis-
10 related paraphernalia which is no longer
11 prosecutable in the State in which the con-
12 viction was entered, and any offense involv-
13 ing civil disobedience without violence) not
14 occurring on the same date, and not aris-
15 ing out of the same act, omission, or
16 scheme of misconduct; or

17 (iii) a misdemeanor offense of domes-
18 tic violence, unless the alien demonstrates
19 that such crime is related to the alien hav-
20 ing been—

21 (I) a victim of domestic violence,
22 sexual assault, stalking, child abuse or
23 neglect, abuse or neglect in later life,
24 or human trafficking;

1 (II) battered or subjected to ex-
2 treme cruelty; or

3 (III) a victim of criminal activity
4 described in section 101(a)(15)(U)(iii)
5 of the Immigration and Nationality
6 Act (8 U.S.C. 1101(a)(15)(U)(iii)).

7 (2) WAIVERS FOR CERTAIN MISDEMEANORS.—
8 For humanitarian purposes, family unity, or if oth-
9 erwise in the public interest, the Secretary may—

10 (A) waive the grounds of inadmissibility
11 under subparagraphs (A), (C), and (D) of sec-
12 tion 212(a)(2) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1182(a)(2)), unless the con-
14 viction forming the basis for inadmissibility
15 would otherwise render the alien ineligible
16 under paragraph (1)(B) (subject to subpara-
17 graph (B)); and

18 (B) for purposes of clauses (ii) and (iii) of
19 paragraph (1)(B), waive consideration of—

20 (i) one misdemeanor offense if the
21 alien has not been convicted of any offense
22 in the 5-year period preceding the date on
23 which the alien applies for adjustment of
24 status under this title; or

1 (ii) up to two misdemeanor offenses if
2 the alien has not been convicted of any of-
3 fense in the 10-year period preceding the
4 date on which the alien applies for adjust-
5 ment of status under this title.

6 (3) AUTHORITY TO CONDUCT SECONDARY RE-
7 VIEW.—

8 (A) IN GENERAL.—Notwithstanding an
9 alien’s eligibility for adjustment of status under
10 this title, and subject to the procedures de-
11 scribed in this paragraph, the Secretary may,
12 as a matter of non-delegable discretion, provi-
13 sionally deny an application for adjustment of
14 status (whether on a conditional basis or with-
15 out the conditional basis as provided in section
16 104(c)(2)) if the Secretary, based on clear and
17 convincing evidence, which shall include credible
18 law enforcement information, determines that
19 the alien is described in subparagraph (B) or
20 (D).

21 (B) PUBLIC SAFETY.—An alien is de-
22 scribed in this subparagraph if—

23 (i) excluding simple possession of can-
24 nabis or cannabis-related paraphernalia,
25 any offense involving cannabis or cannabis-

1 related paraphernalia which is no longer
2 prosecutable in the State in which the con-
3 viction was entered, any offense under
4 State law for which an essential element is
5 the alien's immigration status, any offense
6 involving civil disobedience without vio-
7 lence, and any minor traffic offense, the
8 alien—

9 (I) has been convicted of a mis-
10 demeanor offense punishable by a
11 term of imprisonment of more than
12 30 days; or

13 (II) has been adjudicated delin-
14 quent in a State or local juvenile court
15 proceeding that resulted in a disposi-
16 tion ordering placement in a secure
17 facility; and

18 (ii) the alien poses a significant and
19 continuing threat to public safety related
20 to such conviction or adjudication.

21 (C) PUBLIC SAFETY DETERMINATION.—

22 For purposes of subparagraph (B)(ii), the Sec-
23 retary shall consider the recency of the convic-
24 tion or adjudication; the length of any imposed
25 sentence or placement; the nature and serious-

1 ness of the conviction or adjudication, including
2 whether the elements of the offense include the
3 unlawful possession or use of a deadly weapon
4 to commit an offense or other conduct intended
5 to cause serious bodily injury; and any miti-
6 gating factors pertaining to the alien's role in
7 the commission of the offense.

8 (D) GANG PARTICIPATION.—An alien is
9 described in this subparagraph if the alien has,
10 within the 5 years immediately preceding the
11 date of the application, knowingly, willfully, and
12 voluntarily participated in offenses committed
13 by a criminal street gang (as described in sub-
14 sections (a) and (c) of section 521 of title 18,
15 United States Code) with the intent to promote
16 or further the commission of such offenses.

17 (E) EVIDENTIARY LIMITATION.—For pur-
18 poses of subparagraph (D), allegations of gang
19 membership obtained from a State or Federal
20 in-house or local database, or a network of
21 databases used for the purpose of recording and
22 sharing activities of alleged gang members
23 across law enforcement agencies, shall not es-
24 tablish the participation described in such para-
25 graph.

1 (F) NOTICE.—

2 (i) IN GENERAL.—Prior to rendering
3 a discretionary decision under this para-
4 graph, the Secretary shall provide written
5 notice of the intent to provisionally deny
6 the application to the alien (or the alien's
7 counsel of record, if any) by certified mail
8 and, if an electronic mail address is pro-
9 vided, by electronic mail (or other form of
10 electronic communication). Such notice
11 shall—

12 (I) articulate with specificity all
13 grounds for the preliminary deter-
14 mination, including the evidence relied
15 upon to support the determination;
16 and

17 (II) provide the alien with not
18 less than 90 days to respond.

19 (ii) SECOND NOTICE.—Not more than
20 30 days after the issuance of the notice
21 under clause (i), the Secretary shall pro-
22 vide a second written notice that meets the
23 requirements of such clause.

24 (iii) NOTICE NOT RECEIVED.—Not-
25 withstanding any other provision of law, if

1 an applicant provides good cause for not
2 contesting a provisional denial under this
3 paragraph, including a failure to receive
4 notice as required under this subpara-
5 graph, the Secretary shall, upon a motion
6 filed by the alien, reopen an application for
7 adjustment of status under this title and
8 allow the applicant an opportunity to re-
9 spond, consistent with clause (i)(II).

10 (G) JUDICIAL REVIEW OF A PROVISIONAL
11 DENIAL.—

12 (i) IN GENERAL.—Notwithstanding
13 any other provision of law, if, after notice
14 and the opportunity to respond under sub-
15 paragraph (F), the Secretary provisionally
16 denies an application for adjustment of
17 status under this Act, the alien shall have
18 60 days from the date of the Secretary's
19 determination to seek review of such deter-
20 mination in an appropriate United States
21 district court.

22 (ii) SCOPE OF REVIEW AND DECI-
23 SION.—Notwithstanding any other provi-
24 sion of law, review under paragraph (1)
25 shall be de novo and based solely on the

1 administrative record, except that the ap-
2 plicant shall be given the opportunity to
3 supplement the administrative record and
4 the Secretary shall be given the oppor-
5 tunity to rebut the evidence and arguments
6 raised in such submission. Upon issuing its
7 decision, the court shall remand the mat-
8 ter, with appropriate instructions, to the
9 Department of Homeland Security to
10 render a final decision on the application.

11 (iii) APPOINTED COUNSEL.—Notwith-
12 standing any other provision of law, an ap-
13 plicant seeking judicial review under clause
14 (i) shall be represented by counsel. Upon
15 the request of the applicant, counsel shall
16 be appointed for the applicant, in accord-
17 ance with procedures to be established by
18 the Attorney General within 90 days of the
19 date of the enactment of this Act, and
20 shall be funded in accordance with fees col-
21 lected and deposited in the Immigration
22 Counsel Account under section 312.

23 (4) DEFINITIONS.—For purposes of this sub-
24 section—

1 (A) the term “felony offense” means an of-
2 fense under Federal or State law that is pun-
3 ishable by a maximum term of imprisonment of
4 more than 1 year;

5 (B) the term “misdemeanor offense”
6 means an offense under Federal or State law
7 that is punishable by a term of imprisonment of
8 more than 5 days but not more than 1 year;
9 and

10 (C) the term “crime of domestic violence”
11 means any offense that has as an element the
12 use, attempted use, or threatened use of phys-
13 ical force against a person committed by a cur-
14 rent or former spouse of the person, by an indi-
15 vidual with whom the person shares a child in
16 common, by an individual who is cohabiting
17 with or has cohabited with the person as a
18 spouse, by an individual similarly situated to a
19 spouse of the person under the domestic or
20 family violence laws of the jurisdiction where
21 the offense occurs, or by any other individual
22 against a person who is protected from that in-
23 dividual’s acts under the domestic or family vio-
24 lence laws of the United States or any State,

1 Indian Tribal government, or unit of local gov-
2 ernment.

3 (d) **LIMITATION ON REMOVAL OF CERTAIN ALIEN**
4 **MINORS.**—An alien who is 18 years of age or younger and
5 meets the requirements under subparagraphs (A), (B),
6 and (C) of subsection (b)(1) shall be provided a reasonable
7 opportunity to meet the educational requirements under
8 subparagraph (D) of such subsection. The Attorney Gen-
9 eral or the Secretary may not commence or continue with
10 removal proceedings against such an alien.

11 (e) **WITHDRAWAL OF APPLICATION.**—The Secretary
12 shall, upon receipt of a request to withdraw an application
13 for adjustment of status under this section, cease proc-
14 essing of the application, and close the case. Withdrawal
15 of the application under this subsection shall not prejudice
16 any future application filed by the applicant for any immi-
17 gration benefit under this title or under the Immigration
18 and Nationality Act (8 U.S.C. 1101 et seq.).

19 **SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A**
20 **CONDITIONAL BASIS.**

21 (a) **PERIOD OF STATUS.**—Permanent resident status
22 on a conditional basis is—

23 (1) valid for a period of 10 years, unless such
24 period is extended by the Secretary; and

25 (2) subject to revocation under subsection (c).

1 (b) NOTICE OF REQUIREMENTS.—At the time an
2 alien obtains permanent resident status on a conditional
3 basis, the Secretary shall provide notice to the alien re-
4 garding the provisions of this title and the requirements
5 to have the conditional basis of such status removed.

6 (c) REVOCATION OF STATUS.—The Secretary may
7 revoke the permanent resident status on a conditional
8 basis of an alien only if the Secretary—

9 (1) determines that the alien ceases to meet the
10 requirements under section 102(b)(1)(C); and

11 (2) prior to the revocation, provides the alien—

12 (A) notice of the proposed revocation; and

13 (B) the opportunity for a hearing to pro-
14 vide evidence that the alien meets such require-
15 ments or otherwise to contest the proposed rev-
16 ocation.

17 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

18 An alien whose permanent resident status on a conditional
19 basis expires under subsection (a)(1) or is revoked under
20 subsection (c), shall return to the immigration status that
21 the alien had immediately before receiving permanent resi-
22 dent status on a conditional basis.

1 **SEC. 104. REMOVAL OF CONDITIONAL BASIS OF PERMA-**
2 **NENT RESIDENT STATUS.**

3 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL
4 BASIS.—

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

10 (A) is described in section 102(b)(1)(C);

11 (B) has not abandoned the alien's resi-
12 dence in the United States during the period in
13 which the alien has permanent resident status
14 on a conditional basis; and

15 (C)(i) has obtained a degree from an insti-
16 tution of higher education, or has completed at
17 least 2 years, in good standing, of a program in
18 the United States leading to a bachelor's degree
19 or higher degree or a recognized postsecondary
20 credential from an area career and technical
21 education school providing education at the
22 postsecondary level;

23 (ii) has served in the Uniformed Services
24 for at least 2 years and, if discharged, received
25 an honorable discharge; or

1 (iii) demonstrates earned income for peri-
2 ods totaling at least 3 years and at least 75
3 percent of the time that the alien has had a
4 valid employment authorization, except that, in
5 the case of an alien who was enrolled in an in-
6 stitution of higher education, an area career
7 and technical education school to obtain a rec-
8 ognized postsecondary credential, or an edu-
9 cation program described in section
10 102(b)(1)(D)(iii), the Secretary shall reduce
11 such total 3-year requirement by the total of
12 such periods of enrollment.

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

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

20 (B) demonstrates compelling circumstances
21 for the inability to satisfy the requirements
22 under subparagraph (C) of such paragraph; and

23 (C) demonstrates that—

24 (i) the alien has a disability;

1 (ii) the alien is a full-time caregiver;

2 or

3 (iii) the removal of the alien from the
4 United States would result in hardship to
5 the alien or the alien's spouse, parent, or
6 child who is a national of the United
7 States or is lawfully admitted for perma-
8 nent residence.

9 (3) CITIZENSHIP REQUIREMENT.—

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

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

21 (4) APPLICATION FEE.—The Secretary may,
22 subject to an exemption under section 303(c), re-
23 quire aliens applying for removal of the conditional
24 basis of an alien's permanent resident status under

1 this section to pay a reasonable fee that is commen-
2 surate with the cost of processing the application.

3 (5) BACKGROUND CHECKS.—The Secretary
4 may not remove the conditional basis of an alien’s
5 permanent resident status until the requirements of
6 section 302 are satisfied.

7 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
8 TION.—

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

16 (2) LIMITATION ON APPLICATION FOR NATU-
17 RALIZATION.—An alien may not apply for natu-
18 ralization while the alien is in permanent resident
19 status on a conditional basis.

20 (c) TIMING OF APPROVAL OF LAWFUL PERMANENT
21 RESIDENT STATUS.—

22 (1) IN GENERAL.—An alien granted permanent
23 resident status on a conditional basis under this title
24 may apply to have such conditional basis removed at

1 any time after such alien has met the eligibility re-
2 quirements set forth in subsection (a).

3 (2) APPROVAL WITH REGARD TO INITIAL APPLI-
4 CATIONS.—

5 (A) IN GENERAL.—Notwithstanding any
6 other provision of law, the Secretary or the At-
7 torney General shall adjust to the status of an
8 alien lawfully admitted for permanent resident
9 status without conditional basis, any alien
10 who—

11 (i) demonstrates eligibility for lawful
12 permanent residence status on a condi-
13 tional basis under section 102(b); and

14 (ii) subject to the exceptions described
15 in subsections (a)(2) and (a)(3)(B) of this
16 section, already has fulfilled the require-
17 ments of paragraphs (1) and (3) of sub-
18 section (a) of this section at the time such
19 alien first submits an application for bene-
20 fits under this title.

21 (B) BACKGROUND CHECKS.—Subsection
22 (a)(5) shall apply to an alien seeking lawful
23 permanent resident status without conditional
24 basis in an initial application in the same man-
25 ner as it applies to an alien seeking removal of

1 the conditional basis of an alien's permanent
2 resident status. Section 102(b)(4) shall not be
3 construed to require the Secretary to conduct
4 more than one identical security or law enforce-
5 ment background check on such an alien.

6 (C) APPLICATION FEES.—In the case of an
7 alien seeking lawful permanent resident status
8 without conditional basis in an initial applica-
9 tion, the alien shall pay the fee required under
10 subsection (a)(4), subject to the exemption al-
11 lowed under section 303(c), but shall not be re-
12 quired to pay the application fee under section
13 102(b)(3).

14 **SEC. 105. RESTORATION OF STATE OPTION TO DETERMINE**
15 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
16 **CATION BENEFITS.**

17 (a) IN GENERAL.—Section 505 of the Illegal Immi-
18 gration Reform and Immigrant Responsibility Act of 1996
19 (8 U.S.C. 1623) is repealed.

20 (b) EFFECTIVE DATE.—The repeal under subsection
21 (a) shall take effect as if included in the original enact-
22 ment of the Illegal Immigration Reform and Immigrant
23 Responsibility Act of 1996 (division C of Public Law 104–
24 208; 110 Stat. 3009–546).

1 **TITLE II—AMERICAN PROMISE**
2 **ACT OF 2023**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “American Promise Act
5 of 2023”.

6 **SEC. 202. ADJUSTMENT OF STATUS FOR CERTAIN NATION-**
7 **ALS OF CERTAIN COUNTRIES DESIGNATED**
8 **FOR TEMPORARY PROTECTED STATUS OR**
9 **DEFERRED ENFORCED DEPARTURE.**

10 (a) **IN GENERAL.**—Notwithstanding any other provi-
11 sion of law, the Secretary or the Attorney General shall
12 adjust to the status of an alien lawfully admitted for per-
13 manent residence, an alien described in subsection (b) if
14 the alien—

15 (1) applies for such adjustment, including sub-
16 mitting any required documents under section 307,
17 not later than 3 years after the date of the enact-
18 ment of this Act;

19 (2) has been continuously physically present in
20 the United States for a period of not less than 3
21 years; and

22 (3) subject to subsection (c), is not inadmissible
23 under paragraph (1), (2), (3), (6)(D), (6)(E),
24 (6)(F), (6)(G), (8), or (10) of section 212(a) of the

1 Immigration and Nationality Act (8 U.S.C.
2 1182(a)).

3 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
4 TUS.—An alien shall be eligible for adjustment of status
5 under this section if the alien is an individual—

6 (1) who—

7 (A) is a national of a foreign state (or part
8 thereof) (or in the case of an alien having no
9 nationality, is a person who last habitually re-
10 sided in such state) with a designation under
11 subsection (b) of section 244 of the Immigra-
12 tion and Nationality Act (8 U.S.C. 1254a(b))
13 on January 1, 2017, who had or was otherwise
14 eligible for temporary protected status on such
15 date notwithstanding subsections (c)(1)(A)(iv)
16 and (c)(3)(C) of such section; and

17 (B) has not engaged in conduct since such
18 date that would render the alien ineligible for
19 temporary protected status under section
20 244(c)(2) of the Immigration and Nationality
21 Act (8 U.S.C. 1245a(c)(2)); or

22 (2) who was eligible for Deferred Enforced De-
23 parture as of January 20, 2021 and has not en-
24 gaged in conduct since that date that would render
25 the alien ineligible for Deferred Enforced Departure.

1 (c) WAIVER OF GROUNDS OF INADMISSIBILITY.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), with respect to any benefit under this
4 title, and in addition to any waivers that are other-
5 wise available, the Secretary may waive the grounds
6 of inadmissibility under paragraph (1), subpara-
7 graphs (A), (C), and (D) of paragraph (2), subpara-
8 graphs (D) through (G) of paragraph (6), or para-
9 graph (10)(D) of section 212(a) of the Immigration
10 and Nationality Act (8 U.S.C. 1182(a)) for humani-
11 tarian purposes, for family unity, or because the
12 waiver is otherwise in the public interest.

13 (2) EXCEPTION.—The Secretary may not waive
14 a ground described in paragraph (1) if such inad-
15 missibility is based on a conviction or convictions,
16 and such conviction or convictions would otherwise
17 render the alien ineligible under section
18 244(c)(2)(B) of the Immigration and Nationality
19 Act (8 U.S.C. 1254a(c)(2)(B)).

20 (d) APPLICATION.—

21 (1) FEE.—The Secretary shall, subject to an
22 exemption under section 303(c), require an alien ap-
23 plying for adjustment of status under this section to
24 pay a reasonable fee that is commensurate with the

1 cost of processing the application, but does not ex-
2 ceed \$1,140.

3 (2) BACKGROUND CHECKS.—The Secretary
4 may not grant an alien permanent resident status on
5 a conditional basis under this section until the re-
6 quirements of section 302 are satisfied.

7 (3) WITHDRAWAL OF APPLICATION.—The Sec-
8 retary of Homeland Security shall, upon receipt of
9 a request to withdraw an application for adjustment
10 of status under this section, cease processing of the
11 application and close the case. Withdrawal of the ap-
12 plication under this subsection shall not prejudice
13 any future application filed by the applicant for any
14 immigration benefit under this title or under the Im-
15 migration and Nationality Act (8 U.S.C. 1101 et
16 seq.).

17 **SEC. 203. CLARIFICATION.**

18 Section 244(f)(4) of the Immigration and Nationality
19 Act (8 U.S.C. 1254a(f)(4)) is amended by inserting after
20 “considered” the following: “as having been inspected and
21 admitted into the United States, and”.

22 **TITLE III—GENERAL**
23 **PROVISIONS**

24 **SEC. 301. DEFINITIONS.**

25 (a) IN GENERAL.—In this Act:

1 (1) IN GENERAL.—Except as otherwise specifi-
2 cally provided, any term used in this Act that is
3 used in the immigration laws shall have the meaning
4 given such term in the immigration laws.

5 (2) APPROPRIATE UNITED STATES DISTRICT
6 COURT.—The term “appropriate United States dis-
7 trict court” means the United States District Court
8 for the District of Columbia or the United States
9 district court with jurisdiction over the alien’s prin-
10 cipal place of residence.

11 (3) AREA CAREER AND TECHNICAL EDUCATION
12 SCHOOL.—The term “area career and technical edu-
13 cation school” has the meaning given such term in
14 section 3 of the Carl D. Perkins Career and Tech-
15 nical Education Act of 2006 (20 U.S.C. 2302).

16 (4) DACA.—The term “DACA” means de-
17 ferred action granted to an alien pursuant to the
18 Deferred Action for Childhood Arrivals policy an-
19 nounced by the Secretary of Homeland Security on
20 June 15, 2012.

21 (5) DISABILITY.—The term “disability” has the
22 meaning given such term in section 3(1) of the
23 Americans with Disabilities Act of 1990 (42 U.S.C.
24 12102(1)).

1 (6) FEDERAL POVERTY LINE.—The term “Fed-
2 eral poverty line” has the meaning given such term
3 in section 213A(h) of the Immigration and Nation-
4 ality Act (8 U.S.C. 1183a).

5 (7) HIGH SCHOOL; SECONDARY SCHOOL.—The
6 terms “high school” and “secondary school” have
7 the meanings given such terms in section 8101 of
8 the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 7801).

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

14 (9) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education”—

16 (A) except as provided in subparagraph
17 (B), has the meaning given such term in section
18 102 of the Higher Education Act of 1965 (20
19 U.S.C. 1002); and

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

22 (10) RECOGNIZED POSTSECONDARY CREDEN-
23 TIAL.—The term “recognized postsecondary creden-
24 tial” has the meaning given such term in section 3

1 of the Workforce Innovation and Opportunity Act
2 (29 U.S.C. 3102).

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

6 (12) UNIFORMED SERVICES.—The term “Uni-
7 formed Services” has the meaning given the term
8 “uniformed services” in section 101(a) of title 10,
9 United States Code.

10 (b) TREATMENT OF EXPUNGED CONVICTIONS.—For
11 purposes of adjustment of status under this Act, the terms
12 “convicted” and “conviction”, as used in this Act and in
13 sections 212 and 244 of the Immigration and Nationality
14 Act (8 U.S.C. 1182, 1254a), do not include a judgment
15 that has been expunged or set aside, that resulted in a
16 rehabilitative disposition, or the equivalent.

17 **SEC. 302. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**
18 **DATA; BACKGROUND CHECKS.**

19 (a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC
20 DATA.—The Secretary may not grant an alien adjustment
21 of status under this Act, on either a conditional or perma-
22 nent basis, unless the alien submits biometric and bio-
23 graphic data, in accordance with procedures established
24 by the Secretary. The Secretary shall provide an alter-
25 native procedure for aliens who are unable to provide such

1 biometric or biographic data because of a physical impair-
2 ment.

3 (b) BACKGROUND CHECKS.—The Secretary shall use
4 biometric, biographic, and other data that the Secretary
5 determines appropriate to conduct security and law en-
6 forcement background checks and to determine whether
7 there is any criminal, national security, or other factor
8 that would render the alien ineligible for adjustment of
9 status under this Act, on either a conditional or perma-
10 nent basis. The status of an alien may not be adjusted,
11 on either a conditional or permanent basis, unless security
12 and law enforcement background checks are completed to
13 the satisfaction of the Secretary.

14 **SEC. 303. LIMITATION ON REMOVAL; APPLICATION AND**
15 **FEE EXEMPTION; AND OTHER CONDITIONS**
16 **ON ELIGIBLE INDIVIDUALS.**

17 (a) LIMITATION ON REMOVAL.—An alien who ap-
18 pears to be prima facie eligible for relief under this Act
19 shall be given a reasonable opportunity to apply for such
20 relief and may not be removed until, subject to section
21 306(c)(2), a final decision establishing ineligibility for re-
22 lief is rendered.

23 (b) APPLICATION.—An alien present in the United
24 States who has been ordered removed or has been per-
25 mitted to depart voluntarily from the United States may,

1 notwithstanding such order or permission to depart, apply
2 for adjustment of status under this Act. Such alien shall
3 not be required to file a separate motion to reopen, recon-
4 sider, or vacate the order of removal. If the Secretary ap-
5 proves the application, the Secretary shall cancel the order
6 of removal. If the Secretary renders a final administrative
7 decision to deny the application, the order of removal or
8 permission to depart shall be effective and enforceable to
9 the same extent as if the application had not been made,
10 only after all available administrative and judicial rem-
11 edies have been exhausted.

12 (c) FEE EXEMPTION.—An applicant may be exempt-
13 ed from paying an application fee required under this Act
14 if the applicant—

15 (1) is 18 years of age or younger;

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

20 (3) is in foster care or otherwise lacks any pa-
21 rental or other familial support; or

22 (4) cannot care for himself or herself because of
23 a serious, chronic disability.

24 (d) ADVANCE PAROLE.—During the period beginning
25 on the date on which an alien applies for adjustment of

1 status under this Act and ending on the date on which
2 the Secretary makes a final decision regarding such appli-
3 cation, the alien shall be eligible to apply for advance pa-
4 role. Section 101(g) of the Immigration and Nationality
5 Act (8 U.S.C. 1101(g)) shall not apply to an alien granted
6 advance parole under this Act.

7 (e) EMPLOYMENT.—An alien whose removal is stayed
8 pursuant to this Act, who may not be placed in removal
9 proceedings pursuant to this Act, or who has pending an
10 application under this Act, shall, upon application to the
11 Secretary, be granted an employment authorization docu-
12 ment.

13 **SEC. 304. DETERMINATION OF CONTINUOUS PRESENCE**
14 **AND RESIDENCE.**

15 (a) EFFECT OF NOTICE TO APPEAR.—Any period of
16 continuous physical presence or continuous residence in
17 the United States of an alien who applies for permanent
18 resident status under this Act (whether on a conditional
19 basis or without the conditional basis as provided in sec-
20 tion 104(c)(2)) shall not terminate when the alien is
21 served a notice to appear under section 239(a) of the Im-
22 migration and Nationality Act (8 U.S.C. 1229(a)).

23 (b) TREATMENT OF CERTAIN BREAKS IN PRESENCE
24 OR RESIDENCE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graphs (2) and (3), an alien shall be considered to
3 have failed to maintain—

4 (A) continuous physical presence in the
5 United States under this Act if the alien has
6 departed from the United States for any period
7 exceeding 90 days or for any periods, in the ag-
8 gregate, exceeding 180 days; and

9 (B) continuous residence in the United
10 States under this Act if the alien has departed
11 from the United States for any period exceeding
12 180 days, unless the alien establishes to the
13 satisfaction of the Secretary of Homeland Secu-
14 rity that the alien did not in fact abandon resi-
15 dence in the United States during such period.

16 (2) EXTENSIONS FOR EXTENUATING CIR-
17 CUMSTANCES.—The Secretary may extend the time
18 periods described in paragraph (1) for an alien who
19 demonstrates that the failure to timely return to the
20 United States was due to extenuating circumstances
21 beyond the alien’s control, including—

22 (A) the serious illness of the alien;

23 (B) death or serious illness of a parent,
24 grandparent, sibling, or child of the alien;

1 (C) processing delays associated with the
2 application process for a visa or other travel
3 document; or

4 (D) restrictions on international travel due
5 to the public health emergency declared by the
6 Secretary of Health and Human Services under
7 section 319 of the Public Health Service Act
8 (42 U.S.C. 247d) with respect to COVID-19.

9 (3) TRAVEL AUTHORIZED BY THE SEC-
10 RETARY.—Any period of travel outside of the United
11 States by an alien that was authorized by the Sec-
12 retary may not be counted toward any period of de-
13 parture from the United States under paragraph
14 (1).

15 (c) WAIVER OF PHYSICAL PRESENCE.—With respect
16 to aliens who were removed or departed the United States
17 on or after January 20, 2017, and who were continuously
18 physically present in the United States for at least 4 years
19 prior to such removal or departure, the Secretary may,
20 as a matter of discretion, waive the physical presence re-
21 quirement under section 102(b)(1)(A) or section
22 202(a)(2) for humanitarian purposes, for family unity, or
23 because a waiver is otherwise in the public interest. The
24 Secretary, in consultation with the Secretary of State,
25 shall establish a procedure for such aliens to apply for re-

1 lief under section 102 or 202 from outside the United
2 States if they would have been eligible for relief under
3 such section, but for their removal or departure.

4 **SEC. 305. EXEMPTION FROM NUMERICAL LIMITATIONS.**

5 Nothing in this Act or in any other law may be con-
6 strued to apply a numerical limitation on the number of
7 aliens who may be granted permanent resident status
8 under this Act (whether on a conditional basis, or without
9 the conditional basis as provided in section 104(c)(2)).

10 **SEC. 306. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**
11 **CIAL REVIEW.**

12 (a) ADMINISTRATIVE REVIEW.—Not later than 30
13 days after the date of the enactment of this Act, the Sec-
14 retary shall provide to aliens who have applied for adjust-
15 ment of status under this Act a process by which an appli-
16 cant may seek administrative appellate review of a denial
17 of an application for adjustment of status, or a revocation
18 of such status.

19 (b) JUDICIAL REVIEW.—Except as provided in sub-
20 section (c), and notwithstanding any other provision of
21 law, an alien may seek judicial review of a denial of an
22 application for adjustment of status, or a revocation of
23 such status, under this Act in an appropriate United
24 States district court.

25 (c) STAY OF REMOVAL.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), an alien seeking administrative or judicial
3 review under this Act may not be removed from the
4 United States until a final decision is rendered es-
5 tablishing that the alien is ineligible for adjustment
6 of status under this Act.

7 (2) EXCEPTION.—The Secretary may remove
8 an alien described in paragraph (1) pending judicial
9 review if such removal is based on criminal or na-
10 tional security grounds described in this Act. Such
11 removal shall not affect the alien’s right to judicial
12 review under this Act. The Secretary shall promptly
13 return a removed alien if a decision to deny an ap-
14 plication for adjustment of status under this Act, or
15 to revoke such status, is reversed.

16 **SEC. 307. DOCUMENTATION REQUIREMENTS.**

17 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
18 alien’s application for permanent resident status under
19 this Act (whether on a conditional basis, or without the
20 conditional basis as provided in section 104(e)(2)) may in-
21 clude, as evidence of identity, the following:

22 (1) A passport or national identity document
23 from the alien’s country of origin that includes the
24 alien’s name and the alien’s photograph or finger-
25 print.

1 (2) The alien's birth certificate and an identity
2 card that includes the alien's name and photograph.

3 (3) A school identification card that includes
4 the alien's name and photograph, and school records
5 showing the alien's name and that the alien is or
6 was enrolled at the school.

7 (4) A Uniformed Services identification card
8 issued by the Department of Defense.

9 (5) Any immigration or other document issued
10 by the United States Government bearing the alien's
11 name and photograph.

12 (6) A State-issued identification card bearing
13 the alien's name and photograph.

14 (7) Any other evidence determined to be cred-
15 ible by the Secretary.

16 (b) DOCUMENTS ESTABLISHING ENTRY, CONTIN-
17 UOUS PHYSICAL PRESENCE, LACK OF ABANDONMENT OF
18 RESIDENCE.—To establish that an alien was 18 years of
19 age or younger on the date on which the alien entered
20 the United States, and has continuously resided in the
21 United States since such entry, as required under section
22 102(b)(1)(B), that an alien has been continuously phys-
23 ically present in the United States, as required under sec-
24 tion 102(b)(1)(A) or 202(a)(2), or that an alien has not
25 abandoned residence in the United States, as required

1 under section 104(a)(1)(B), the alien may submit the fol-
2 lowing forms of evidence:

3 (1) Passport entries, including admission
4 stamps on the alien's passport.

5 (2) Any document from the Department of Jus-
6 tice or the Department of Homeland Security noting
7 the alien's date of entry into the United States.

8 (3) Records from any educational institution
9 the alien has attended in the United States.

10 (4) Employment records of the alien that in-
11 clude the employer's name and contact information,
12 or other records demonstrating earned income.

13 (5) Records of service from the Uniformed
14 Services.

15 (6) Official records from a religious entity con-
16 firming the alien's participation in a religious cere-
17 mony.

18 (7) A birth certificate for a child who was born
19 in the United States.

20 (8) Hospital or medical records showing med-
21 ical treatment or hospitalization, the name of the
22 medical facility or physician, and the date of the
23 treatment or hospitalization.

24 (9) Automobile license receipts or registration.

1 (10) Deeds, mortgages, or rental agreement
2 contracts.

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

6 (12) Tax receipts.

7 (13) Insurance policies.

8 (14) Remittance records, including copies of
9 money order receipts sent in or out of the country.

10 (15) Travel records.

11 (16) Dated bank transactions.

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

16 (A) the name, address, and telephone num-
17 ber of the affiant; and

18 (B) the nature and duration of the rela-
19 tionship between the affiant and the alien.

20 (18) Any other evidence determined to be cred-
21 ible by the Secretary.

22 (c) DOCUMENTS ESTABLISHING ADMISSION TO AN
23 INSTITUTION OF HIGHER EDUCATION.—To establish that
24 an alien has been admitted to an institution of higher edu-
25 cation, the alien may submit to the Secretary a document

1 from the institution of higher education certifying that the
2 alien—

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

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

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

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

13 (e) DOCUMENTS ESTABLISHING RECEIPT OF A HIGH
14 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-
15 MENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—

16 To establish that in the United States an alien has earned
17 a high school diploma or a commensurate alternative
18 award from a public or private high school, has obtained
19 the General Education Development credential, or other-
20 wise has satisfied section 102(b)(1)(D)(iii), the alien may
21 submit to the Secretary the following:

22 (1) A high school diploma, certificate of comple-
23 tion, or other alternate award.

24 (2) A high school equivalency diploma or certifi-
25 cate recognized under State law.

1 (3) Evidence that the alien passed a State-au-
2 thorized exam, including the General Education De-
3 velopment test, in the United States.

4 (4) Evidence that the alien successfully com-
5 pleted an area career and technical education pro-
6 gram, such as a certification, certificate, or similar
7 alternate award.

8 (5) Evidence that the alien obtained a recog-
9 nized postsecondary credential.

10 (6) Any other evidence determined to be cred-
11 ible by the Secretary.

12 (f) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
13 EDUCATIONAL PROGRAM.—To establish that an alien is
14 enrolled in any school or education program described in
15 section 102(b)(1)(D)(iv) or 104(a)(1)(C), the alien may
16 submit school records from the United States school that
17 the alien is currently attending that include—

18 (1) the name of the school; and

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

21 (g) DOCUMENTS ESTABLISHING EXEMPTION FROM
22 APPLICATION FEES.—To establish that an alien is exempt
23 from an application fee under this Act, the alien may sub-
24 mit to the Secretary the following relevant documents:

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

6 (2) DOCUMENTS TO ESTABLISH INCOME.—To
7 establish the alien’s income, the alien may provide—

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

13 (B) bank records; or

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

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

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

23 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,
24 LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC
25 DISABILITY.—To establish that the alien is in foster

1 care, lacks parental or familial support, or has a se-
2 rious, chronic disability, the alien may provide at
3 least two sworn affidavits from individuals who are
4 not related to the alien and who have direct knowl-
5 edge of the circumstances that contain—

6 (A) a statement that the alien is in foster
7 care, otherwise lacks any parental or other fa-
8 miliar support, or has a serious, chronic dis-
9 ability, as appropriate;

10 (B) the name, address, and telephone num-
11 ber of the affiant; and

12 (C) the nature and duration of the rela-
13 tionship between the affiant and the alien.

14 (h) DOCUMENTS ESTABLISHING QUALIFICATION FOR
15 HARDSHIP EXEMPTION.—To establish that an alien satis-
16 fies one of the criteria for the hardship exemption set forth
17 in section 104(a)(2)(C), the alien may submit to the Sec-
18 retary at least two sworn affidavits from individuals who
19 are not related to the alien and who have direct knowledge
20 of the circumstances that warrant the exemption, that
21 contain—

22 (1) the name, address, and telephone number of
23 the affiant; and

24 (2) the nature and duration of the relationship
25 between the affiant and the alien.

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

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

7 (2) a National Guard Report of Separation and
8 Record of Service form 22;

9 (3) personnel records for such service from the
10 appropriate Uniformed Service; or

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

13 (j) DOCUMENTS ESTABLISHING EARNED INCOME.—

14 (1) IN GENERAL.—An alien may satisfy the
15 earned income requirement under section
16 104(a)(1)(C)(iii) by submitting records that—

17 (A) establish compliance with such require-
18 ment; and

19 (B) have been maintained by the Social Se-
20 curity Administration, the Internal Revenue
21 Service, or any other Federal, State, or local
22 government agency.

23 (2) OTHER DOCUMENTS.—An alien who is un-
24 able to submit the records described in paragraph

25 (1) may satisfy the earned income requirement by

1 submitting at least two types of reliable documents
2 that provide evidence of employment or other forms
3 of earned income, including—

4 (A) bank records;

5 (B) business records;

6 (C) employer or contractor records;

7 (D) records of a labor union, day labor
8 center, or organization that assists workers in
9 employment;

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

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

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

18 (F) remittance records; or

19 (G) any other evidence determined to be
20 credible by the Secretary.

21 (k) **AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-**
22 **UMENTS.**—If the Secretary determines, after publication
23 in the Federal Register and an opportunity for public com-
24 ment, that any document or class of documents does not
25 reliably establish identity or that permanent resident sta-

1 tus under this Act (whether on a conditional basis, or
2 without the conditional basis as provided in section
3 104(c)(2)) is being obtained fraudulently to an unaccept-
4 able degree, the Secretary may prohibit or restrict the use
5 of such document or class of documents.

6 **SEC. 308. RULE MAKING.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary shall pub-
9 lish in the Federal Register interim final rules imple-
10 menting this Act, which shall allow eligible individuals to
11 immediately apply for relief under this Act. Notwith-
12 standing section 553 of title 5, United States Code, the
13 regulation shall be effective, on an interim basis, imme-
14 diately upon publication, but may be subject to change and
15 revision after public notice and opportunity for a period
16 of public comment. The Secretary shall finalize such rules
17 not later than 180 days after the date of publication.

18 (b) PAPERWORK REDUCTION ACT.—The require-
19 ments under chapter 35 of title 44, United States Code,
20 (commonly known as the “Paperwork Reduction Act”)
21 shall not apply to any action to implement this Act.

22 **SEC. 309. CONFIDENTIALITY OF INFORMATION.**

23 (a) IN GENERAL.—The Secretary may not disclose
24 or use information (including information provided during
25 administrative or judicial review) provided in applications

1 filed under this Act or in requests for DACA for the pur-
2 pose of immigration enforcement.

3 (b) REFERRALS PROHIBITED.—The Secretary, based
4 solely on information provided in an application for adjust-
5 ment of status under this Act (including information pro-
6 vided during administrative or judicial review) or an appli-
7 cation for DACA, may not refer an applicant to U.S. Im-
8 migration and Customs Enforcement, U.S. Customs and
9 Border Protection, or any designee of either such entity.

10 (c) LIMITED EXCEPTION.—Notwithstanding sub-
11 sections (a) and (b), information provided in an applica-
12 tion for adjustment of status under this Act may be
13 shared with Federal security and law enforcement agen-
14 cies—

15 (1) for assistance in the consideration of an ap-
16 plication for adjustment of status under this Act;

17 (2) to identify or prevent fraudulent claims;

18 (3) for national security purposes; or

19 (4) for the investigation or prosecution of any
20 felony offense not related to immigration status.

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

1 **SEC. 310. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**
2 **CANTS.**

3 (a) ESTABLISHMENT.—The Secretary shall establish,
4 within U.S. Citizenship and Immigration Services, a pro-
5 gram to award grants, on a competitive basis, to eligible
6 nonprofit organizations that will use the funding to assist
7 eligible applicants under this Act by providing them with
8 the services described in subsection (b).

9 (b) USE OF FUNDS.—Grant funds awarded under
10 this section shall be used for the design and implementa-
11 tion of programs that provide—

12 (1) information to the public regarding the eli-
13 gibility and benefits of permanent resident status
14 under this Act (whether on a conditional basis, or
15 without the conditional basis as provided in section
16 104(c)(2)), particularly to individuals potentially eli-
17 gible for such status;

18 (2) assistance, within the scope of authorized
19 practice of immigration law, to individuals submit-
20 ting applications for adjustment of status under this
21 Act (whether on a conditional basis, or without the
22 conditional basis as provided in section 104(c)(2)),
23 including—

24 (A) screening prospective applicants to as-
25 sess their eligibility for such status;

1 (B) completing applications and petitions,
2 including providing assistance in obtaining the
3 requisite documents and supporting evidence;
4 and

5 (C) providing any other assistance that the
6 Secretary or grantee considers useful or nec-
7 essary to apply for adjustment of status under
8 this Act (whether on a conditional basis, or
9 without the conditional basis as provided in sec-
10 tion 104(e)(2)); and

11 (3) assistance, within the scope of authorized
12 practice of immigration law, and instruction, to indi-
13 viduals—

14 (A) on the rights and responsibilities of
15 United States citizenship;

16 (B) in civics and English as a second lan-
17 guage;

18 (C) in preparation for the General Edu-
19 cation Development test; and

20 (D) in applying for adjustment of status
21 and United States citizenship.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) AMOUNTS AUTHORIZED.—There are author-
24 ized to be appropriated such sums as may be nec-

1 essary for each of the fiscal years 2022 through
2 2032 to carry out this section.

3 (2) AVAILABILITY.—Any amounts appropriated
4 pursuant to paragraph (1) shall remain available
5 until expended.

6 **SEC. 311. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**
7 **JUSTMENT OF STATUS.**

8 An alien’s eligibility to be lawfully admitted for per-
9 manent residence under this Act (whether on a conditional
10 basis, or without the conditional basis as provided in sec-
11 tion 104(c)(2)) shall not preclude the alien from seeking
12 any status under any other provision of law for which the
13 alien may otherwise be eligible.

14 **SEC. 312. SUPPLEMENTARY SURCHARGE FOR APPOINTED**
15 **COUNSEL.**

16 (a) IN GENERAL.—Except as provided in section 302
17 and in cases where the applicant is exempt from paying
18 a fee under section 303(c), in any case in which a fee is
19 charged pursuant to this Act, an additional surcharge of
20 \$25 shall be imposed and collected for the purpose of pro-
21 viding appointed counsel to applicants seeking judicial re-
22 view of the Secretary’s decision to provisionally deny an
23 application under this Act.

24 (b) IMMIGRATION COUNSEL ACCOUNT.—There is es-
25 tablished in the general fund of the Treasury a separate

1 account which shall be known as the “Immigration Coun-
2 sel Account”. Fees collected under subsection (a) shall be
3 deposited into the Immigration Counsel Account and shall
4 remain available until expended for purposes of providing
5 appointed counsel as required under this Act.

6 (c) REPORT.—At the end of each 2-year period, be-
7 ginning with the establishment of this account, the Sec-
8 retary of Homeland Security shall submit a report to the
9 Congress concerning the status of the account, including
10 any balances therein, and recommend any adjustment in
11 the prescribed fee that may be required to ensure that the
12 receipts collected from the fee charged for the succeeding
13 two years equal, as closely as possible, the cost of pro-
14 viding appointed counsel as required under this Act.

15 **SEC. 313. ANNUAL REPORT ON PROVISIONAL DENIAL AU-**
16 **THORITY.**

17 Not later than 1 year after the date of the enactment
18 of this Act, and annually thereafter, the Secretary of
19 Homeland Security shall submit to the Congress a report
20 detailing the number of applicants that receive—

- 21 (1) a provisional denial under this Act;
22 (2) a final denial under this Act without seek-
23 ing judicial review;
24 (3) a final denial under this Act after seeking
25 judicial review; and

1 (4) an approval under this Act after seeking ju-
2 dicial review.

