H.R. 4760 – Securing America's Future Act of 2018 (Rep. Goodlatte, R-VA)

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FLOOR SCHEDULE:

H.R. 4760 is expected to be scheduled for consideration on June 21, 2018, under a rule.

This Legislative Bulletin reflects the bill as introduced. Any amendments made in order by the rule will be described in a future Legislative Bulletin.

TOPLINE SUMMARY:

H.R. 4760 would reform America's immigration system by ending chain migration, providing funding for a southern border wall, enforcing biometric entry-exit tracking, halting funding to sanctuary cities, and providing a legal, renewable status for those who have received DACA status.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

CONSERVATIVE VIEWS:

Some conservatives may be pleased that this legislation authorizes border wall funding, while others may be concerned that it does not advance appropriate funds for the border wall, leaving some skeptical as to whether or not it will be built.

Conservatives will be pleased this legislation requires full implementation of biometric entry-exit screening. Not only has this program been authorized for some time, but the 9/11 commission found that the program would have alerted authorities to the presence of some of the hijackers in the United States prior to the attack.

Some conservatives may be pleased the bill would elevate the standard for asylum, requiring those in expedited removal proceedings with a credible fear, to demonstrate a "significant possibility" exists that the alien would likely get asylum or have removal put on hold. Because a significant number of individuals were found to have a "credible fear" under the Obama Administration, leading to asylum claims that were baseless, this heightened standard would ensure only those truly facing persecution would go through the asylum process. It would close a loophole that provided unaccompanied minors two chances for asylum review.

Some conservatives may feel that providing a legal, renewable status to DACA recipients constitutes amnesty. Many believe DACA, like DAPA which was adjudicated by the Supreme Court, is unconstitutional, and that we should not reward illegal immigrants that broke the law with renewable legal status. Some conservatives may further believe that it would set a very bad precedent for the Legislative Branch to codify and expand an illegal, unconstitutional action by the Executive Branch.

Some conservatives will be pleased that this legislation does not include a special pathway to citizenship, nor does it expand the number of individuals eligible for contingent non-immigrant status to a population beyond DACA recipients.

Some conservatives will be pleased that this legislation ends chain migration by removing most family-based visa categories. Conservatives will also be pleased this legislation eliminates the diversity visa program, which randomly awarded visas to nations with low levels of immigration into the U.S Most conservatives believe the U.S. should put an emphasis on merit or skills-based immigration, encouraging those with certain education standards and levels of employment to apply for legal immigration status into the U.S

Conservatives will be pleased that this legislation provides for mandatory E-Verify and prohibits federal funding for sanctuary cities. It would also crack down on visa overstays by criminalizing unlawful presence in the U.S. and penalizing repeat criminal offenders.

Some conservatives may be pleased the bill would include other interior enforcement priorities, such as ending catch and release and allowing for removal of alien gang members.

Some conservatives may be pleased the bill would allow for the safe expedited removal of unaccompanied alien children from noncontiguous states in the same manner as contiguous states (Mexico and Canada).

Some conservatives may be concerned about the separation of parents and children at the border. This legislation would clarify that minors not be separated from their parents while in the custody of DHS. Generally, children are only separated from their parent if the parent is not actually their legal parent or guardian, the parent is a threat to the child, or the parent enters prosecution proceedings.

Some conservatives may be concerned that this legislation includes the Religious Freedom Restoration Act as one of 46 federal laws USCBP may waive when executing search and rescue operations, patrolling the border area, and designing, testing, or operation physical barriers, tactical infrastructure and technology. Some may feel USCBP has been adequately conducting their duties without a carve out for over two decades, and doing so now could harm American religious freedom.

Last year, RSC undertook an initiative entitled Three Promises for Three Months, calling for Congress and the Administration to secure America's southern border.

- **Expand the Size and Scope of the Federal Government?** This legislation provides an overall net reduction in immigration into the United States, although some new categories

for admittance are created. It also provides for new funding for programs, like border security infrastructure E-Verify, and provides for the hiring of thousands of personnel.

- **Encroach into State or Local Authority?** This legislation would encourage state and local authorities to work with federal authorities in enforcing immigration law. It would also prohibit funding to jurisdictions that act as sanctuaries for illegal immigrants. Mandatory E-Verify would preempt state laws.
- **Delegate Any Legislative Authority to the Executive Branch?** This bill would provide some administrative flexibility to the Executive Branch.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Last September, President Trump announced his Administration would be ending the Deferred Action for Childhood Arrivals (DACA) program created under President Obama. While his announcement came with a 6-month delay for Congress to act, the end of the program has been subsequently tied up in federal courts, removing the impetus for the March deadline. This broader discussion on what to do with individuals who were brought across the border as children has provided a window to address immigration policy, including securing our southern border, on a larger scale.

Some members of the Republican Conference filed a discharge petition to force a vote on immigration, needing the requisite 218 members. While this petition has yet to be successful, voting on legislation included in the discharge petition would "turn off" the petition mechanism. Last week, Speaker Ryan announced that the House would be voting on two pieces of immigration legislation, including H.R. 4760.

Immigration Statistics

There are an estimated 11.1 million illegal immigrants in the United States. Of those, roughly 1 million have committed a criminal offense. About 8 million unauthorized immigrants are participating in the civilian workforce as of 2014. An estimated 40 percent of illegal aliens in the United States have resulted from visa overstays. Roughly 34 million immigrants legally live in the United States – including those who have obtained green cards, and those that have received temporary visas. In FY 2016, almost 805,000 people received legal status through family based visa categories. Family based immigration is the most common path to obtaining a green card and is responsible for almost 70 percent of green cards allocated annually, whereas only 12percent of green cards issued are allocated to employment-based immigrants.

H.R. 4760 would reform America's immigration system by ending chain migration, authorizing funding for a southern border wall, enforcing biometric entry-exit tracking, halting funding to sanctuary cities, and providing a legal, renewable status for those who have received DACA status. A section-by-section can be found here.

Division A – LEGAL IMMIGRATION REFORM

TITLE I – Immigrant Visa Allocations and Priorities

The past several decades have seen chain migration largely outpace new, legal immigration. Between 1981 and 2016, roughly 61% of immigrants admitted to the United States were admitted through chain migration. Mexico represents the largest share of individuals admitted through chain migration, with a late 1990s study indicating that new, Mexican immigrants sponsored on average, 6.38 additional individuals. Many of the individuals admitted are of an advanced age, with the rate of those over 50 years old admitted to the U.S. increasing from 17% in the 1980s to 21% in more recent years.

Family Preference Categories

This title would provide cuts to certain family-based visa categories, bringing an end to a substantial portion of chain migration. Presently, U.S. citizens can petition for visas for spouses, minor children, and parents, with no caps to the amount of green cards that may be issued for immediate relatives per year. This title would remove parents from receiving "immediate relative" status. According to the Committee, over the last decade, an average of 120,286 immediate relative green cards were issued to parents of U.S. citizens each year.

This title would remove "parents" from immediate relative status.

There are presently 5 family sponsored immigrant visa preference categories:

- F1 – Unmarried children of U.S. citizens and their minor children (23,400 allotted green cards per year)
- F2 (114, 200 green cards per year)
    - (A) Spouses and minor children of legal permanent residents and their minor children (at least 87,934 reserved for A)
    - (B) Unmarried adult children of legal permanent residents and their minor children (no more than 26,266 reserved for B)
- F3 – Married children of U.S. citizens and their spouses and minor children (up to 23,400 green cards a year in addition to visas not required for 1st and 2nd preference categories)
- F4 – Siblings of U.S. citizens and their spouses and minor children (up to 65,000 green cards a year in addition to visas not required for 1st, 2nd and 3rd preference categories)

According to the Committee, in 2016, 22,072 green cards were issued under F1, with 288,826 individuals on a waiting list; 104,733 green cards were issued for F2(A) and 16,526 for F2(B), with 213,730 from category A on the waitlist, and 364,353 from category B on the waitlist; 27,392 green cards were issued for F3, with 735,955 individuals on the waitlist, and; 67,356 green cards issued for F4, with 2,344,993 individuals on the waitlist.

This title would rescind the 1st, F2(B), 3rd, and 4th family preference categories. For family preference category 2A, a determination will be made based on the minor's age, using the age on which their application for a green card was filed.

This title would create a new nonimmigrant visa category, "W," for parents of U.S. citizens. Sponsors must be at least 21 years old, never having received contingent immigrant status under division D. Recipients would be admissible for 5 years, with additional 5-year extensions if their children still reside in the U.S. "W" recipients would not be authorized to work in the united states, nor would they be eligible for federal, state or public benefits. Sponsoring children must be responsible for the

financial support of their parents while they are un the U.S Parents would be ineligible for a visa unless their citizen children has provided for health insurance for their parents for the duration of their time in the U.S.

These changes would take effect on October 1, 2018, and petitions for the eliminated family preference categories could not be accepted after that date, nor could pending petitions be approved. Petitions approved before that date may receive allocated green cards, but only un to the allocation amount for that category for FY19. This title would remove country specific caps.

Diversity Visa Program

This title would eliminate the Diversity Visa Program (55,000 green cards allocated per year). These green cards are currently allocated by random lottery to alien foreign nationals with low immigration rates into the U.S. This section would go into effect on the first day of the first fiscal year following enactment.

Employment Based Immigration Priorities

There are currently five employment-based immigrant preference categories. The first three fall into the first preference category for those with extraordinary ability in the arts, outstanding professors and researchers, and certain multi-national executives and managers. The final two fall into preference category two, for professionals with advanced degrees or persons of exceptional abilities, and up to 10,000 unskilled workers.

Preference category one is allotted 40,000 green cards per year, in addition to visas not required for 4th and 5th preference categories. In 2016 42,826 were issued. The second preference category is allotted up to 40,400 green cards per year, plus those not required for the 1st category, and in 2016 38,858 were issued. The 3rd preference category is allotted up to 40,400 green cards per year, and in 2016 35,933 were approved and issued.

This title would increase the allotment for category 1 to 58,734, and for categories 2 and 3 to 58,733 for each category.

This section would go into effect on the first day of FY 2019.

Finally, this title would require those entering the United States under a "B" visa, for temporary admittance for business or pleasure, to waive their right for review and appeal regarding a determination of inadmissibility.

TITLE II – Agricultural Worker Reform

This title would create a new visa category, "H-2C," for those entering the U.S. to perform temporary agricultural labor or services. It would expand the definition of those who qualify to include as temporary or seasonal agricultural workers. For meat and poultry processing workers, only those involved in the killing and breaking down of carcasses, would be included in the definition.

Employers seeking to hire H-2C workers would be required to file a petition with the Secretary of Agriculture attesting:

- An offer of employment, providing that employees may not work on an at will basis, and a description of the place of employment, period of employment, wages and other benefits to be provided, and
- the duties of the positions;
- That the employer is seeking to employ a certain number of H-2C workers and will provide the required benefits, wages, and working conditions required for all those employed for a specific job;
- That no U.S. workers will be displaced during the period of employment or the 30-day period preceding the employment;
- That the employer recruited U.S. workers and was unable to obtain them;
- That the employer will offer the job to any U.S. worker who applies, is qualified, and is available at each place, and for the duration of the position, until the first day of work for the H-2C worker;
- That the employer will provide insurance covering injury and disease arising out of the job if the work is not covered by State workers' compensation law; and
- That the job is not vacant because of a strike or lockout in the course of a labor dispute.

Petitions must be made available for public consumption by the employer within one working day of the filing. The Secretary of Homeland Security would be required to make a list of petitions filed publicly available. This title provides for the process and timeline for petitions to be filed, approved, and rejected, as well as the process for expedited review of denials.

This title would allow associations to transfer workers among members. Violations by an individual member would not automatically disqualify an association and vice versa.

DHS would be required to charge a fee to cover the cost of processing petitions.

The Secretary of Agriculture would be responsible for conducting investigations and audits. This section would set penalties for failure to meet conditions of the petitions.

Employers would be required to provide back pay and required benefits if they failed to furnish them.

This title would prohibit preferential treatment of H-2C workers over Americans, requiring employers to offer American workers at least the same benefits, wages, and working conditions offered to H-2C workers. It would require employers to pay H-2C workers a wage that is at minimum the greatest of (1) state or local minimum wage, (2) 115% of the federal minimum wage, or (3) the actual wage level paid to all other individuals in the job.

Employers could pay via a piece rate system.

This title sets out the framework for payment of meat or poultry processing workers.

Employers would be required to guarantee the worker employment, and pay for at minimum 50% of the work days in the contract. If workers abandon their contracts, they are not eligible for the guarantee.

H-2C workers may be admitted for up to 18 months for temporary or seasonal jobs. H-2C workers may be admitted for up to 36 months for non-temporary or seasonal jobs, and for up to 18 months

subsequently. Workers could me admitted not more than 7 days prior to the beginning of authorized employment, and for not more than 2 weeks following the term of their employment.

H-2C workers that were employed in a temporary or seasonal job must remain outside the U.S. for at least 1/12th the duration of the previous authorized period, or 45 days. DHS may deduct absences from this period upon employer request and proof.

Sheepherders, goat herders, workers in range production of livestock and workers that return to their residence outside of the U.S. each day are not subject to the maximum continuous period of status or the requirement to remain outside of the U.S

Failure to depart within the prescribed period will be make an alien inadmissible for being unlawfully present and deemed so for 181 days as of the 15th day after the period of employment, for the purpose of departure, or the 31st day, for the purpose of seeking another job offer. Aliens may not be otherwise employed (unless previously authorized), during the 14-day departure period.

Employers must notify the Secretaries of Agriculture and DHS within 72 hours of learning an H-2C worker abandoned his post. They may designate an eligible alien to fill an abandoned post.

This Title would permit DHS to waive grounds of inadmissibility for aliens that fraudulently entered the U.S. or who were illegally present for more than 180 days, so that they could be provided with H-2C status. This includes those who were "unlawfully present in the United States on October 23, 2017; performed agricultural labor or services in the United States for at least 5.75 hours during each of at least 180 days during the 2-year period prior to enactment; and has departed the United States within 180 days of the issuance of final rules carrying out the AG Act, and remains outside of the United States."

This title would create a trust fund to allow for the provision of financial incentive for H-2C workers to return to their home countries following the expiration of their visas. Employers would be required to withhold 10% of the wages of certain H-2C workers to be paid into the trust fund. For those employing non-temporary or seasonal H-2C workers, the employers must pay an amount equivalent to certain federal taxes on wages into the trust fund. These funds could then be distributed to workers who apply within 120 days after their employment, by complying with the terms of their employment and physically appearing at a U.S. consulate or Embassy in their home country. Any remaining amounts would be distributed amongst the Departments of State, Agriculture, and Homeland Security to cover costs incurred from the H-2C program. Any funds further left over would be distributed to DHS for the apprehension, detention, and removal of unlawful aliens. The Secretary of Treasury would be required to issue a report on the trust fund to congress each year.

At-will Employment for Temporary H-2C Workers

Registered employers may employ workers already lawfully in the U.S. as H-2C workers if they have completed their previous job. At-will workers would be subject to the same admission, limited stay, and requirements to remain outside of the U.S. as contract workers. They cannot accrue time toward their touchback requirement.

This section would require the Ag Secretary to create a process for adjudicating applications and to charge a fee to cover costs. It would also provide for conditions required of employers to be designated as registered agricultural employers, as well as terms and conditions for designation. Family members of H-2C workers would not be permitted to be admitted to the U.S

This title would provide for a limit of 450,000 aliens to receive admission under the H-2C program each fiscal year, with a base allocation of 40,000 visas for meat and poultry processing workers and 410,000 for other agricultural workers. It provides for automatic cap escalators and de-escalators. The base allocation for the other agricultural workers cannot fall below 410,000. This provision "Excludes aliens who performed agricultural labor or services for at least 5.75 hours during each of at least 180 days during the 2-year period beginning on the date of enactment, and H-2A or H-2B workers returning under the H-2C program to work for their previous employers, from the calculation of visas issued in a fiscal year."

H-2C workers would not be required to disprove the presumption of immigration intent at the time of their application.

Sec. 2104 would prohibit H-2C workers, or their attorneys, from pursuing civil actions for damages, unless they have first attempted mediation.

H-2C workers would be exempt from the definition of migrant agriculture workers, so that entities receiving funding from Legal Services Corporation are barred from representing H-2C workers in actions against their employers.

Workers could be bound by mandatory binding arbitration and mediation, with costs of arbitration to be shared by employer and the worker.

H-2C workers would not be eligible for federal public benefits, including under Obamacare, nor are they eligible for refundable tax credits. Workers must have insurance for the period of their employment.

This title would create a study on the feasibility of the establishment of an agricultural worker employment pool.

The program would take effect on the date on which the Secretary of DHS issues rules to carry out the legislation, and to accept petitions on that date. Provisions allowing for at-will employment would go into effect when E-Verify becomes mandatory. Beginning on the date on which employer may file H-2C petitions, no new petitions for H-2A workers will be accepted.

Finally, this title requires a report to Congress from the relevant agency heads on H-2C worker compliance with this legislation and the Immigration and Nationality Act.

TITLE III – Visa Security

This title addresses immigration enforcement by amending and clarifying provisions related to visa security

Cancellation of Additional Visas

This title would provide for all visas held by an alien to be invalid if an alien has overstayed any visas or violated any terms of nonimmigrant classification.

Visa Information Sharing

This legislation would allow the federal government to release certain data in visa records to foreign governments in certain instances, in order to help determine an individual's admissibility or removability, or for other instances in the national interest. It also allows for visa revocation records to be disclosed.

Restricting Waiver Of Visa Interview

This section clarifies that national interest waiver authority for visa interviews can only be used after consultation with the Secretary for Homeland Security. Waivers could not be used for individuals that are a national security concern or if they would compromise program integrity, nor can they be used to reduce workload for consular officers.

Authorizing the Department of State to Not Interview Certain Ineligible Visa Applicants

The Department of State would no longer be required to conduct visa interviews for nonimmigrant applicants if it is evident from the application that they applicant would be ineligible for a visa. This section would require a report to Congress on denials.

Visa Refusal And Revocation

The Secretaries of State and Homeland Security are permitted to refuse and revoke visas to aliens in the interest of U.S. security or foreign policy interests. There is no judicial review for visa revocations. Consular officers, at the direction of the Secretary of State, could refuse a visa requested by an alien if it is in the security or foreign policy interests of the United States.

Petition and Application Processing For Visa And Immigration Benefits

All visa applications would be required to be signed by the applicant, with immigrant visa applications signed in the presence of a consular officer. All applications must be completed. Foreign language documents must be fully translated and certified.

Fraud Prevention

DHS would be required to submit a plan to congress on the integration of prospective analytics software into existing fraud detection techniques. This legislation would also require the completion of benefits fraud assessments by 2021 for certain visa categories.

Visa Ineligibility For Spouses And Children Of Drug Traffickers

This legislation would make spouses and children of drug traffickers ineligible to receive immigration benefits.

DNA Testing

This legislation would allow DHS to require DNA verification or relationships when necessary. It would also allow for DNA verification of classes and sub-classes of applicants.

Access to NCIC criminal history database for diplomatic visas.

Biometric criminal background checks would be expanded to include a small class of diplomatic visa applicants. It would not require fingerprinting of diplomats.

Elimination of Signed Photograph Requirement For Visa Applications

This legislation would allow for unsigned applicant photos through the State Department's electronic visa application system.

Additional Fraud Detection And Prevention

This legislation would allow for the State Department to use visa program fees for antifraud measures.

DIVISION B – INTERIOR IMMIGRATION ENFORCEMENT

TITLE I – LEGAL WORKFORCE ACT

While the U.S. currently requires E-Verify for federal contractors and different states have varying legislation requiring mandatory E-Verify, the program is not universally mandated nation-wide and is generally available on a voluntary basis. Requiring mandatory E-Verify usage for employers would help to ensure that current and prospective employees are legally authorized to work in the United States.

This title would mandate the E-Verify program requiring employers to attest that they have verified an individual is not an illegal alien. It would require all employers to implement the program to determine a potential employee's eligibility to work in the United States. Employers would be subject to civil penalties for failure to alert the Department of Homeland Security if a person cannot obtain authorization for employment. This new system would replace the current I-9 paper-based system, though employers could still submit proof of verification on paper. This title would also provide for and narrow the documents that could be provided in order to prove eligibility for work.

Employees that receive tentative nonconfirmation could use the secondary verification process in place of E-Verify. Employers may terminate based on nonconfirmation from an E-Verify check. They must notify DHS of a decision to be noncompliant and not terminate an employee that was not confirmed. This title would provide for the appropriate time period to use E-verify to check a prospective employee's status. Job offers could be conditioned on E-Verify confirmation.

E-verify would be phased in for new hires in six month increments six months following enactment for businesses with 10,000 or more employees. For those with 500-9,999 employees, the phase in period is 12 months. For those with 20-499 employees, the phase in period is 18 months. Finally, for businesses with 1-19 employees, the phase in period is 24 months. Those companies that are already required to use E-Verify must continue to do so following enactment.

Agricultural labor or service employees are subject to E-Verify checks within 18 months following enactment. It would also allow for employers with 50 or fewer employees to request a once time extension.

This legislation would phase in a requirement for employers to verify the work eligibility of individuals with limited work authorization within three business days following the expiration of the authorization.

Current employees must be verified if the work for the federal, state or local government, critical infrastructure site, or on a federal contract. It would also require verification for employees that have submitted a SSN that has an unusual pattern of multiple use. Employers may voluntarily verify current employees under certain conditions.

Compliance would be based on a good-faith effort standard, with an exception for those with a patter on violations and for those who fail to correct following notice.

DHS would be allotted one, six-month extension of implementation deadlines if DHS certifies to congress that the system is not ready.

This title requires DHS to create an employment eligibility verification system modeled off of the E-Verify pilot program that is accessible by phone and internet that provides a confirmation, or tentative nonconfirmation, of a prospective employee's eligibility within three working days. DHS must also supply a secondary system for tentative nonconfirmation, which provides final notice within 10 working days, with the possibility for extension on a case-by-case basis.

This legislation requires the system to be promptly and continually updated, and does not constitute a national ID card.

Work eligible individuals that are fired for wrongly being identified as ineligible may seek remedies under Federal Tort Claims Act.

Union hiring halls, day labor sites, and state workforce agencies would be required to use E-Verify during recruitment.

It would provide a safe harbor for those that use E-Verify in good faith.

Because this legislation creates one federal law mandating uniform use of E-Verify, it preempts state laws mandating use. States would be permitted to investigate violations of E-Verify and incentivizes states to help enforce E-Verify by allowing states to retain assessed fines. Employers could be subject to either a state or federal investigation. States and localities could condition business licenses on use of E-Verify.

This title repeals the provision allowing for the pilot program, as it is replaced by full, mandatory E-Verify.

This legislation increases the civil and criminal penalties for violators, including barring violators from receiving federal grants and contracts for repeated violations. It also creates an office within ICE to investigate complaints regarding the hiring of illegal immigrants. This title also includes fraud prevention tools and requires DHS to create a pilot program so employers can use an identity-authentication-based identification program. Finally, it would require the Inspector General of the Social Security Administration to complete audits of certain categories that have a likelihood of use by unauthorized workers.

TITLE II – Sanctuary Cities

Federal courts have issued injunctions blocking President Trump's executive order calling for a cessation in federal funding to jurisdictions operating as sanctuaries for illegal immigrants. In one ruling, Judge Orrick pointed to Congressional spending powers to place conditions on the expenditure of federal money. While the House has passed Kate's Law and the No Sanctuary for Criminal Aliens Act, the Senate has yet to act.

This title prevents an individual or entity from prohibiting a government entity from complying with U.S. immigration law or with cooperating with immigration authorities. It would also prohibit the implementation of laws or policies that prevent entities from inquiring into someone's immigration and custody status. This title would prevent sanctuary jurisdictions from receiving certain federal funding and would allow DHS to decline to transfer aliens to sanctuary jurisdictions.

This title would clarify ICE detainers, requiring ICE to transfer custody of an alien within 48-96 hours, excluding weekends and holidays, from the time an alien is to be released. It indemnifies jurisdictions that are sued for complying with detainers, unless the jurisdiction acted in bad faith.

This legislation also allows victims of certain crimes committed by illegal aliens in sanctuary jurisdictions to have a private right of action against the releasing jurisdiction. It would also prohibit certain federal funding to jurisdictions that refuse to comply with detainers.

This title would include language similar to Sarah and Grant's Law, which was included in the No Sanctuary for Criminals Act. This title would provide for the mandatory detention of an illegal alien that has been convicted one or more times of driving under the influence. It would also provide for the mandatory detention of an alien in removal proceedings if they were arrested or charged with a crime that resulted in the bodily injury or death of an individual, if the alien is illegally in the U.S., removable after a revoked visa, or is removable due to noncompliance with terms of a visa. Certain aliens would only be eligible for bond if they could establish by clear and convincing evidence that they are neither a flight risk nor a danger to a person or the community

A past legislative bulletin can be found here.

Section 2205 would clarify Congressional intent regarding cooperative agreements with states and localities, amending section 287(g) of the Immigration and Nationality Act, requiring DHS to accept requests from states or localities to enter into a cooperative agreement if there is no compelling reason not to. The Secretary would be required to be expedient in processing 287(g) requests. This section would also set out provisions for approving and terminating agreements.

Finally, section 2206 would make illegal entry or presence in the United States a crime, subject to varying degrees or fines or imprisonment, dependent on the number of violations. Aliens attempting to enter at an improper time or place would also be subject to civil penalties.

TITLE III – Criminal Aliens

Section 3301 would render aliens that have committed violent felonies or other offenses that allow for deportation, inadmissible to the United States. These offenses would include firearms offenses, child abuse, and domestic violence. Convictions for these offense would be independent grounds for inadmissibility. This section would also make those who have committed social security fraud or the unlawful procurement of citizenship deportable or inadmissible. Aliens who are convicted of aggravated felonies would be ineligible for a waiver of inadmissibility.

This title would make convicted sex offenders who have failed to register, deportable and inadmissible.

It would further make criminal gang members deportable and inadmissible and would lay out procedures for designating an organization as a criminal gang.

Aliens charged in immigration court proceedings as members of a criminal gang would be held in mandatory custody during the length of the proceeding. Relevant agencies would be permitted to designate specific gangs, for which membership would render an alien inadmissible or deportable.

Criminal gang members would be ineligible for asylum, special immigrant juvenile status, and temporary protected status. Aliens convicted of driving while intoxicated leading to serious bodily injury or death, would make an individual deportable and inadmissible. Two or more convictions for driving while intoxicated would also make an individual deportable or inadmissible.

This title would define aggravated felony for the purpose of admissibility and deportability. If conviction records are unclear, DHS would be permitted to consider other evidence to determine if a potentially admissible alien has committed a disqualifying offense. It would also add manslaughter, certain crimes involving the harboring of aliens, marriage fraud, immigration related entrepreneurship fraud, and improper entry/reentry leading to the sentence of more than one year of incarceration, to the list of aggravated felonies. Soliciting or aiding in the commission of a felony would also be an aggravated felony.

This title would prohibit aliens that have been convicted of aggravated felonies from receiving a withholding of removal.

Convicted sex offenders would be prohibited from petitioning with relatives with permanent resident status, unless DHS can determine they pose no risk to the individual.

This title permits DHS to detain certain dangerous illegal aliens under removal orders who cannot be removed if their removal is in the foreseeable future, the alien would have been removed if the alien didn't make efforts to not comply, has a highly contagious disease, whose release would have serious foreign policy, national security, or public safety concerns, or if the alien is an aggravated felon, or has committed a violent crime and has a mental condition that makes further violent crimes more likely. The individuals specified above would be able to be detained for renewable terms of six months.

This title would facilitate the timely repatriation of nationals ordered removed from the U.S., allowing DHS to sanction countries that refuse to accept their citizens back, allowing the state department to not issue or limit certain visas for diplomats and their families and employees. DHS would be required to notify states in which aliens that were refused from their home countries will be released. It would require DHS to publish a report every six months regarding countries that refuse repatriation. It would also require a GAO report to Congress.

This title would include language similar to Kate's Law, imposing enhanced criminal penalties for illegal aliens with serious criminal records that have been convicted of illegal entry and subsequently return to the United States. It would require any alien that has been denied entry or has been removed and subsequently attempts to reenter the United States to be fined and/or imprisoned for not more than two years.

Penalties for offenses occurring prior to illegal reentry include:
- Maximum 10-year sentence for criminal aliens who have been convicted of three or more misdemeanors or a felony prior to reentry.
- Maximum 15-year sentence for criminal aliens who have been convicted of a felony and sentenced to at least 30 months.
- Maximum 20-year sentence for criminal aliens who have been convicted of a felony and sentenced to at least 60 months.
- Maximum 25-year sentence for criminal aliens who have been convicted of crimes including rape, murder, terrorism or kidnapping, or for those who have three or more felonies of any kind.
- Maximum 10-year sentence for any alien who has been denied admission or removed three or more times and then reenters, or attempts to reenter the United States.

Aliens who have been removed prior to the completion of a prison term and subsequently illegally reenter, would be required to complete their original sentence without eligibility for parole or reduction in sentence, and would be subject to other penalties.

TITLE IV – Asylum Reform

While immigration law currently prohibits taxpayer-funded attorneys for aliens to be removed, according to the committee, the Obama Administration permitted taxpayer-funded attorneys for unaccompanied minors in removal proceedings. The Obama administration also asserted taxpayer-funded attorneys could be used to represent other aliens. This title would clarify that future administrations could not assert taxpayer-funded counsel be available to aliens in removal proceedings.

This title would elevate the standard for asylum, requiring those in expedited removal proceedings with a credible fear, to demonstrate a "significant possibility" exists that the alien would likely get asylum or have removal put on hold. Because a significant number of individuals were found to have a "credible fear" under the Obama Administration, leading to asylum claims that were baseless, this heightened standard would ensure only those truly facing persecution would go through the asylum process.

DHS would be required to standardize questions pertaining to credible fear interviews, recording responses in a uniform manner. It would require DHS to record expedited removal interviews.

This title would permit DHS to remove asylum seekers to safe third countries in which they could apply for asylum without the need for bilateral agreements. Under this provision, asylum seekers from central America could be returned to Mexico.

If an asylum seeker returns to their home country, they would be ineligible for asylum, with an exception for certain aliens from Cuba.

This title also includes provisions regarding notice of the consequences for frivolous asylum applications and penalties for asylum fraud.

DHS would be permitted to conduct necessary investigations surrounding asylum claims and their supporting documents to cut down on asylum fraud. The statute of limitations for asylum fraud would be extended from 5 years to 10 years.

TITLE V – Unaccompanied and Accompanied Alien Minors Apprehended Along the Border

This title would allow for the expedited removal of unaccompanied alien children from noncontiguous states in the same manner as contiguous states (Mexico and Canada). Meaning, all unaccompanied minors would be subject to expeditious return, unless they are victims of trafficking or have a credible fear of persecution. This title would also allow the state department to negotiate agreements with foreign countries regarding unaccompanied minors (UAMs).

It would ensure that trafficking victims receive an immigration hearing within 14 days and would extend the ability of DHS to hold a UAM for 30 days. It would require HHS to provide DHS with information on the sponsors or family to which a UAM is released, helping to put a stop to instances of minors going missing within the system. It would also require that DHS follow up with the sponsors to verify their immigration status.

UAMs would be permitted to have counsel in immigration court, though not taxpayer funded counsel. This title would clarify special immigrant juvenile status, requiring a minor to prove abandonment by or loss of both parents, in order to obtain this form of permanent residence.

Further, this title would close a loophole that allows for UAMs to get two attempts asylum review, as opposed to the single opportunity available to others.

It would require a quarterly report to Congress on the total number of asylum cases and a biannual report to Congress on crimes committed by UAMs.

Finally, this title would clarify the "Flores decree," stating that there is no presumption that an accompanied alien child should not be detained, allowing children and their parents to remain together for the duration of their custody with DHS.

Presently, children that are separated from their parents at the border are removed because their parent has entered the justice system as a result of illegally crossing the border. When the parent is moved into the custody of the U.S. Marshalls, the children are ineligible for care under by the Marshalls, because they are not being put in American jails. Upon completion of their parent's court case, if a parent receives an expedited removal order, children can be reunited with their parent and removed. If a parent claims asylum, the asylum process would take place, possibly with the parent in custody. Separation of a child only happens when an individual falsely represents themselves as a parent, is a threat to the child, or if the parent is in criminal proceedings. Families that enter through ports of entry and claim asylum are not immediately separated.

On June 20, 2018, President Trump signed an Executive Order calling for families to be detained together while in the custody of the Department of Homeland Security while proceedings concerning criminal improper entry or immigration are occurring, unless it poses a risk to the child's welfare. It would also require the Secretary of Defense to take all legally available measures to aid in the provision of facilities for housing and care of alien families. The EO would further require the Attorney General to file a request with the U.S. District Court for the Central District of California to modify the Flores Settlement, so that alien families can be detained together during proceedings for improper entry and other removal or immigration proceedings. Finally, it would require the Attorney General to prioritize the adjudication of cases pertaining to detained families.

DIVISION C – BORDER ENFORCEMENT

TITLE I – BORDER SECURITY

Subtitle A – Infrastructure and Equipment

This title would direct DHS to construct, install, deploy, operate, and maintain tactical infrastructure and technology in the vicinity of the United States border to deter, impede, and detect illegal activity in high traffic areas. Infrastructure would include physical barriers, fencing, border wall systems, and levee walls. In doing so, the bill would direct the Secretary of Homeland Security to consult with the Secretary of the Interior, the Secretary of Agriculture, the Governors for each State on the southern and northern land borders, other local governments, Indian tribes, representatives of the U.S. Border Patrol and U.S. Customs and Border Protection, relevant Federal, State, local, and tribal agencies that have jurisdiction on the southern land border. DHS would also be directed to consult with private property owners in the United States to minimize the impact on the environment, culture, commerce, quality of life for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed.

Authorization for the construction of a 700-mile border fence is found in the Secure Fence Act of 2006, which was signed into law by President George W. Bush in 2006. While the U.S. has already built 653 miles of fencing along the southern border, extending the border wall would be a costly endeavor. It is estimated that completing the 2,000 miles of fencing along the border could cost up to $31.2 billion, not including yearly maintenance costs.

U.S. Customs and Border Patrol Activity

DHS would be required to ensure that no fewer than 95,000 annual flight hours are carried out by U.S. Customs and Border Protection Air and Marine Operations, and that Air and Marine Operations operate unmanned aerial systems on the southern border of the United States for not less than 24 hours per day for five days per week. DHS would further be directed to deploy specified assets and capabilities, including tower-based surveillance technology, subterranean surveillance and detection technologies, and man-portable unmanned aerial vehicles to specified sectors and transit zones. It would further direct the Department of Homeland Security to require border patrol agents to place themselves close to the border as physically possible, and would require DHS to document approved baselines, costs, schedules and compliance with Federal Acquisition Regulation Guidelines for major border security technology acquisition programs.

Some members feel that current facilities are too inland to be effective in detaining individuals crossing the southern border illegally.

U.S. National Guard

This Title would authorize the Governor of a State, with the approval of the DHS Secretary and Secretary of Defense, to order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, along the southern border to assist U.S. Customs and Border Protection to achieve situational awareness and operational control of the border. The National Guard would have the authority to: construct reinforced fencing

or other barriers; operate ground-based surveillance systems; operate unmanned and manned aircraft; provide radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies; construct checkpoints along the Southern border to bridge the gap to long-term permanent checkpoints; and provide intelligence support. It would reimbursement of states for the deployment of the national guard at the border.

The Secretary of Defense, with the concurrence of the DHS Secretary, would be directed to provide assistance to U.S. Customs and Border Protection, previously referred to as Operation Phalanx, to increase ongoing efforts to secure the southern border, to include: the deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and intelligence analysis support. The bill would authorize $75 million to the Department of Defense to provide such assistance. This title would require several reports to Congress.

Prohibitions on Actions That Impede Border Security On Certain Federal Land

This section would prohibit the Departments of Interior and Agriculture from impeding or restricting CBP activities within 100 miles of the Southern border.

Landowner and Rancher Security Enhancement

This section would direct the Department of Homeland Security to establish National Border Security Advisory Committee which may advise, and make recommendations to the DHS Secretary on matters relating to border security matters, including verifying security claims and the border security metrics and, discussing ways to improve the security of high traffic areas along the northern border and the southern border.

Carrizo Cane and Salt Cedar

This section would direct the DHS Secretary, after coordinating with the heads of the relevant Federal, State, and local agencies, shall begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River not later than September 30, 2022.

Southern Border Threat Analysis

This section would direct the DHS Secretary to submit a Southern Border Threat Analysis report to Congress including an assessment of current and potential terrorism and criminal threats posed by individuals and organized groups seeking to unlawfully enter the United States through the Southern border; or to exploit security vulnerabilities along the Southern border.

Agent and Officer Technology Use

This section would require DHS to ensure that technology that is put into use is provided to front-line agents and officers.

Integrated Border Enforcement Teams

This section would establish the Integrated Border Enforcement Team (IBET) program to allow for detection, prevention, investigation and response to terrorism and law violations pertaining to border security generally related to the northern border.

Tunnel Task Forces

This section establishes the Tunnel Task Force program, to investigate and remediate threats posed by cross-border tunnels.

Pilot program on the Use Of Electromagnetic Spectrum For Border Security Operations

This pilot program would allow for the identification of unauthorized spectrum use and jamming and hacking of communications.

Homeland Security Foreign Assistance

This section would permit DHS to provide assistance to foreign governments if it helps American ability to neutralize the threat of transnational organized crime and terrorism, addresses irregular migration, and provides benefits to trade and travel.

Subtitle B - Personnel

Customs and Border Patrol Staffing

This section would direct the Commissioner of U.S. Customs and Border Protection (CBP) to hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents, and hire sufficient agents for CBP Air and Marine Operations to maintain not fewer than 1,675 full-time equivalent agents and not fewer than 264 Marine and Air Interdiction Agents for southern border air and maritime operations. It would require sufficient U.S. Customs and Border Protection Officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers and 350 full-time support staff. The commissioner would be directed to deploy not fewer than 300 new K–9 units, with supporting CBP officers and other required staff, at land ports of entry and checkpoints, on the southern border and the northern border. It would also require the hiring and training of at least 550 special agents in the Office of Professional Responsibility and at least 700 employees for U.S. Customs and Border Protection Office of Intelligence. It would require not fewer than 100 officers and 50 horses for security patrol at the Southern border, in addition to the hiring of officers in several other categories. It would require a GAO report if staffing levels are not met by September 30, 2022.

This legislation would also provide for direct hire authority and recruitment and relocation bonuses, retention bonuses, and special pay for CBP officers assigned to remote/hard-to-fill posts. It would provide a sunset of September 30, 2022.

Anti-Border Corruption Reauthorization Act

This section would provide exemptions for the CBP to waive the polygraph for current state and local law enforcement officers that have already passed a polygraph, for federal law enforcement hat have already passed intense background investigation, and for veterans with at least three years of service that have a clearance and have passed a background check. This section would require the Commissioner of the U.S. Customs and Border Protection to submit a report to Congress regarding the waivers.

Training for Officers And Agents of U.S. Customs and Border Protection

This section would require agents and officers to undertake 21 weeks of mandatory training, and provides for additional training for certain supervisors and for continued education.

Subtitle C – Grants

This subtitle would establish within DHS, a program to be known as 'Operation Stonegarden', under which the Secretary would be directed to make grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security, and would authorize $110 million for each fiscal year from 2018 to 2022 for such grants.

Subtitle D – Authorization of Appropriations

This subtitle authorizes the appropriation of $24.8 billion over five years to cover the costs of implementation, of which $9.3 billion would be used for physical barriers, $1 billion for tactical infrastructure, $5.8 billion for air and marine operations, $200 million for Coast Guard deployments, and $8.5 billion for U.S.CBP agents.

TITLE II – EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING

This title would authorize the DHS Secretary to construct new ports of entry along the northern border and southern border and determine the location of any such new ports of entry. DHS would further be required to ensure that each U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement officer or agent is equipped with a secure two-way communication device, supported by system interoperability, that allows each such officer to communicate between ports of entry and inspection stations; and with other Federal, State, tribal, and local law enforcement entities.

The DHS Secretary would be directed to fully implement the Border Security Deployment Program of the U.S. Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border. In doing so, $33 million for fiscal year 2018 would be authorized to be appropriated.

U.S. Customs and Border Protection would be required to upgrade all existing license plate readers on the northern and southern borders on incoming and outgoing vehicle lanes, and conduct a one-month pilot program on the southern border using license plate readers for one to two cargo lanes at the top three high-volume land ports of entry or checkpoints to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers. $125 million for fiscal year 2018 would be authorized to be appropriated for the program. It would also require the deployment of a high throughput non-intrusive passenger vehicle inspection system at least three land ports of entry.

DHS would further be required to submit to Congress an implementation plan to establish a biometric exit data system to complete the integrated biometric entry and exit data system required by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b). DHS would additionally be required to establish a six-month pilot program to test the biometric exit data system on non-pedestrian outbound traffic at not fewer than three land ports of entry with significant cross-border traffic.

While Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act, authorizing biometric entry-exit tracking, a successful program has yet to be put in place. Following 9/11, the 9/11 Commission highlighted the importance of implementing the program as two of the hijackers were in the U.S. illegally. DHS estimates that roughly 629,000 people illegally overstayed their visas last year. While the U.S. largely tracks entries, we fall behind on tracking exits, leading to a lack of clarity as to how many individuals illegally overstayed their visas and remain in the U.S.

While conservatives generally support increased border presence, there remains the concern of ongoing cost and how this cost will be offset.

A one pager, section-by-section, and executive summary from the House Committee on Homeland Security for similar legislation can be found here, and here respectively.

This title would authorize an additional $6.25 billion ($1.25 billion for fiscal years 2018 through 2022) for emergency port of entry personnel and infrastructure funding, of which $2 million would be used by the Secretary of Homeland Security for hiring additional Uniform Management Center support personnel, purchasing uniforms for CBP officers and agents, acquiring additional motor vehicles to support vehicle mounted surveillance systems, hiring additional motor vehicle program support personnel, and for contract support for customer service, vendor management, and operations management; and $250 million per to implement the biometric exit data system.

TITLE III – VISA SECURITY AND INTEGRITY

This title would expand Visa Security Units to the 75 highest risks posts worldwide, enhancing counterterrorism screening, provides additional training for international posts, and would create the Visa Security Advisory Opinion Unit. These Visa Security Units are integral in catching potential terrorists and criminals abroad, attempting to gain entry into the U.S. with valid visas.

It would require the CBP to screen passports using their biometric chips and facial recognition technology to screen Visa Waiver Program travelers.

This title would also require DHS to report visa overstays to Congress each fiscal year. Visa overstay is believed to be responsible for up to 40% of illegal immigrants in the United States. According to the Committee, in FY16 CBP calculated almost 740,000 people overstayed their visas.

This Title would require DHS to ensure information contained in Student and Exchange Visitor Information System verification (SEVIS) is shared with CBP officers at all ports of entry. It would also require DHS to review the social media accounts of visa applicants and perform open source screening.

TITLE IV—TRANSNATIONAL CRIMINAL ORGANIZATION ILLICIT SPOTTER PREVENTION AND ELIMINATION

This title would make it illegal to not only bring aliens into the U.S. or harbor illegal aliens, but also to commit conspiracy to harbor or bring in illegal aliens to the U.S., punishable by up to 10 years in prison if the offense includes use of a firearm. It would also penalize attempt. Finally, it would provide for penalties pertaining to the destruction of border control devices, with enhanced penalties for commission with a firearm.

DIVISION D—LAWFUL STATU.S. FOR CERTAIN CHILDHOOD ARRIVALS

This legislation would provide three-year indefinitely renewable contingent nonimmigrant status for individuals who had previously received DACA status (roughly 700,000 individuals). For the status to be renewed, applicants must remain eligible resubmit to background checks, and must not have had their status revoked.

Requirements include the recipient:

1. Is physically present in the U.S. on the date on which they submit their application;
2. Was physically present in the U.S. on June 15, 2007;
3. Was younger than 16 on the date they initially entered the U.S.;
4. Is a person of good moral character;
5. Was under 31 on June 15, 2012;
6. Has maintained continuous presence in the U.S. since June 15, 2012;
7. Had no lawful immigration status on June 15, 2012;
8. Has requested all state or local juvenile delinquent records be released to DHS;
9. Possesses valid employment authorization pursuant to the June 2012 DHS memorandum regarding DACA.

Applicants must also be in full tie attendance in a U.S. school, or must have obtained a high school degree or its equivalent.

Aliens would be ineligible for contingent nonimmigrant status if they:

1. Have been convicted of certain criminal offenses, including any felony, aggravated felony, child abuse/neglect, domestic violence, assault resulting in bodily injury, violation of a protection order, DUI, two or more misdemeanors, or any offense in a foreign nation that would render someone inadmissible in the U.S.;
2. Have been adjudicated delinquent in state or local juvenile proceedings for offenses equivalent to or including murder, manslaughter, homicide, rape, statutory rape, sexual offenses against minors, crimes of violence, or offenses publishable under section 401 of the controlled substances act;
3. Have a conviction for any criminal offense with an unsatisfied civil legal judgement;
4. Are a member of a criminal gang;
5. Have pending felony or misdemeanor charges;
6. Is inadmissible or deportable under the INA;
7. Already possess lawful status upon date of enactment;
8. Have failed to comply with a removal or voluntary departure order;
9. Have been ordered removed in absentia;
10. Have refused to attend or have left inadmissibility or removal hearings;
11. Cannot demonstrate financial independence if over the age of 18 (125% of the poverty level);
12. Are delinquent in any state, federal, or local income or property taxes;
13. Have unsettled debts with the U.S. Treasury;
14. Have unreported, taxable income;
15. Or have engaged in sexual assault or harassment.

Applications would be required to be submitted electronically. Applicants would have one year following interim final regulations to apply for contingent nonimmigrant status. Aliens would be required to submit to in person interviews and to provide DHS with any necessary documentation.

Applicants would be required to pay a processing fee, that would be equal to an amount to cover DHS costs. Applicants would be required to pay $1,000 fee for border security purposes. Those that are eligible and are apprehended during the application period, are ordered removed, or are presently in removal proceedings, would be given the opportunity to apply for contingent nonimmigrant status.

Applicants may not obtain contingent nonimmigrant status unless they submit biometric and biographic data. DHS would use data provided to conduct national security and law enforcement checks and to determine if there are any factors that would render an applicant ineligible.

The secretary would be required to grant work authorization upon request by contingent nonimmigrants. Recipients would be able to travel outside of the U.S. for prescribed intervals, provided they are not absent for more than 15 consecutive days, or 90 days, aggregate in the 3-year period, except in extenuating circumstances.

Contingent nonimmigrants would be ineligible to receive healthcare subsidies and refundable tax credits, nor could they receive public benefits.

DHS could revoke status if the recipient is no longer eligible, committed fraud in their application, or had an unauthorized absence.

This title would detail procedures for judicial review, providing for one level of de novo appellate review of a denial for status. Appeals would be required to be filed within 30 days of denial. It would also allow for one judicial repeal of a final administrative determination pertaining to a denial or revocation.

This title would prohibit class action lawsuits, and would set parameters for judgments granting relief against the U.S.

This title provides for criminal penalties for providing false information on an application, publishable by fine or five-years imprisonment. Applicants, or their parent or guardian in certain circumstances, would be required to sign the application.

The Secretary would be required to issue interim final regulations within one year following enactment.

GROUPS OPPOSED:

CATO
Heritage Action
U.S. Chamber of Commerce
Libre Initiative
American Immigration Lawyers Association
Microsoft
Interfaith Immigration Coalition
President' Immigration Alliance
Presidents' Alliance on Higher Education and Immigration
Coalition Letter: Immigrant Defense Project, Immigrant Justice Network, Immigrant Resource Center, National Immigration Justice Center

GROUPS IN SUPPORT:

NumbersUSA (Key vote yes)
American Farm Bureau Federation
Evangelicals for Biblical Immigration
FAIR (Federation for American Immigration Reform)

COMMITTEE ACTION:

H.R. 4760 was introduced on January 10, 2018, and was referred to the House Committee on the Judiciary.

On May 9, 2018, a discharge petition was filed to discharge the Committee On Rules from consideration of H.Res. 774, a special rule providing for the consideration of H.R. 4760. Discharge petitions require 218 signatures to force a bill to the floor. Voting on the rule for H.R. 4760 will effectively "turn off" the discharge petition.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

"Congress has the power to enact this legislation pursuant to the following: Clause 4 of Section 8 of Article I of the Constitution—The Congress shall have Power to establish a uniform Rule of Naturalization, and uniform Laws on the subject Bankruptcies throughout the United States.
