

AMENDMENT TO H.R. 6136
OFFERED BY MR. KING OF IOWA

Strike title I of division B.

Strike sections 2102, 2104, 2105, and 2106 of title II of division B.

Add at the end of division B the following:

1 **TITLE VI—MISCELLANEOUS**
2 **Subtitle A—E-bonding for**
3 **Immigration Integrity**

4 **SEC. 6101. SHORT TITLE.**

5 This Act may be cited as the “E-bonding for Immi-
6 gration Integrity Act of 2018”.

7 **SEC. 6102. REQUIREMENT OF BOND.**

8 (a) BOND REQUIRED.—Prior to arriving at a port of
9 entry of the United States, an alien seeking admission to
10 the United States shall post a bond, in accordance with
11 subsection (d), in an amount determined by the Secretary
12 if such alien seeks admission to the United States as a
13 nonimmigrant in a category—

14 (1) described under subparagraph (B), (F),
15 (H)(i)(b), (H)(ii)(b), or (K) of section 101(a)(15) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(15)); or

3 (2) identified by the Secretary, in accordance
4 with section 6103, to have a visa overstay rate that
5 is more than 1.5 percent.

6 (b) AMOUNT OF BOND.—Not later than 1 year after
7 the date of the enactment of this section, the Secretary
8 shall, by rule, establish the amount of the bond required
9 by subsection (a) for each visa category under subsection
10 (a)(1) and each visa category identified by the Secretary
11 under section 6103, which amount shall—

12 (1) be not less than \$2,500 and not more than
13 \$10,000; and

14 (2) be determined based on the Secretary's as-
15 sessment of the level of risk of visa overstays for
16 that category.

17 (c) ADJUSTMENT OF AMOUNT OF BOND.—On an an-
18 nual basis, the Secretary shall review, and, as appropriate,
19 adjust the amounts of the bonds described in subsection
20 (b).

21 (d) PAYMENT OF BOND.—An alien required to post
22 the bond under subsection (a) shall post such bond—

23 (1) in electronic form; and

24 (2) with a bonding agent designated by the Sec-
25 retary as qualified to hold such bond.

1 (e) RELEASE OF BOND.—The Secretary shall author-
2 ize a bonding agent to release a bond—

3 (1) to an alien required to post such bond—

4 (A) after receiving a notification from the
5 United States embassy or consulate in the
6 alien's country of origin that such alien de-
7 parted the United States and returned to such
8 country of origin; or

9 (B) if such alien changed or adjusted their
10 status to an immigration status not required to
11 post a bond under this section; and

12 (2) to the E-bond Enforcement Fund under
13 section 6104 upon a determination by the Secretary
14 that an alien—

15 (A) overstayed their visa; or

16 (B) did not return to their country of ori-
17 gin following the termination of their visa.

18 (f) CHANGE OF STATUS.—An alien who has been ad-
19 mitted to the United States and who is required to post
20 a bond under subsection (a) may be required to post an
21 additional bond if such alien changes their status to that
22 of a nonimmigrant in a category required to pay a higher
23 bond under this section.

24 (g) COLLECTION OF RECORDS RELATING TO
25 BONDS.—The United States Embassy or United States

1 consular office in the alien's country of origin shall collect
2 any records necessary to carry out this section.

3 (h) **EFFECTIVE DATE.**—This section shall take effect
4 on the date that is 120 calendar days after the enactment
5 of this Act.

6 **SEC. 6103. VISA OVERSTAY RATE CATEGORIES.**

7 The Secretary shall identify—

8 (1) the visa overstay rate for each category of
9 nonimmigrant aliens described under section
10 101(a)(15) of the Immigration and Nationality Act
11 (8 U.S.C. 1101(a)(15)) in the previous year; and

12 (2) each category of nonimmigrant aliens de-
13 scribed under such section that had a visa overstay
14 rate in the previous year that was more than 1.5
15 percent.

16 **SEC. 6104. E-BOND ENFORCEMENT FUND.**

17 (a) **IN GENERAL.**—There is established in the general
18 fund of the Treasury a separate account, which shall be
19 known as the “E-bond Enforcement Fund” (in this sub-
20 section referred to as the “Fund”).

21 (b) **DEPOSITS.**—There shall be deposited as offset-
22 ting receipts into the Fund all amounts released under
23 section 6102(e)(2) of this Act.

24 (c) **USE OF AMOUNTS.**—Amounts deposited into the
25 Fund shall remain available until expended and shall be

1 refunded out of the Fund by the Secretary of the Treas-
2 ury, to the Secretary of Homeland Security to—

3 (1) ensure compliance with this Act; and

4 (2) administer enforcement programs.

5 **SEC. 6105. REPORT.**

6 Not later than 120 days after the date of the enact-
7 ment of this Act, and each year thereafter, the Secretary
8 shall submit to the committees of appropriate jurisdiction
9 a report that includes—

10 (1) the visa overstay rate for each category of
11 nonimmigrant alien described under section
12 101(a)(15) of the Immigration and Nationality Act
13 (8 U.S.C. 1101(a)(15)) in the previous year;

14 (2) the categories that had a visa overstay rate
15 in the previous year that was more than 1.5 percent,
16 as determined by the Secretary in accordance with
17 section 6103;

18 (3) the amounts of the bonds, as determined by
19 the Secretary in accordance with section 6102;

20 (4) information relating to the Fund under sec-
21 tion 6104; and

22 (5) any other information determined appro-
23 priate by the Secretary.

24 **SEC. 6106. DEFINITIONS.**

25 In this Act:

1 (1) COMMITTEES OF APPROPRIATE JURISDIC-
2 TION.—The term “committees of appropriate juris-
3 diction” means—

4 (A) the Committee on the Judiciary of the
5 House of Representatives;

6 (B) the Committee on the Judiciary of the
7 Senate;

8 (C) the Committee on Homeland Security
9 of the House of Representatives; and

10 (D) the Committee on Homeland Security
11 and Governmental Affairs of the Senate.

12 (2) SECRETARY.—The term “Secretary” means
13 the Secretary of Homeland Security, unless other-
14 wise provided.

15 (3) VISA OVERSTAY RATE.—The term “visa
16 overstay rate” means the ratio of, for each category
17 of nonimmigrant aliens described in section
18 101(a)(15) of the Immigration and Nationality Act
19 (8 U.S.C. 1101 (a)(15))—

20 (A) the number of aliens admitted to the
21 United States for each such category whose pe-
22 riod of authorized stays ended during a fiscal
23 year but who remained unlawfully in the United
24 States beyond such period; to

1 (B) the total number of aliens admitted to
2 the United States for each such category during
3 that fiscal year.

4 **Subtitle B—English Language** 5 **Unity**

6 **SEC. 6111. SHORT TITLE.**

7 This Act may be cited as the “English Language
8 Unity Act of 2017”.

9 **SEC. 6112. FINDINGS.**

10 The Congress finds and declares the following:

11 (1) The United States is comprised of individ-
12 uals from diverse ethnic, cultural, and linguistic
13 backgrounds, and continues to benefit from this rich
14 diversity.

15 (2) Throughout the history of the United
16 States, the common thread binding individuals of
17 differing backgrounds has been the English lan-
18 guage.

19 (3) Among the powers reserved to the States
20 respectively is the power to establish the English
21 language as the official language of the respective
22 States, and otherwise to promote the English lan-
23 guage within the respective States, subject to the
24 prohibitions enumerated in the Constitution of the
25 United States and in laws of the respective States.

1 **SEC. 6113. ENGLISH AS OFFICIAL LANGUAGE OF THE**
2 **UNITED STATES.**

3 (a) IN GENERAL.—Title 4, United States Code, is
4 amended by adding at the end the following new chapter:

5 **“CHAPTER 6—OFFICIAL LANGUAGE**

6 **“§ 161. Official language of the United States**

7 “The official language of the United States is
8 English.

9 **“§ 162. Preserving and enhancing the role of the offi-**
10 **cial language**

11 “Representatives of the Federal Government shall
12 have an affirmative obligation to preserve and enhance the
13 role of English as the official language of the Federal Gov-
14 ernment. Such obligation shall include encouraging great-
15 er opportunities for individuals to learn the English lan-
16 guage.

17 **“§ 163. Official functions of Government to be con-**
18 **ducted in English**

19 “(a) OFFICIAL FUNCTIONS.—The official functions
20 of the Government of the United States shall be conducted
21 in English.

22 “(b) SCOPE.—For the purposes of this section, the
23 term ‘United States’ means the several States and the
24 District of Columbia, and the term ‘official’ refers to any
25 function that (i) binds the Government, (ii) is required

1 by law, or (iii) is otherwise subject to scrutiny by either
2 the press or the public.

3 “(c) PRACTICAL EFFECT.—This section shall apply
4 to all laws, public proceedings, regulations, publications,
5 orders, actions, programs, and policies, but does not apply
6 to—

7 “(1) teaching of languages;

8 “(2) requirements under the Individuals with
9 Disabilities Education Act;

10 “(3) actions, documents, or policies necessary
11 for national security, international relations, trade,
12 tourism, or commerce;

13 “(4) actions or documents that protect the pub-
14 lic health and safety;

15 “(5) actions or documents that facilitate the ac-
16 tivities of the Bureau of the Census in compiling any
17 census of population;

18 “(6) actions that protect the rights of victims of
19 crimes or criminal defendants; or

20 “(7) using terms of art or phrases from lan-
21 guages other than English.

22 **“§ 164. Uniform English language rule for naturaliza-**
23 **tion**

24 “(a) UNIFORM LANGUAGE TESTING STANDARD.—All
25 citizens should be able to read and understand generally

1 the English language text of the Declaration of Independ-
2 ence, the Constitution, and the laws of the United States
3 made in pursuance of the Constitution.

4 “(b) CEREMONIES.—All naturalization ceremonies
5 shall be conducted in English.

6 **“§ 165. Rules of construction**

7 “Nothing in this chapter shall be construed—

8 “(1) to prohibit a Member of Congress or any
9 officer or agent of the Federal Government, while
10 performing official functions, from communicating
11 unofficially through any medium with another per-
12 son in a language other than English (as long as of-
13 ficial functions are performed in English);

14 “(2) to limit the preservation or use of Native
15 Alaskan or Native American languages (as defined
16 in the Native American Languages Act);

17 “(3) to disparage any language or to discourage
18 any person from learning or using a language; or

19 “(4) to be inconsistent with the Constitution of
20 the United States.

21 **“§ 166. Standing**

22 “A person injured by a violation of this chapter may
23 in a civil action (including an action under chapter 151
24 of title 28) obtain appropriate relief.”.

1 (b) CLERICAL AMENDMENT.—The table of chapters
2 at the beginning of title 4, United States Code, is amended
3 by inserting after the item relating to chapter 5 the fol-
4 lowing new item:

“CHAPTER 6. OFFICIAL LANGUAGE”.

5 **SEC. 6114. GENERAL RULES OF CONSTRUCTION FOR**
6 **ENGLISH LANGUAGE TEXTS OF THE LAWS OF**
7 **THE UNITED STATES.**

8 (a) IN GENERAL.—Chapter 1 of title 1, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 9. General rules of construction for laws of the**
12 **United States**

13 “(a) English language requirements and workplace
14 policies, whether in the public or private sector, shall be
15 presumptively consistent with the laws of the United
16 States.

17 “(b) Any ambiguity in the English language text of
18 the laws of the United States shall be resolved, in accord-
19 ance with the last two articles of the Bill of Rights, not
20 to deny or disparage rights retained by the people, and
21 to reserve powers to the States respectively, or to the peo-
22 ple.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 1 of title 1, is amended by

1 inserting after the item relating to section 8 the following
2 new item:

“9. General rules of construction for laws of the United States.”.

3 **SEC. 6115. IMPLEMENTING REGULATIONS.**

4 The Secretary of Homeland Security shall, within
5 180 days after the date of enactment of this Act, issue
6 for public notice and comment a proposed rule for uniform
7 testing English language ability of candidates for natu-
8 ralization, based upon the principles that—

9 (1) all citizens should be able to read and un-
10 derstand generally the English language text of the
11 Declaration of Independence, the Constitution, and
12 the laws of the United States which are made in
13 pursuance thereof; and

14 (2) any exceptions to this standard should be
15 limited to extraordinary circumstances, such as asy-
16 lum.

17 **SEC. 6116. EFFECTIVE DATE.**

18 The amendments made by sections 6113 and 6114
19 shall take effect on the date that is 180 days after the
20 date of the enactment of this Act.

21 **Subtitle C—Additional Matters**

22 **SEC. 6121. OBSTRUCTION OF THE ENFORCEMENT OF THE**
23 **LAWS OF THE UNITED STATES.**

24 (a) OBSTRUCTION OF THE ENFORCEMENT OF THE
25 LAWS OF THE UNITED STATES.—Chapter 73 of title 18,

1 United States Code, is amended by inserting after section
2 1510 the following:

3 **“§ 1510A. Obstruction of the enforcement of the laws**
4 **of the United States**

5 “(a) It shall be unlawful for any officer, employee,
6 or agent of a State or political subdivision thereof to ob-
7 struct, hinder, delay, or otherwise impede the enforcement
8 of the laws of the United States, or to attempt to do so.
9 Whoever violates this section shall be fined under this title
10 or imprisoned for not more than 5 years, or both.

11 “(b) As used in this section—

12 “(1) the term ‘obstruct, hinder, delay, or other-
13 wise impede the enforcement of the laws of the
14 United States’ shall include the purposeful broadcast
15 by an officer, employee, or agent of a State or polit-
16 ical subdivision thereof of information relating to
17 any imminent action by a Federal law enforcement
18 officer or agent without regard to the manner in
19 which the broadcaster became aware of the immi-
20 nent action; and

21 “(2) the term ‘State’ means any of the several
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, or any other territory or possession
24 of the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for such chapter is amended by inserting after the item
3 relating to section 1510 the following:

“1510A. Obstruction of the enforcement of the laws of the United States.”.

4 **SEC. 6122. CITIZENSHIP AT BIRTH FOR CERTAIN PERSONS**
5 **BORN IN THE UNITED STATES.**

6 (a) IN GENERAL.—Section 301 of the Immigration
7 and Nationality Act (8 U.S.C. 1401) is amended—

8 (1) by inserting “(a) IN GENERAL.—” before
9 “The following”;

10 (2) by redesignating subsections (a) through (h)
11 as paragraphs (1) through (8), respectively; and

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

13 “(b) DEFINITION.—Acknowledging the right of birth-
14 right citizenship established by section 1 of the 14th
15 amendment to the Constitution, a person born in the
16 United States shall be considered ‘subject to the jurisdic-
17 tion’ of the United States for purposes of subsection (a)(1)
18 if the person is born in the United States of parents, one
19 of whom is—

20 “(1) a citizen or national of the United States;

21 “(2) an alien lawfully admitted for permanent
22 residence in the United States whose residence is in
23 the United States; or

1 “(3) an alien performing active service in the
2 armed forces (as defined in section 101 of title 10,
3 United States Code).”.

4 (b) **APPLICABILITY.**—The amendment made by sub-
5 section (a)(3) shall not be construed to affect the citizen-
6 ship or nationality status of any person born before the
7 date of the enactment of this Act.

8 **SEC. 6123. MODIFICATION OF E-VERIFY PROGRAM.**

9 (a) **MAKING PERMANENT.**—Subsection (b) of section
10 401 of the Illegal Immigration Reform and Immigrant Re-
11 sponsibility Act of 1996 (8 U.S.C. 1324a note) is amended
12 by striking the last sentence.

13 (b) **APPLICATION TO CURRENT EMPLOYEES.**—

14 (1) **VOLUNTARY ELECTION.**—The first sentence
15 of section 402(a) of such Act is amended to read as
16 follows: “Any person or other entity that conducts
17 any hiring (or recruitment or referral) in a State or
18 employs any individuals in a State may elect to par-
19 ticipate in the E-Verify Program.”.

20 (2) **BENEFIT OF REBUTTABLE PRESUMP-**
21 **TION.**—Paragraph (1) of section 402(b) of such Act
22 is amended by adding at the end the following: “If
23 a person or other entity is participating in the E-
24 Verify Program and obtains confirmation of identity
25 and employment eligibility in compliance with the

1 terms and conditions of the program with respect to
2 individuals employed by the person or entity, the
3 person or entity has established a rebuttable pre-
4 sumption that the person or entity has not violated
5 section 274A(a)(2) with respect to such individ-
6 uals.”.

7 (3) SCOPE OF ELECTION.—Subparagraph (A)
8 of section 402(e)(2) of such Act is amended to read
9 as follows:

10 “(A) IN GENERAL.—Any electing person or
11 other entity may provide that the election under
12 subsection (a) shall apply (during the period in
13 which the election is in effect)—

14 “(i) to all its hiring (and all recruit-
15 ment or referral);

16 “(ii) to all its hiring (and all recruit-
17 ment or referral and all individuals em-
18 ployed by the person or entity);

19 “(iii) to all its hiring (and all recruit-
20 ment or referral) in one or more States or
21 one or more places of hiring (or recruit-
22 ment or referral, as the case may be); or

23 “(iv) to all its hiring (and all recruit-
24 ment or referral and all individuals em-
25 ployed by the person or entity) in one or

1 more States or one or more place of hiring
2 (or recruitment or referral or employment,
3 as the case may be).”.

4 (4) PROCEDURES FOR PARTICIPANTS IN E-
5 VERIFY PROGRAM.—Subsection (a) of section 403 of
6 such Act is amended—

7 (A) in the matter preceding paragraph (1),
8 by inserting “or continued employment in the
9 United States” after “United States”; and

10 (B) in paragraph (3)—

11 (i) in subparagraph (A), by striking
12 all that follows “(as specified by the Sec-
13 retary of Homeland Security)” and insert-
14 ing “after the date of the hiring, or re-
15 cruitment or referral, in the case of inquir-
16 ies made pursuant to a hiring, recruitment
17 or referral (and not of previously hired in-
18 dividuals).”; and

19 (ii) in subparagraph (B), by striking
20 “such 3 working days” and inserting “the
21 specified period”.

22 (c) APPLICATION TO JOB APPLICANTS.—Section
23 402(c)(2) of such Act is amended by adding at the end
24 the following:

1 “(C) JOB OFFER MAY BE MADE CONDI-
2 TIONAL ON FINAL CONFIRMATION BY E-
3 VERIFY.—A person or other entity that elects to
4 participate in the E-Verify Program may offer
5 a prospective employee an employment position
6 conditioned on final verification of the identity
7 and employment eligibility of the employee
8 using the employment eligibility confirmation
9 system established under section 404.”.

10 **SEC. 6124. ADDITIONAL ICE DEPORTATION OFFICERS.**

11 Beginning in fiscal year 2019, the Secretary of
12 Homeland Security shall, subject to the availability of ap-
13 propriations, increase the number of positions for full-time
14 U.S. Immigration and Customs Enforcement deportation
15 officers by 10,000 above the number of such positions for
16 which funds were appropriated for fiscal year 2017.

