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:

TITLE VI—MISCELLANEOUS
Subtitle A—E-bonding for Immigration Integrity

SEC. 6101. SHORT TITLE.
This Act may be cited as the “E-bonding for Immigration Integrity Act of 2018”.

SEC. 6102. REQUIREMENT OF BOND.
(a) BOND REQUIRED.—Prior to arriving at a port of entry of the United States, an alien seeking admission to the United States shall post a bond, in accordance with subsection (d), in an amount determined by the Secretary if such alien seeks admission to the United States as a nonimmigrant in a category—

(1) described under subparagraph (B), (F), (H)(i)(b), (H)(ii)(b), or (K) of section 101(a)(15) of
the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); or

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

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

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

(2) be determined based on the Secretary’s assessment of the level of risk of visa overstays for that category.

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

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

(1) in electronic form; and

(2) with a bonding agent designated by the Secretary as qualified to hold such bond.
(e) RELEASE OF BOND.—The Secretary shall authorize a bonding agent to release a bond—

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

(A) after receiving a notification from the United States embassy or consulate in the alien’s country of origin that such alien departed the United States and returned to such country of origin; or

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

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

(A) overstayed their visa; or

(B) did not return to their country of origin following the termination of their visa.

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

(g) COLLECTION OF RECORDS RELATING TO BONDS.—The United States Embassy or United States
consular office in the alien’s country of origin shall collect
any records necessary to carry out this section.

(h) Effective Date.—This section shall take effect
on the date that is 120 calendar days after the enactment
of this Act.

SEC. 6103. VISA OVERSTAY RATE CATEGORIES.
The Secretary shall identify—
(1) the visa overstay rate for each category of
nonimmigrant aliens described under section
101(a)(15) of the Immigration and Nationality Act
(8 U.S.C. 1101(a)(15)) in the previous year; and
(2) each category of nonimmigrant aliens de-
described under such section that had a visa overstay
rate in the previous year that was more than 1.5
percent.

SEC. 6104. E-BOND ENFORCEMENT FUND.
(a) In General.—There is established in the general
fund of the Treasury a separate account, which shall be
known as the “E-bond Enforcement Fund” (in this sub-
section referred to as the “Fund”).
(b) Deposits.—There shall be deposited as offset-
ting receipts into the Fund all amounts released under
section 6102(e)(2) of this Act.
(c) Use of Amounts.—Amounts deposited into the
Fund shall remain available until expended and shall be
refunded out of the Fund by the Secretary of the Treasury, to the Secretary of Homeland Security to—

(1) ensure compliance with this Act; and

(2) administer enforcement programs.

SEC. 6105. REPORT.

Not later than 120 days after the date of the enactment of this Act, and each year thereafter, the Secretary shall submit to the committees of appropriate jurisdiction a report that includes—

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

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

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

(4) information relating to the Fund under section 6104; and

(5) any other information determined appropriate by the Secretary.

SEC. 6106. DEFINITIONS.

In this Act:
(1) Committees of appropriate jurisdiction.—The term “committees of appropriate jurisdiction” means—

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

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

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

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

(2) Secretary.—The term “Secretary” means the Secretary of Homeland Security, unless otherwise provided.

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

(A) the number of aliens admitted to the United States for each such category whose period of authorized stays ended during a fiscal year but who remained unlawfully in the United States beyond such period; to
(B) the total number of aliens admitted to
the United States for each such category during
that fiscal year.

Subtitle B—English Language
Unity

SEC. 6111. SHORT TITLE.

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

SEC. 6112. FINDINGS.

The Congress finds and declares the following:

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

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

(3) Among the powers reserved to the States
respectively is the power to establish the English
language as the official language of the respective
States, and otherwise to promote the English lan-
guage within the respective States, subject to the
prohibitions enumerated in the Constitution of the
United States and in laws of the respective States.
SEC. 6113. ENGLISH AS OFFICIAL LANGUAGE OF THE UNITED STATES.

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

“CHAPTER 6—OFFICIAL LANGUAGE

§ 161. Official language of the United States

“The official language of the United States is English.

§ 162. Preserving and enhancing the role of the official language

“Representatives of the Federal Government shall have an affirmative obligation to preserve and enhance the role of English as the official language of the Federal Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

§ 163. Official functions of Government to be conducted in English

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

“(b) SCOPE.—For the purposes of this section, the term ‘United States’ means the several States and the District of Columbia, and the term ‘official’ refers to any function that (i) binds the Government, (ii) is required
by law, or (iii) is otherwise subject to scrutiny by either
the press or the public.

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

“(1) teaching of languages;

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

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

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

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

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

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

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

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

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

“§ 165. Rules of construction

“Nothing in this chapter shall be construed—

“(1) to prohibit a Member of Congress or any officer or agent of the Federal Government, while performing official functions, from communicating unofficially through any medium with another person in a language other than English (as long as official functions are performed in English);

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

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

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

“§ 166. Standing

“A person injured by a violation of this chapter may in a civil action (including an action under chapter 151 of title 28) obtain appropriate relief.”.
(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 4, United States Code, is amended by inserting after the item relating to chapter 5 the following new item:

“Chapter 6. OFFICIAL LANGUAGE”.

SEC. 6114. GENERAL RULES OF CONSTRUCTION FOR ENGLISH LANGUAGE TEXTS OF THE LAWS OF THE UNITED STATES.

(a) In General.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following new section:

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

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

“(b) Any ambiguity in the English language text of the laws of the United States shall be resolved, in accordance with the last two articles of the Bill of Rights, not to deny or disparage rights retained by the people, and to reserve powers to the States respectively, or to the people.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, is amended by
inserting after the item relating to section 8 the following new item:


SEC. 6115. IMPLEMENTING REGULATIONS.

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

(1) all citizens should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution, and the laws of the United States which are made in pursuance thereof; and

(2) any exceptions to this standard should be limited to extraordinary circumstances, such as asylum.

SEC. 6116. EFFECTIVE DATE.

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

Subtitle C—Additional Matters

SEC. 6121. OBSTRUCTION OF THE ENFORCEMENT OF THE LAWS OF THE UNITED STATES.

(a) Obstruction of the Enforcement of the Laws of the United States.—Chapter 73 of title 18,
United States Code, is amended by inserting after section 1510 the following:

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

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

“(b) As used in this section—

“(1) the term ‘obstruct, hinder, delay, or otherwise impede the enforcement of the laws of the United States’ shall include the purposeful broadcast by an officer, employee, or agent of a State or political subdivision thereof of information relating to any imminent action by a Federal law enforcement officer or agent without regard to the manner in which the broadcaster became aware of the imminent action; and

“(2) the term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.”.
(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1510 the following:

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

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

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

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

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

(3) by adding at the end the following:

“(b) DEFINITION.—Acknowledging the right of birthright citizenship established by section 1 of the 14th amendment to the Constitution, a person born in the United States shall be considered ‘subject to the jurisdiction’ of the United States for purposes of subsection (a)(1) if the person is born in the United States of parents, one of whom is—

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

“(2) an alien lawfully admitted for permanent residence in the United States whose residence is in the United States; or
“(3) an alien performing active service in the
armed forces (as defined in section 101 of title 10,
United States Code).”.

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

SEC. 6123. MODIFICATION OF E-VERIFY PROGRAM.

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

(b) APPLICATION TO CURRENT EMPLOYEES.—

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

(2) BENEFIT OF REBUTTABLE PRESUMP-
TION.—Paragraph (1) of section 402(b) of such Act
is amended by adding at the end the following: “If
a person or other entity is participating in the E-
Verify Program and obtains confirmation of identity
and employment eligibility in compliance with the
terms and conditions of the program with respect to individuals employed by the person or entity, the person or entity has established a rebuttable presumption that the person or entity has not violated section 274A(a)(2) with respect to such individuals.”.

(3) Scope of election.—Subparagraph (A) of section 402(c)(2) of such Act is amended to read as follows:

“(A) In general.—Any electing person or other entity may provide that the election under subsection (a) shall apply (during the period in which the election is in effect)—

“(i) to all its hiring (and all recruitment or referral);

“(ii) to all its hiring (and all recruitment or referral and all individuals employed by the person or entity);

“(iii) to all its hiring (and all recruitment or referral) in one or more States or one or more places of hiring (or recruitment or referral, as the case may be); or

“(iv) to all its hiring (and all recruitment or referral and all individuals employed by the person or entity) in one or
more States or one or more place of hiring
(or recruitment or referral or employment,
as the case may be).”.

(4) Procedures for Participants in E-
Verify Program.—Subsection (a) of section 403 of
such Act is amended—

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

(B) in paragraph (3)—

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

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

(c) Application to Job Applicants.—Section
402(c)(2) of such Act is amended by adding at the end
the following:
“(C) Job offer may be made conditional on final confirmation by E-Verify.—A person or other entity that elects to participate in the E-Verify Program may offer a prospective employee an employment position conditioned on final verification of the identity and employment eligibility of the employee using the employment eligibility confirmation system established under section 404.”.

SEC. 6124. ADDITIONAL ICE DEPORTATION OFFICERS.

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