

AMENDMENT TO H.R. 4760
OFFERED BY MR. KING OF IOWA

Add at the end of division B the following:

1 **TITLE VI—E-BONDING FOR**
2 **IMMIGRATION INTEGRITY**

3 **SECTION 6101. SHORT TITLE.**

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

6 **SEC. 6102. REQUIREMENT OF BOND.**

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

13 (1) described under subparagraph (B), (F),
14 (H)(i)(b), (H)(ii)(b), or (K) of section 101(a)(15) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1101(a)(15)); or

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

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

7 (1) be not less than \$2,500 and not more than
8 \$10,000; and

9 (2) be determined based on the Secretary's as-
10 sessment of the level of risk of visa overstays for
11 that category.

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

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

18 (1) in electronic form; and

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

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

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

24 (A) after receiving a notification from the
25 United States embassy or consulate in the

1 alien's country of origin that such alien de-
2 parted the United States and returned to such
3 country of origin; or

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

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

10 (A) overstayed their visa; or

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

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

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

23 (h) EFFECTIVE DATE.—This section shall take effect
24 on the date that is 120 calendar days after the enactment
25 of this Act.

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

2 The Secretary shall identify—

3 (1) the visa overstay rate for each category of
4 nonimmigrant aliens described under section
5 101(a)(15) of the Immigration and Nationality Act
6 (8 U.S.C. 1101(a)(15)) in the previous year; and

7 (2) each category of nonimmigrant aliens de-
8 scribed under such section that had a visa overstay
9 rate in the previous year that was more than 1.5
10 percent.

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

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

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

19 (c) USE OF AMOUNTS.—Amounts deposited into the
20 Fund shall remain available until expended and shall be
21 refunded out of the Fund by the Secretary of the Treas-
22 ury, to the Secretary of Homeland Security to—

23 (1) ensure compliance with this Act; and

24 (2) administer enforcement programs.

1 **SEC. 6105. REPORT.**

2 Not later than 120 days after the date of the enact-
3 ment of this Act, and each year thereafter, the Secretary
4 shall submit to the committees of appropriate jurisdiction
5 a report that includes—

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

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

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

16 (4) information relating to the Fund under sec-
17 tion 6104; and

18 (5) any other information determined appro-
19 priate by the Secretary.

20 **SEC. 6106. DEFINITIONS.**

21 In this Act:

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

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

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

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

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

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of Homeland Security, unless other-
9 wise provided.

10 (3) VISA OVERSTAY RATE.—The term “visa
11 overstay rate” means the ratio of, for each category
12 of nonimmigrant aliens described in section
13 101(a)(15) of the Immigration and Nationality Act
14 (8 U.S.C. 1101 (a)(15))—

15 (A) the number of aliens admitted to the
16 United States for each such category whose pe-
17 riod of authorized stays ended during a fiscal
18 year but who remained unlawfully in the United
19 States beyond such period; to

20 (B) the total number of aliens admitted to
21 the United States for each such category during
22 that fiscal year.

