

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide deferred action for certain individuals brought to the United States and to establish a border security trust fund.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 2579

To amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. THUNE (for himself, Mr. PORTMAN, and Mr. MORAN)

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . PROVIDING LEGAL PROTECTION FOR CERTAIN**

3 **CHILDHOOD ARRIVALS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ELIGIBLE INDIVIDUAL.—The term “eligible
6 individual” means an individual who meets the eligi-
7 bility criteria described in subsection (b)(2).

8 (2) SECRETARY.—The term “Secretary” means
9 the Secretary of Homeland Security.

10 (b) DEFERRED ACTION STATUS.—

1 (1) PROGRAM AUTHORIZED.—The Secretary
2 shall establish a program through which an eligible
3 individual may apply for deferred action status.

4 (2) ELIGIBILITY CRITERIA.—An individual shall
5 be eligible for deferred action status under the pro-
6 gram established under paragraph (1) if the indi-
7 vidual—

8 (A) on June 15, 2012, was under the age
9 of 31 years;

10 (B) entered the United States—

11 (i) on a date on which the alien was
12 under the age of 16 years; and

13 (ii) without inspection or lawful status
14 before June 15, 2012;

15 (C) has continuously resided in the United
16 States since June 15, 2007;

17 (D) was physically present in the United
18 States—

19 (i) on June 15, 2012; and

20 (ii) on the date on which the Sec-
21 retary makes a determination with respect
22 to the eligibility of the individual for de-
23 ferred action status;

24 (E)(i) is in school;

25 (ii) has—

- 1 (I) graduated from high school; or
- 2 (II) obtained—
- 3 (aa) a certificate of completion
- 4 from a high school; or
- 5 (bb) a general education develop-
- 6 ment certificate; or
- 7 (iii) is—
- 8 (I) a member of the armed forces (as
- 9 defined in section 101(a) of title 10,
- 10 United States Code), including a member
- 11 of the National Guard or Reserves; or
- 12 (II) a veteran, as defined in section
- 13 101 of title 38, United States Code, except
- 14 that an individual discharged other than
- 15 honorably is excluded;
- 16 (F) has not been convicted of—
- 17 (i) a felony;
- 18 (ii) a significant misdemeanor; or
- 19 (iii) 3 or more misdemeanor offenses;
- 20 (G) does not pose a threat to national se-
- 21 curity or public safety; and
- 22 (H) was granted deferred action status be-
- 23 fore the date of the enactment of this Act.
- 24 (3) PERIOD OF DEFERRED ACTION STATUS.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), deferred action status granted under
3 this subsection shall be valid for a period of 2
4 years beginning on the date on which the Sec-
5 retary grants deferred action status to the eligi-
6 ble individual.

7 (B) RENEWAL.—

8 (i) IN GENERAL.—On application to
9 the Secretary, deferred action status grant-
10 ed under this subsection may be renewed
11 for additional 2-year periods.

12 (ii) RENEWAL APPLICATION.—Not
13 more than 120 days before the date on
14 which the deferred action status of an eli-
15 gible individual expires, the eligible indi-
16 vidual may submit to the Secretary an ap-
17 plication for renewal of deferred action sta-
18 tus.

19 **SEC. ____ . BORDER SECURITY TRUST FUND.**

20 (a) ESTABLISHMENT.—There is established in the
21 Treasury of the United States a trust fund to be known
22 as the Border Security Trust Fund (in this section re-
23 ferred to as the “Trust Fund”), consisting of amounts ap-
24 propriated to the Trust Fund under subsection (b) and

1 any amounts that may be credited to the Trust Fund
2 under subsection (c).

3 (b) APPROPRIATION.—There are appropriated to the
4 Trust Fund \$25,000,000,000, to remain available until
5 expended.

6 (c) INVESTMENT OF AMOUNTS.—

7 (1) IN GENERAL.—The Secretary of the Treas-
8 ury shall invest such portion of the Trust Fund as
9 is not required to meet current withdrawals in inter-
10 est-bearing obligations of the United States or in ob-
11 ligations guaranteed as to both principal and inter-
12 est by the United States.

13 (2) INTEREST AND PROCEEDS.—The interest
14 on, and the proceeds from the sale or redemption of,
15 any obligations held in the Trust Fund shall be
16 credited to and form a part of the Trust Fund.

17 (d) AVAILABILITY OF AMOUNTS.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 amounts in the Trust Fund shall be available to the
20 Secretary of Homeland Security, without further ap-
21 propriation, for—

22 (A) construction of not fewer than 700
23 miles of reinforced fencing, excluding vehicle
24 barriers;

1 (B) installation of additional physical bar-
2 riers;

3 (C) construction and maintenance of ac-
4 cess and patrol roads;

5 (D) lighting;

6 (E) an interlocking surveillance camera
7 system;

8 (F) remote sensors; and

9 (G) the purchase from the Secretary of
10 Defense of surplus aircraft and unmanned air-
11 craft systems.

12 (2) LIMITATION.—Not more than
13 \$5,000,000,000 of the amount in the Trust Fund
14 may be obligated and expended in any fiscal year.

15 **SEC. ____ . ANNUAL REPORT ON BORDER SECURITY.**

16 Not less frequently than once each fiscal year, the
17 Secretary of Homeland Security shall submit annually to
18 the Committee on Homeland Security and Governmental
19 Affairs of the Senate and the Committee on Homeland
20 Security of the House of Representatives a report that de-
21 scribes for the applicable fiscal year—

22 (1) the status of the construction of fencing
23 and security improvements at United States borders;
24 and

1 (2) the estimated number of unlawful border
2 crossings.